



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

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **4 April 2022 at 7.30 pm.**

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 27 March 2022


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 Chowdhury	- Barnsbury;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Hyde	- Caledonian;
Councillor Khondoker (Vice-Chair)	- Highbury West;	Councillor Kay	- Mildmay;
Councillor Clarke	- St George's;	Councillor Khurana	- Tollington;
Councillor Convery	- Caledonian;	Councillor Nathan	- Clerkenwell;
Councillor Ibrahim	- Highbury West;	Councillor Wayne	- Canonbury;
Councillor Jackson	- Holloway;	Councillor Williamson	- Tollington;
Councillor North	- St Peter's;	Councillor Gilgunn	- Tollington;
Councillor Picknell	- St Mary's;		
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	
	<p>If you have a Disclosable Pecuniary Interest* in an item of business:</p> <ul style="list-style-type: none"> ▪ 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. <p>In both the above cases, you must leave the room without participating in discussion of the item.</p> <p>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.</p> <p>*(a) Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p>(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.</p> <p>(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.</p> <p>(d) Land - Any beneficial interest in land which is within the council's area.</p> <p>(e) Licences - Any licence to occupy land in the council's area for a month or longer.</p> <p>(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.</p> <p>(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.</p> <p>This applies to all members present at the meeting.</p>	
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B.	Consideration of Planning Applications	Page
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3.	30 Bastwick Street, London EC1V 3PS	121 - 198
4.	Former Holloway Prison Parkhurst Road, London N7 0NU	199 - 214
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, 6 June 2022

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

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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.

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COMMITTEE AGENDA

1 158-160 Pentonville Road
London
Islington
N1 9JL

2 250 City Road
London
EC1V 2PU

3 30 Bastwick Street
London
EC1V 3PS

4 Former Holloway Prison
Parkhurst Road
London
N7 0NU

1 158-160 Pentonville Road
London
Islington
N1 9JL

Application Number: P2022/0547/FUL

Ward: Barnsbury

Proposed Development: Demolition of the existing building and erection of a part 4, part 5 storey building, with single basement level, comprising 487 sqm of office use (Class E(g)(i)) at the ground and basement levels and 9 residential units on the upper levels

Application Type: Full Planning Application

Case Officer: Harriet Beattie

Name of Applicant: c/o Agent

Recommendation:

2 250 City Road
London
EC1V 2PU

Application Number: P2021/3078/FUL

Ward: Bunhill

Proposed Development: Change of use of 5,288.5sqm (GEA) of existing business floorspace from Use Class B1 (office) to use classes E(g)(i) (office), E(g)(ii) (research and development), E(g)(iii) (light industrial), E(e) healthcare and F1(a) education.

Application Type: Full Planning Application

3 30 Bastwick Street
London
EC1V 3PS

Application Number: P2021/1692/FUL
Ward: Bunhill
Proposed Development: Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works
Application Type: Full Planning Application
Case Officer: Simon Roberts
Name of Applicant: C/O Agent
Recommendation:

4 Former Holloway Prison
Parkhurst Road
London
N7 0NU

Application Number: P2021/3273/FUL
Ward: St. Georges
Proposed Development: Phased comprehensive redevelopment including demolition of existing structures; site preparation and enabling works; and the construction of 985 residential homes including 60 extra care homes (Use Class C3), a Women's Building (Use Class F.2) and flexible commercial floorspace (Use Class E) in buildings of up to 14 storeys in height; highways/access works; landscaping; pedestrian and cycle connections, publicly accessible park; car (blue badge) and cycle parking; and other associated works.
Application Type: Full Planning Application
Case Officer: Elizabeth Reynolds
Name of Applicant: Peabody Constructionn Limited
Recommendation:

London Borough of Islington

Planning Committee - 22 February 2022

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 22 February 2022 at 7.30 pm.

Present: **Councillors:** Klute (Chair), Poyser (Vice-Chair), Khondoker
(Vice-Chair), Clarke, Convery, Ibrahim, Jackson,
North and Picknell

Councillor Martin Klute in the Chair

280 INTRODUCTIONS (Item A1)

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

281 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Woolf.

282 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Khurana substituted for Councillor Woolf.

283 DECLARATIONS OF INTEREST (Item A4)

Councillor North declared a personal interest with regards to items B3, B4 & B6.

284 ORDER OF BUSINESS (Item A5)

The order of business would be B3, B4, B6, B2, B5 and B1

285 14 CHARTERHOUSE BUILDINGS, LONDON, EC1M 7BA (Item B1)

Change of use of building from Class F1 (genealogy library) to Class E (office); erection of two-storey roof extension to provide additional Class E (office) floorspace; fourth floor terrace; recladding of existing building; installation of mechanical plant; and associated works and alterations.

(Planning application number: P2021/1386/FUL)

In discussion the following points were made:

- The Planning Officer advised that site is not statutorily or locally listed nor is located within a designated conservation area, however the site is located within proximity to the Charterhouse Square Conservation Area and Hat & Feathers Conservation Area.
- The character and use of the vicinity is dense and mixed with commercial, residential and educational uses located within a close range.

- Members were advised that the existing use of the building as a genealogical library is no longer required as the nature of their work has now been digitalised.
- The existing building will be refurbished and extended to create a five storey providing a total of 1487sqm of office floor space.
- The extension would be constructed from metal and concrete cladding with glazing and that the roof space is proposed as an amenity terrace for the office occupiers with associated balustrading around the perimeter.
- The proposal includes two small/micro office units (91sqm each) at lower ground level, which represents 12% of the floor space of the overall proposal.
- In addition, the Planning Officer advised that permission is being sought for a new façade to the front of the building to replace the existing brickwork elevation with textured concrete panels as well as metal cladding and enlarged glazing with vertical fin detailing and that at ground level, the entrance of the building is proposed as a large glazed opening with a metal finish to create an office reception area.
- The proposal will provide 19 cycle parking spaces at lower ground floor level with another separate plant area proposed to be located at roof level.
- In land use terms, the Planning Officer advised that the loss of the genealogy library is acceptable and that the proposed provision of 1478sqm of office floor space is acceptable given that it is located within multiple designated areas where the development, growth and maximisation of business floorspace is encouraged.
- In terms of neighbouring amenity, the Planning officer acknowledged that a number of objections have been received regarding loss of daylight and sunlight to their properties. Meeting was advised that although there are marginal transgressions to BRE guidance, it is considered that these transgressions are marginal and that conditions recommended will minimise the impact of the development upon neighbouring amenity such as privacy and overlooking, noise and light disturbance to an acceptable level.
- The planning reiterated both the sustainability and energy measures highlighted in the report and the planning benefits.
- The agent described the scheme as a sustainable form of development including energy efficiency measures, that it will deliver high quality accommodation in an area of high demand whilst enhancing the street scene and the character of the area.

Councillor Poyser proposed a motion to grant planning permission. This was seconded by Councillor Klute 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 subject to the prior completion of a Deed of

Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

286

30 BASTWICK STREET, LONDON, EC1V 3PS (Item B2)

Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works (Planning application number: P2021/1692/FUL) In the discussion the following points were made:

- The Planning Officer informed the meeting that since the agenda was published, a further 8 representations were received bringing the number up from 23 to 31, with no new issues raised, as they have been addressed in the report.
- The site is currently built out to a single commercial storey with a pitched roof, was historically used as a vehicle repair workshop and more recently as a temporary photographers and prop store.
- The uses surrounding the site are mixed with both commercial and residential. Commercial use is located at lower level in neighbouring nos. 26, 27 and 29 Bastwick Street and 50 Pear Tree Street and other buildings along Bastwick Street
- Members were advised that the scheme proposes to build a 4 storey building with basement levels and it comprises 1,778sqm office floor space.
- Feedback as a result of consultation has been taken on board which has resulted in revisions such as the lowering of the uppermost storey building by 0.5m from 3m to 2.5m and the partition of the occupation of the office space into five SME sized units which will all be accessed from Bastwick Street.
- Main considerations of the scheme include land use, its design and appearance, neighbouring amenity, transport and highways and energy and sustainability.
- The proposed 4 storey office building complies with the overarching land use policy as it would result in the increase business use of office floor space and the provision of SME's within the Employment Priority Area and Central Activities Zone in accordance with both Local and London Plans.
- In terms of layout the proposed ground floor level will include the main entrance and the reception lobby to the building, office floor space and the bin store accessed from Bastwick Street
- The SME's floor space will be located in the entirety of the basement level, with 4 small units measuring between 66 and 77sqm to be accessed via the main entrance and the office space and the floors above would have access to the cycle storage at the lower basement levels.
- The Planning Officer advised that natural light will be achieved through all the units for the SME's via the light wells and the stepped back light well in the front, which is a similar arrangement of the nearby basement office space in Pear Tree Street.
- Conditions/obligations have been recommended to restrict the use of the building for office use only within Class E and that the SME's will remain in perpetuity and not be amalgamated.
- In terms of the proposed 4th storey, meeting was advised that this will be set back from the principle elevation so that it would largely not be visible

from the other side of Bastwick street and although slightly visible within view of Central street, the uppermost floor of the 4th storey will be zinc clad just like the whole building. Members were advised that specific details for both brick and cladding is to be submitted for approval to planning officers as per condition 3.

- With regard to the east elevation, the meeting was informed that this will be lower to the neighbouring properties on 29 Bastwick Street, and the uppermost storey will be set back from the façade which is considered acceptable and will not cause harm to the wider street scape.
- In addition to the above, the Planning Officer noted that the scheme offers a better design with the street scape due to the screening of the plant and side elevations of adjoining neighbouring buildings of both no 29 and 37 Bastwick Street.
- The scheme is a car free development with no on-site car parking being proposed; drop kerbs will be reinstated on the pavement; cycle storage will be located at the lower basement level of the building with access by way of a lift; 24 long stay cycle storage spaces will be provided whilst zero short stay parking is proposed due to site constraints and as such a contribution in lieu will be secured through a S106 agreement to be used within a wider area.
- Meeting was advised that although schemes of this size will generate daily deliveries and servicing, any form of servicing and delivery for the scheme will mirror other neighbouring properties on Bastwick Street and will not worsen the existing situation.
- In terms of Energy and Sustainability, the Planning Officer noted that the proposed scheme will achieve a 53% reduction in regulated Co2 emissions and a financial contribution of £25,806 has been secured for the remaining co2 emissions; and that the scheme will achieve excellent 'BREEAM' rating.
- Furthermore, members were advised that the scheme has been future proofed for potential connection to a District Energy Network, and will be subjected to a green performance plan secured through s106 for measurable targets such as gas and energy usage
- The Planning Officer reiterated as outlined in the report, that the proposal will lead to reductions in daylight and sunlight to windows / rooms and overshadowing to gardens of neighbouring residential properties, however following careful assessment it is considered overall that the scheme is viewed as having a low adverse impact overall, and where there are transgressions, their impact is at the lower end of the spectrum.
- The proposal will provide a number of benefits in particular it will result primarily in an uplift in priority use (office floorspace) within the CAZ and EGA, and is considered to maximise the site.
- A resident living in Pear Tree Street was concerned with the scheme's mass and its impact on loss of outlook, its sense of enclosure and daylight and sunlight loss. He was also concerned that the committee report does not adequately address the impact of the scheme at the rear with the 10m distance to the neighbouring residents, simply dismissing the impact by describing it as not unduly harmful given its central London location.

- Resident was concerned that the report ignores or fails to mention where set separation distances have been applied for other developments, a key principle that was upheld by the planning inspector when No 44 Pear tree development was considered.
- Resident was concerned with the daylight and sunlight assessment, that members are not being provided with 3 dimensional imaging which shows the true impact of massing but instead officer and applicant had submitted 2 dimensional imaging, questioning how a considered decision could be taken without visualising these alternative images.
- In addition, the objector was concerned that the report erroneously focusses on percentage loss rather than actual figures, questioning the conclusion of the report when it describes the impact as minor because of its central London location. Members were advised that the proposal is not in keeping with its surrounding, requesting that the scheme be rejected so that the main concerns could be addressed
- The Chair informed the meeting that considering the meeting had exceeded its cut off time of 10.30pm, he would use his discretion under Rule 51 to extend the meeting. A member seconded the motion to proceed.
- A resident of 26 Bastwick Street requested that the application be refused, inviting committee members to a site tour to observe the close proximity of the development to both Bastwick street and 44 Pear Tree Street.
- Members were reminded of the 2 daylight/sunlight assessments carried out, the first in 2021 originally included in the application scheduled for 8 Feb 2022 and the later one that was based on an outdated design of 44 Pear Tree Street. Resident was concerned about the inaccuracies from the new survey which states that NSL results are double the BRE guidelines however officer still indicate that this is acceptable as the rooms are dual aspect when it should be applied to single aspect rooms also.
- Resident was concerned with the rooms tested in particular incorrectly stating in the report that it was a kitchen rather than a family kitchen dining area.
- Another neighbouring resident was concerned that the proposed 5 storey office block will harm resident's amenity due to its overbearing and oppressive nature, that the structure was much taller than the residential surroundings. Resident also queried the assertion by the developers that there will be no loss of light to his home as incorrect as he will be viewing a wall if scheme goes ahead. Meeting was informed that neighbours at 37 Bastwick will have their roof terraces bordered by a south west brick wall which is 2 storeys higher, a fact not acknowledged in the report
- Bastwick Street and Pear Tree Street are both thriving residential neighbourhoods and objectors claimed that filling the gaps between residential dwellings with a large office development will cause major noise pollution, concerns which they said have been disregarded by planning officers, that an amphitheatre was being created between his dwelling to the east, Bastwick Street to the south and Pear Tree Street to the North and with the previously consented scheme of 44 Pear Tree Street, that this would result in a sense of enclosure on all sides.

- Resident had concerns with noises emanating from all these buildings, plant noises from the roof, construction workers and movement of refuse vehicles, all of which have not been sufficiently addressed.
- Resident was concerned about the various omissions in the report, misleading surveys, lack of consultation with neighbouring residents and the new drawings and light surveys that suddenly came to light recently.
- Cllr Graham on behalf of residents, reminded committee that this is a small and residential area, and that with the amount of ongoing works residents have had to put up with, noting that a number of applications which had received consent had not even commenced.
- Cllr Graham invited members to undertake a site visit to Bastwick Street and listen to residents' concerns instead of taking decisions on drawings and reports which appear to be flawed especially having heard from the objectors of the various inconsistencies in the report, that this is not an application adjoining a main road but in a small street where residents have suffered a lot over a number of years.
- In response, the applicant acknowledged that the proposed 4 storey office building will provide approximately 200 jobs, that the site currently is occupied by a photographic studio employs 5 people covering a space of 500sqm.
- Members were reminded that the temporary use ceases in 2022 and the long-standing use of the site is for a car repair garage which could cause nuisance to neighbouring residents if reinstated.
- Meeting was advised that the Project Team have worked intensely with council officers since 2020, noting that the scheme has undergone numerous revisions in response to feedback received.
- In terms of land use, members were advised that the scheme is policy compliant as it increases use of office floor space and caters for dedicated SME's floor space through the provision of 4 units totally 281sqm floor space which equates to 19% in terms of net total area, therefore exceeding policy requirements.
- Members were informed that the scheme is of high quality design and will not cause harm to the wider street scape and that in comparison to the existing site and size, the scheme offers a better resolution of the street scape compared to the large single storey industrial type building from the 1950's.
- Meeting was advised that in terms of height, massing and size of the proposed building, it is keeping with rest of the buildings in Bastwick Street whilst the sufficient separation distance is considered reasonable to both the neighbouring Bastwick and Pear Tree Street properties.
- In terms of sustainability, the planning agent reiterated that the proposal will achieve BREEAM excellent and as the development is located within 60m of the Bunhill Network, it is proposed that the development will connect to this network which to be is welcomed. In addition 90sqm of Photo Voltaic Panel is proposed for the scheme.
- The agent reiterated the benefits of the scheme, an uplift in high quality modern employment business space, provision of sufficient floor space for 200 new jobs, a contribution of £312,000 towards the councils affordable

housing provision of site and sustainable transport measures and a car free development, redevelopment and intensification, of an under-utilised brown field site providing high quality office building with an enhanced internal environment for staff in the CAZ where offices should be prioritised.

- The scheme also provides a building capable of multi-let occupation to support local small businesses size firms specifically 4 SME units within the site, totally 19% and importantly the scheme removes the risk of the existing unit reverting back to the car repair business which could cause nuisances to nearby businesses
- The proposal provides a stable office building and responds to its contexts, and conditions have been recommended to mitigate concerns such as daylight and sunlight.
- In response to objectors comments about the recent submitted drawings and plans, meeting was advised that since December following discussions with officers on detailed amendments to the fire strategy to changes to the doors, stair wells and fire mitigation measures, that the changes did not require further consultation.
- In response to concerns from the adjoining residents, the agent informed members that having worked with council officers, revisions have resulted in further reductions and cutback to the scheme, noting that the site is in a central London location and that most uses especially in Bastwick Street is commercial in nature.
- In terms of report accuracy, the daylight and sunlight consultant confirmed to committee that the design of the scheme has been fully assessed and it has been done with or without the future development of 44 Pear Tree Street to assess its cumulative impact
- In terms of pictures provided, the consultant confirmed that it has been accurately assessed, acknowledging that there are isolated shortfalls of BRE guidelines to a number of properties particularly at 45 -56 Pear Tree Street and 37 Bastwick Street and also the garden shortfall at 45 Central Street.
- Members were reminded that although there are isolated shortfalls to a few windows and rooms, it is important to note that mitigation measures have been taken into account in designing the scheme.
- On assessing the cumulative impact of daylight and sunlight loss from the scheme and from other proposed development when built up, the consultant noted that there would be none and the assessment exercise had taken everything into consideration.
- With regard the noise levels from the fixed plant on the roof and delivery and servicing arrangement, meeting was advised that condition 4 addresses this issue
- In response to a question on whether conditions be included to restrict the use of roof terraces, the officers advised that no roof terraces were proposed. Clarified that condition can restrict and mitigate against internal light pollution. Officers advised a restriction to office hours was not considered to be required in this case.
- On whether condition 11 regarding servicing and delivery times could be tightened up as it appears vague, meeting was advised that any

arrangements will adhere to existing arrangements and that there is an expectation that it will 1-2 deliveries per day.

- On the question of the possible removal of a top floor to address overshadowing and light pollution concerns, the planning officer acknowledged that for the scheme to be BRE compliant a certain extent of the top floor and the second floor of the front and back of the building will have to be removed.
- During deliberations, the Chair acknowledged that most of the noise and light concerns could be addressed with conditions and that in general the area is both mixed commercial and residential use. He also noted that with regard to the overall massing concerns of the building, that it is no different from other buildings in the area, however the area is congested in the immediate vicinity and that the main issue is whether the daylight and sunlight assessment is sufficient.
- A member acknowledged residents' concerns about the disruption to their lives with the amount of ongoing works, but felt that similar to the 44 Pear Tree Street development when the same questions were asked if the developer had done enough to mitigate the daylight and sunlight loss, that in this instance he is minded to agree that the site massing has been reviewed as far as it can and policy compliant.
- A member indicated that having considered the diagrams and noted officers explanation on the possibility of removing a floor to make the building BRE compliant, a motion was moved for the item to be deferred.

Councillor Khondoker proposed a motion to defer this item. This was seconded by Councillor Poyser and carried.

RESOLVED:

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

287

34 YORK WAY (JAHN COURT), 34B YORK WAY (THE HUB), ALBION YARD AND IRONWORKS YARD, REGENT QUARTER, KINGS CROSS, LONDON N1 (Item B3)

Refurbishment of existing building; 5 storey partial infill extension to eastern elevation, single storey extension to northern elevation and two storey roof extension with roof terrace to provide additional Office floorspace (Class E(g)(i)); reconfiguration and alterations of front and rear entrances to the western and eastern elevations; provision of one flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit at ground floor level; provision of cycle store and associated facilities at basement level and plant at basement and roof level with green roofs and other associated works. Listed Building Consent application: P2021/2360/LBC also submitted.
(Planning application number: P2021/2270/FUL)

Item was taken in conjunction with item B4 which is seeking listed building consent

In the discussion the following points were made:

- Meeting was advised that since the publication of the report officers have received additional comments from 9 residents and that Officers consider that no new material planning issues have been raised.
- Planning Officer highlighted a correction to paragraph 6.14 of the report, that the fourth floor roof extension to Jahn Court is recessed by 2.5 metres from the eastern elevation rather than 2.7 metres.
- Meeting was advised that on further review of the daylight assessment, officers would like to make the following minor corrections to the total figures in the daylight assessment in the officer's report as follows:
 - At paragraph 10.244 on page 227, 149 rather than 102 rooms were assessed;
 - That 42 instead of 40 windows and 12 rooms and not 9 as stated in the report would fail the BRE guidance criteria, so 15.1% of the windows would fail to meet the BRE Guidance rather than 14.4% and 8.0% of rooms would fail BRE guidance rather than 8.8%.
 - In addition a correction to paragraph 10.248 on page 229, that in the Ironworks, 40 windows rather than 42 would meet the BRE guidance and 11 rather than 14 rooms would meet the BRE guidance with the result that 54.7% rather than 57.5% of windows passing and 61.1% of rooms rather than 77.8%
- Meeting was informed that site is part of the Regents Quarter which comprises two city blocks of building and lies within Kings Cross Area and is within the designated Central Activities Zone and Employment Growth Area.
- The Planning Officer advised the meeting that the key material considerations are principle of development, land use, affordable workspace, design, conservation and heritage, neighbouring amenity, biodiversity, energy and sustainability, highways and transport, safety and security and fire safety.
- Meeting was advised that the existing building was consented as part of a redevelopment approved in 2002 and that the proposal would primarily increase the floor space and improve the quality and efficiency of the existing floor space within the building as well its flexibility of use and is acceptable in principle.
- With regards land use, members were advised that Jahn Court has an existing Class E(g)(i) office use and that the provision of additional class E office use within the Kings Cross Employment Growth Area and the Central Activities Zone is policy compliant.
- That the inclusion of flexible Class E office, retail, café/restaurant or fitness unit on the ground floor seeks to provide active ancillary uses to the predominant office use, whilst ensuring quiet frontages to the Ironworks Yard to respect the residential character of this part of Regent Quarter.
- The proposal would redevelop the site to provide a building that comprises 10,286.2sqm (GIA) of commercial floor space and that it is estimated that the proposed development would generate approximately 156 additional full time jobs on site a significant uplift from the existing 460 jobs.
- The Planning Officer informed the committee that through the use of appropriate planning conditions 15, 16 and 17, the Council would be able to

retain control over any subsequent change of use of the site and prevent any unacceptable change of uses within Class E which would result in significant loss of office and employment floor space.

- Members were advised that the entirety of the existing commercial unit at 34b York Way which amounts to the provision of 388sqm will be dedicated affordable workspace for the council to subsequently lease to a council approved operator, secured by S106 Agreement.
- The Planning Officer advised that with this application, it will amount to an uplift of 2,315.7sqm of guaranteed office floor space and that the linked application at Times House and Laundry Buildings will bring an uplift of 1,427.2sqm of office floor space.
- Members were advised that taking the current and emerging local plan into account it is considered that an on-site affordable workspace unit based on a 10.4% of the uplift of guaranteed office floor space across the two applications (Jahn Court and Times House and Laundry Buildings) at peppercorn rent for 10 years would be acceptable and support was received from the Council's Inclusive Economy Team.
- The Planning Officer advised that the proposed development would create additional height and massing on site and would inevitably increase the visual prominence of the buildings within the site
- In addition, the meeting was advised that having carefully assessed the visual and heritage impact, it is considered that the proposed development would not cause a large degree of harm to the character and appearance of the area.
- Meeting was informed that in design terms, the proposed extensions and alterations to the existing building would result in improvements to its overall appearance and its relationship to the wider public realm.
- Meeting was advised that Officers have considered that any harm to heritage assets should be weighed in its planning balance with its public benefits.
- The proposal includes energy and sustainability measures such as the creation of green/blue roofs, installation of 73no. solar panels, attenuation tanks and future proofing for connection to a district energy network to ensure that the proposal would maximise energy efficiency and the sustainable design of the site.
- With regards the impact of the scheme on residential properties in terms of loss of privacy, overlooking or noise impacts, the meeting was advised that it is not considered to have an unacceptable impact and conditions have been imposed to mitigate any concerns that might have raised.
- Members were advised that it is a car free development and would be secured by condition.
- In summary, Planning Officer noted that in the overall planning balance, the public benefits as listed in the report outweigh the limited harm caused from the development to neighbouring amenity in relation to loss of daylight (VSC) and loss of sunlight to properties in the Iron Works and to the character and appearance of the Kings cross Conservation Area.
- In response to a question on whether the demand for office space is based on pre or post pandemic projections, members were reminded that the

council's current policy requirements state that office space is required in the area.

- In response to a question about the proposed affordable work space offer for 34B York Way and in particular the 10 year lease at peppercorn rent and 50% service charge, the planning officer stated that the offer is policy compliant as the scheme offers 10% which exceeds the requirement of 5%.
- On the issue of more animation to the York Way frontage especially to its courtyard and walkways which at the moment is relatively sterile, the meeting was advised that a flexible active use unit has been introduced within Jahn Court on the ground floor which brings forward a number of uses such as cafe, restaurant, gym, office. In addition the alterations to the glazing facing York way to the windows and the amended entrance have been introduced to increase animation and it is important to note that the scheme is restricted as it is within a Conservation Area.
- A resident requested that the committee refuse the application, questioning the committee report attempts to justify every failing and then concluding that the benefits from the scheme outweighs its harms. Resident questioned the notion that the scheme will allow 125 cyclist to pass through the development despite its current prohibitions which is currently not being enforced, that this will result in an increase in anti-social activities. Resident noted that in light of post covid working arrangements that there is no evidence of a demand for office space especially as there is an increase of empty office floor spaces in the area and queried if the proposed £312,000 could be regarded as a substantial affordable housing construction.
- Resident also had concerns with the proposed 9 cycle parks in the public realm area, as this could not be regarded as a replacement for the secured lock cycle parks for residents which will be removed from Block B. Concerns about plans to invite local schools into the development would result in the increase in the number of people traffic passing through the area thereby affecting residents amenity.
- An Iron Works resident had concerns with the proposal, noting its impact due to its close proximity to nearby heritage assets and 52 flats. He indicated that the Jahn building is too tall, twice the height of other buildings resulting in the reduction of lights to flats and its adverse impact on the contextual heritage assets. He queried the loss of 34.5% VSC and 43% skyline loss to bedrooms and light reduction of 28.7% in hallways, stating that this is not acceptable.
- Resident was concerned that despite the scheme being described as a place to visit and work, nothing in the report makes any reference to residents and its impact on those who live in one bedroom flats. Resident was concerned with officers claim that any loss of light is acceptable as it only affects bedroom describing it as minor, reminding the meeting that amenity of residents should be protected by the Council. Resident also had concerns about the height and mass of the building especially as this will result in loss of privacy and overlooking concerns. Additional concern raised by resident was the impact of the building on heritage assets as it is in close proximity to Kings Cross and St Pancras, reminding members of concerns raised by Islington Society.

- Another Iron Works resident reminded the meeting that when consent was granted in 2002, residents were assured that the scheme will protect the amenity of existing residents within a mixed use area and heritage areas, that Jahn Court is a tall building an increase in height within a low setting urban area which contravenes policy D3 of the local plan. He disagreed with Officers comment that it does not exceed the 30m requirement.
- He was also concerned that due to the size of the building, multiple properties within the area will lose light exceeding BRE guidelines, that within Iron works alone 95% of the windows tested failed and that due to the scheme's design, between 50-90% of the flats will be energy inefficient. He also queried why considerate weight should given to the benefits despite the harms already identified to residents amenity and local heritage assets.
- An Albion Yard resident was concerned that despite the fact that Jahn Court is surrounded by listed buildings and sited within the Kings Cross Conservation area, there appears to be no consideration been given to the impact of the scheme, noting the external works being proposed to be carried out to Jahn Court, reminding the meeting of objections from Islington Society.
- Members were reminded that Jahn Court will overlook the rooms of neighbouring homes, that the proposal will result in a radical alteration from its original intention. Meeting was informed that the building will standout and not in line with the Kings Cross Area, that that the chimney of 34 B York way will no longer be prominent along the skyline and that the proposed Victorian brick materials used would be a break from the other neighbouring property and it will distract.
- Councillor Hyde on behalf of Caledonian ward residents welcomed the attempt to re enliven some of the heritage and listed buildings, however had concerns of lack of engagement with residents noting that right from its commencement in December 2020, developers did not engage with residents until July 2021. Councillor Hyde was concerned with the reports description as the area being commercial and importantly its failure to recognise non-designated assets which need to be protected. She noted that despite revisions to the scheme, the proposed extension to Jahn Court is too tall with the additional proposed floor an increase of 10m or 60% of what is there at the moment, that it is not only unsympathetic and monolithic in scale and massing, it is inappropriate and will have an adverse impact on the immediate Conservation Area.
- Councillor Hyde acknowledged the corrections to BRE levels, but was concerned that only 54.7% of windows in IronWorks and 67 windows in Albion Yard met BRE guidelines.
- Members were reminded that the area is a tranquil area, that the item should be deferred for further consideration, an opportunity to allow applicants and officers to work in collaboration with residents and produce a scheme that is in harmony with locally listed buildings, that developers could bring back a smaller, congruent and sympathetic scheme that benefits both the residents and the community.
- On the question of possible improved offer for the local schools instead of non- paid work experience jobs secured under s106, the agent informed the

meeting that recently they have been engaging with local schools on partnership offers with primary school. In addition the agent stated that although non paid and work experience is secured through s106, there is scope for more paid jobs for young people.

- On the lack of consultation on conservation concerns and impact of scheme on heritage assets, the agent reminded members that both the heritage design officers and residents views had been taken on board for example with regards to the changes which have been focussed on the contemporary elements of the scheme, the heritage element such as the listed building, the hub building and the adjacent Jahn building to the south have been respectively refurbished with minimal changes and also with the contemporary glass entrance which does not sit well with the brick entrance have been replaced and there have been some setbacks so that they don't dominate the heritage assets to the front and the additional height 5th floor has been set 18.5m from York way
- On the question of provision of 600 jobs and 1 million GVA, the agent acknowledged that they are net jobs, that the net increase will see an increase of 150 additional employees.
- On the question of a locked bike park being removed, the agent advised that this is related to an existing cycle storage which is not actually on the application site in block B, that it will be removed, that the proposal is a 6 bicycle stand which is to be installed on a public way.
- The Chair in summary acknowledged that although it is a complicated scheme, that the removal of cycle park seems unfair, concerns still exist regarding the public realm, further animation to the frontage, that it appears that the height of Jahn Court appears to be the overriding concern.
- A member welcomed the proposals attempt to reposition the building and the offer of affordable workspace but had questions on the impact due to the height of Jahn Court, that it was too big, that issues with the transgressions of 20% plus of BRE guidance was too much. On the issue of affordable workspace and the peppercorn rent for 10years member felt this was inadequate. He was particularly concerned with the impact of the scheme to both the listed Kings Cross station and St Pancras and would want the contribution to affordable housing revisited. Member questioned the promise of 626 jobs, that there is no net additional jobs, that this was more or less between 20-30 net additional jobs.
- In terms of harm, massing and scale, Member noted that heritage impacts are very profound and although NPPF has changed over the years, putting up a large building in an area of a relatively low Victorian urban landscape right next to Grade I Kings Cross and St Pancras Stations does not sit well so suggested that the scheme be refused.
- Another Member acknowledged the light loss, that it is debatable given its urban context, however there are some positives in terms of design however would request a deferral.
- A member suggested the application be deferred as it appears that applicants have not listened to the issues raised by residents.

- The Chair noted that having viewed the drawings he agrees that the building is a floor too high and that a removal of a floor would give better proportion and reduce daylight and sunlight concerns.
- Member agreed that the benefits of the scheme have been overstated and although no objections have been received from both the design and heritage officers, he felt that an improved affordable workspace, possibly with an extended lease from 10 to 20 years would be welcomed.
- The Chair reiterated most of the above concerns, noting that in this case, design is a material consideration especially with the size of the building, that although committee are keen to get to a resolution with the application, there still remain concerns about the height and for the applicant to improve the scheme benefits.

Councillor Clarke proposed a motion to defer. This was seconded by Councillor North and carried.

RESOLVED:

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

288 34 YORK WAY (JAHN COURT), 34B YORK WAY (THE HUB), ALBION YARD AND IRONWORKS YARD, REGENT QUARTER, KINGS CROSS, LONDON N1 (Item B4)

Listed Building Consent application in connection with external works to parts of Jahn Court at 34 York Way, which adjoin the exterior of the Listed Building at 34B York Way, comprising of the removal of paving and railings and structures/fixtures for the glazed front entrance and skylight to Jahn Court; and the re-provision of a new front entrance structure adjoining the listed building, and replacement paving and associated works, adjoining the listed building, and replacement of entrance door with glazed door. Associated planning application ref: P2021/2270/FUL. (Planning application number: P2021/2360/LBC)

In the discussion the following points were made:

- This item was considered with item B3 which is a linked application for a full planning permission (see details above)

Councillor Clarke proposed a motion to Defer. This was seconded by Councillor North and carried.

RESOLVED:

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

289 NEW RIVER HEAD, LAND REAR OF 28 AMWELL STREET, AMWELL STREET, LONDON, EC1R 1XU (Item B5)

Change of use and conversion of Grade II listed buildings known as the Engine House, Boiler House, Coal Store and Windmill Base from Class E (Commercial, Business and Service) to Class F1 (Learning and Non-Residential Institution) for gallery, exhibition and education use with ancillary shop, cafe and office uses. Occasional use as an events venue for private hire. Partial demolition of North Stores and single and two storey extension in two locations at eastern and western end. Construction of foyer link between North Stores and main buildings. Provision of cohesive landscaping scheme and associated public realm enhancements and creation of permissive pedestrian route through the Site. Reconfiguration of new vehicular and pedestrian access into the site from Amwell Street. Pedestrian and servicing access to the Site will be provided from Myddelton Passage. (Listed building consent also submitted ref: P2021/1553/LBC).
(Planning application number:P2021/1545/FUL&P2021/1553/LBC)

Cllr Khurana leaves prior to the consideration of this item and was not involved in the deliberations at all.

In the discussion the following points were made:

- Site is within the New River Conservation Area and contains various Grade II listed buildings and that the proposal includes development to various buildings across the site, the North Store is being extended to the west and a secondary storey introduced to the east. In addition, the meeting was advised that a linking foyer building is to be introduced in the Northern courtyard area between two existing buildings House as well as a new stair and lift. Also a café and raised terrace is proposed to the south of the site that requires various openings in the listed buildings and the scheme proposes a new pedestrian pathway that links Amwell Street with Myddelton Passage that requires an alteration to site levels to achieve appropriate levels of access.
- Meeting was advised that in land use terms, the proposed change of use of the site to an art gallery Use Class F1, to be occupied by the House of Illustration is policy compliant, that it includes ancillary office accommodation, and cafe use.
- Members were advised that occasional private hire events will be controlled by an Operational Management Plan.
- Meeting was advised that the site is addressed by the New River Head and Claremont Square Planning Brief (2013) which outlines various long held aspirations for the site and that the application is considered to be able to meet these requirements to varying degrees. In addition a heritage interpretation strategy forms part of the application and this includes information boards across the site and installations in the Boiler House Cafe with QR codes providing access to further detailed information and history relevant to the site. The windmill base will also provide a permanent heritage interpretation space.
- There is a desire for public access and to operate between 9.30am to 5.30pm, Tuesday to Sunday with potential for extending the hours of operation via S106 agreement.

- On the harm to heritage assets, the planning officer advised that as it includes a Grade 11 listed building with all the interventions such as the new use, new floor being installed at second floor level, the installation of lift access and the windows being covered by a screen to hang the art on the wall.
- Inclusive design has been incorporated across the site and there will be level access provided and that some of the floor cobbles will be reset of various types to enable access.
- In terms of energy and sustainability, heat source pump will be used and green roof will be provided on the education studio and further green roof will be in the heat air source pump, there will be carbon off setting contribution of £11,040 and green performance plan for the site.
- The Planning Officer advised that 3 Disabled Parking bays will be provided to the west of the site with 46 visitor cycle parking spaces of which 4 will be for staff and there will be an independent access arrangements to Thames Water Facility from the south.
- The Planning Officer advised that less than substantial harm has been identified to the significance of the listed buildings (including their setting) as well as the wider conservation area due to the interventions required to enable the use of the site for F1 purposes, however, careful consideration has been given to the relative importance of the heritage asset and this has been weighed against the heritage benefits and public benefit delivered by the proposals.
- Members were advised that the harm identified is considered to be outweighed by the heritage and public benefit that would be delivered.
- The use of the site as an art gallery is the optimum viable use of the statutorily listed buildings, which is significant heritage benefit for these listed buildings that have been vacant for over 30 years and is given significant weight in the overall planning balance.
- Members were reminded that the site has a complicated history of both refused and approved schemes with no viable scheme being implemented.
- That the proposal with the new cultural use will bring further socio economic. Benefits to the borough and beyond all those captured in S106.
- Members were reminded that this was a combined report seeking full planning permission and listed building consent, however the conditions with the permission are separately noted in the report.
- A neighbouring resident had concerns with the proposal especially as her bedroom shares a party wall with the North Stores. She discounted the claim in the committee report that stated that on average houses in the mews were 12.6m away from the site when her back wall is 9m.
- In addition the objector requested that considering she works occasionally from she requested a condition that electronic blinds be installed so as to ensure there is no light spillage from the foyer which is 9m from the back of her house throwing up a lot of light into the sitting room. The resident also requested a condition which will ensure that future occupiers do not remove the covering over the windows which is presently used to hang art during exhibitions as it protects any overlooking.

- Another concern raised was the noise levels when events are carried out and requested that the projected 24 events be reduced to 20 and possibly scheduling 2 events a month as it will impact her amenity and others, that a condition should be attached restricting construction activities on Saturdays considering she works from home.
- Another local resident was concerned with the close proximity of his house to the 2 storey building, that allowing a commercial building so close to his property should be given due consideration. The resident had concerns with both the loss of light and privacy to his building, that his dwelling will be overshadowed suggesting that the developer could have a 4-5m set back on the top floor of the building to address these concerns. Resident also had concerns with the positioning of the proposed disabled toilet especially as it will be about 4-5 feet away from the common wall and had concerns with having to hear toilet sounds and users regularly opening and closing the toilet door.
- The applicant informed the meeting that via Illustration use of the site and its activities will bring substantial benefits to the borough as it will bring curriculum to life, an opportunity to provide a voice to the marginalised people in the community.
- Members were reminded that in balancing the public benefits and the heritage harm, that opening up the building and giving local access was significant, that it is a scheme that has gone through a long period of consultation and planning with both residents and Islington officers.
- The proposal is not a commercial development, that the proposal has looked very closely at the optimum configuration of the site and the whole of the North stores has sound insulation in it.
- Members were informed that options in terms of the light from the foyer and noise have been looked into and that any construction team will have signed up to the Considerate Construction Scheme which respectively responds to noise concerns of neighbouring residents.
- On the issue of events held previously and associated noise levels, meeting was advised that House of Illustration is not aware of drinks reception taking place outdoors instead of indoor as most activities will be indoors.
- With regard to light spillage concerns from the gallery, the architect advised that blinds could be installed to roof lights and to the glazing which will be linked to the light switching so as to ensure minimal light spillage.
- On the potential construction disturbance meeting noises, meeting was advised that the work carried out on the section of the single building North Store, which is being retained is to be done to repair its roof structure and it will involve erecting hoardings to protect nos 1 and 2 and adjoining houses in the mews from the works , that a screening will be used to mitigate noise concerns.
- On the issue of limiting the number of events held, meeting was advised that events are essential to facilitate funding activities
- During deliberations, Members agreed that construction activities should not be carried out on Saturdays and that conditions should be amended to ensure that future occupiers of site do not remove the covering over the window which presently protects any overlooking

- In response the planning officer acknowledged that the above concerns can be addressed by amending the relevant conditions
- With regard to concerns about the location of the disabled toilet and its close proximity to a residents wall, the Architect reassured the meeting that it will have no impact on their amenity as there is a 9 inch brick wall of the side of the building and another lining wall in between and that the cavity will be acoustically insulated and that all pipe work will be surrounded so will not be an issue. The Planning Officer acknowledged that no objections were received from the Council's Environmental officer on this issue as it is a solid wall.
- Members commended the proposal and agreed that this would be of benefit to the community.
- The Chair acknowledged that a lot of work had been carried out by all parties to the scheme, noting that most of the objectors concerns could be addressed via the Construction and Management Plan and that issues relating to daylight and sunlight and noise concerns would have to be agreed by planning officers before works is allowed to commence, requesting that construction activities on Saturday be removed from the Construction Management Plan.
- Members were reminded that both planning permission and listed building consent were being considered.

Councillor Poyser proposed a motion to grant planning permission and listed building consent be granted. This was seconded by Councillor Klute 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 and listed building consent be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

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TIMES HOUSE AND LAUNDRY BUILDINGS (4-6 BRAVINGTONS WALK, 8 CALEDONIAN STREET AND PART GROUND FLOOR AREA OF 3 BRAVINGTONS WALK) LAUNDRY YARD AND PART OF CALEDONIA STREET, REGENT QUARTER, KINGS CROSS, , LONDON, N1 9AW (Item B6)

Refurbishment of existing buildings; partial demolition and infill extensions to the southern, northern courtyard and western elevations at ground, first, second, third and fourth floor level and part one, part two storey roof extensions to provide additional Class E(g)(i) Office floorspace at Times House; removal of plant room and entrance, alteration to the elevations and enlargement of existing windows to Laundry Building; further works include the provision of one flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)

unit, three flexible Food and Drink (Class E (b)) and/or Bar/Drinking Establishment (Sui Generis) units, and four Retail (Class E (a)) units at ground floor level; provision of outdoor terraces at first, fourth and fifth floor levels, basement cycle storage and associated facilities, green roofs, plant at basement and roof level; public realm works to Laundry Yard and infrastructure and related works, and new cycle parking on Caledonia Street.

(Planning application number: P2021/2269/FUL)

Cllr Picknell leaves prior to the consideration of this item and was not involved in the deliberations at all

In the discussion the following points were made:

- Meeting was advised that since the publication of the report, 2 additional comments from residents have been received and that no new material planning issues have been raised.
- The Planning officer highlighted a number of following corrections to the report, that at paragraph 10.23 of the report, the Affordable Housing Contribution should read as £229,813 rather than the £234,413.33 stated in the report and the height of the plant structure on the top of the west wing of Times House would rise to 24.3m rather than 24.8m and the top of east wing plant structure to Times House would rise to 24.85m rather than 21.85m.
- Meeting was advised that following further review of the daylight assessment, a number of corrections need to be made to the total figures, that at paragraph 10.269 on page 522 of the report, 84 rather than 80 windows were assessed and 54 rather than 51 rooms were assessed.
- It was also noted that minor reductions in the number of rooms that would fail the BRE Guidance is down to 5.56% rather than 5.9%.
- Also on paragraph 10.276 of page 524 of the report, at 11 Caledonian Road, 6 windows and 6 rooms were assessed rather than 3 windows and 3 rooms, and that 5 out of the 6 windows would meet the BRE guidance rather than 2 of 3 windows.
- Meeting was advised that site is part of the Regents quarter estate and located within the city block known as Block and comprises of Times House which is a mixed use building on the eastern and southern elevations to Laundry Buildings which is also a mixed use buildings located on the northern and western elevations.
- Site is located within the Kings Cross Conservation Area and lies adjacent to the Keystone Crescent Conservation Area to the east and the St Pancras Conservation Area which is located to the west of the site. The site boundary sits adjacent to the Grade II Listed Building at 7 Caledonian Road and within the setting of Grade I listed Building at Kings Cross Station.
- Members were advised that the Laundry Buildings is Locally Listed Grade B and there are numerous locally listed buildings surrounding the site on York way, Caledonian Road and Pentoville Road.

- Site is located within the Central Activities Zone and is in an Employment Growth Area.
- The proposal involves various extensions, alterations and changes of use to the commercial units Laundry Yard and will create 1,723.6sqm of additional office (g)(i) through extensions and internal alterations to Times House. This is largely provided through the combination of partial demolition, infill extension and roof terraces to create additional office floor space at first to fifth floor levels , with roof terraces at first,fourth and fifth floors under Class E (to the alteration of the existing building to Times House and creation of roof terraces to first floor and fifth floor levels and creation of green roofs.
- External alterations is proposed to the Laundry Buildings and that internally, change of use is proposed to both resulting in mixed uses in class E and Sui Generis.
- With the proposed affordable work space, a separate s106 agreement would be attached to the permission if granted however in light of the the committee to defer the earlier application, this provision will be on this site.
- Members were advised that based on the head of terms, if the application was refused, 5% of the affordable workspace provision is to be secured for this site which would be policy compliant within this particular application site.
- In terms of Land use as the scheme will result in additional office floor space within the King Cross Economic Growth Area and Central Activities Zone both of which promote office floor space.
- The inclusion of flexible class E office retail, cafe restaurants finish uses on ground floor of Laundry Building will seek to provide additional active ancillary uses to the predominantly office use.
- Members were advised that whilst the flexible commercial uses do not generate same level of employment as the office floor space it is welcomed for the functionality of the CAZ and will point positively to economic growth.
- The proposed alterations will also add flexible office space to the ground floor and this accords which accords with the council land use policies.
- In terms of design the scheme, the Planning Officer informed committee that the scheme has undergone a detailed design assessment including a series of design workshops at pre application stage and two presentations to the Design Review Panel who have express their support for the scheme.
- In addition to the design review panel comments, officers have given consideration to the design,height, mass and scale of the scheme and on balance the scheme would cause less harm than substantial harm to the Kings Cross conservation area and the adjacent heritage assets including the grade 1 kings cross station and the grade 2 listed building at 7 Caledonia road.
- Members were advised that officers have therefore taken a balancing exercise to weigh the less substantial harm against the public benefits.
- In terms of neighbouring amenity, meeting was advised that a detailed assessment on daylight and sun light loss , outlook enclosure ,privacy and overlooking have been undertaken.

- Meeting was advised that quantitatively a small number of windows and rooms will fail to meet BRE Guidance and that those that fail are minimal which officers consider acceptable due to the central urban context.
- Conditions are proposed to mitigate the impacts on neighbouring amenity in terms of light spillage or noise from plant equipment noise and that there is an operational management plan for the plant and for the use of the roof terraces and restrictions have been proposed to the hours of operations.
- The scheme will provide 105 secured cycle spaces and associated facilities in the basement of Times House, visitor parking is provided in terms of 25 short stay cycle stands comprising of 9 stands within Times House and Bravington's walk, 12 on Caledonia street and 4 additional stands on Caledonian Road.
- In terms of security within the block B, the existing gates are consented to be opened to Caledonian street and York way between hours as stated in the report. Cycling is prohibited within the courtyard
- In terms of energy and sustainability the proposal brings in a number of measures such as a 45.8% reduction in regulated CO2 emissions and a contribution of £145,176 towards offsetting the remaining CO2 emissions.
- The scheme meets a BREEAM rating which is to be secured by a condition and another condition is recommended requiring further exploration of potential improvements to ensure energy efficiency and another condition stating that the scheme to connect to a District Energy Network when available, and finally the scheme seeks to use Air source pumps rather than gas boilers.
- In terms of planning balance, meeting was advised that although officers note the less than substantial harm to the heritage assets, it is noted that the scheme does bring forward a number of public benefits as outlined in the report in particular the uplift in commercial floor space to support growth and development in the borough, the provision of a flexible active use unit fronting onto York way, substantial affordable housing contributions and contribution towards public realm.
- Planning obligations as detailed in the report include working with local schools and energy improvements so officers consider that in overall planning balance terms that the scheme public benefits outweigh the less than substantial harm to the adjacent listed building and the conservation areas.
- On the question about the Affordable workspace, that it was dependent on permission being granted for the other site (Jahn Court), the Legal officer clarified that presently the head of terms require that for both applications, the one previously deferred and this present application, the affordable workspace will be provided at 34b York Way. As the other deferred application had not yet been granted alternative provision generated by this application could potentially be made within this site rather than on the other site. The legal Officer acknowledge that it is unusual to have the provision of affordable workspace for one application site provided on another site, but not unheard of.
- In response to a question on whether the 10% uplift of the provision of Affordable floor space is available on both sites, the planning officer stated that the 10% uplift is across both sites.

- An objector living in Joiners yard which is directly adjacent to the proposed east site of Times house acknowledged the objections raised with the Jahn Court application and was concerned that a huge developer could buy properties so as to maximise the office space, that the interests of the neighbouring residents was not taken on board and not part of the process until at a later stage. Objector questioned the need for additional office space ,as there were numerous buildings that had vacant and empty offices.
- The additional floors were huge and there were concerns around the daylight and sunlight impact on neighbouring residents, loss of privacy and disruption. Concerns within the committee report which states that the development is less than 15m away from residential properties and the argument that development can be permitted if it across the highway is not applicable.
- The proposed improvement to the public realm is welcomed, however the massing in the area is unwelcome as it is huge.
- Another objector speaking on behalf of residents was concerned with the height and its impact and the false drawings. Noted that considering the vision for the developments states that it will cater for the needs of local residents and business and visitors, there has not been any community engagement demonstrated.
- Residents were only allowed a short period of engagement and presented with lots of documentation which have addressed none of the resident's concerns, that this is not a recipe for good design outcomes. The proposal does not address concerns of local businesses struggling after 3 years of Covid pandemic with the result that some have gone bust with empty offices for over two years
- Objector questioned how small independent restaurant businesses on the Caledonian Road were going to compete with equity firms and chain restaurants, that this is not a level playing field
- A resident was concerned that considering the huge number of people traffic in the area, and the entrance being difficult to see with no line of sight visible from the station, that it will be difficult to attract people to the inner courtyards and importantly challenging for retail or other business ventures to survive within the block
- Resident was also concerned that the proposal will plunge the place into darkness and feel less welcoming and unsafe, that this public amenity space will be lost for ever.
- Another resident representing the residents of Keystone objected to the scheme on the grounds of its unsympathetic design to the extension, that the opening of the development is less than 30 m from neighbouring residential grade 2 listed building. Members were reminded that this is a designated conservation area and the scheme makes no attempt to fit in with the surrounding Victorian built area in character or design
- Neighbouring resident was concerned that the design of the building is overbearing and overshadows nearby residential homes and therefore affecting the character or the area
- There was concern that this scheme will result in an the increase in footfall and furthermore attract anti-social behaviour and associated noise, traffic

and disturbances will increase in the area with the increasing number of food and drink outlets in the area

- Concerns that the noise plan associated with the scheme had not been thought out properly as the scheme would impact the amenity of neighbouring residents
- In response , the meeting was informed by the applicant that members should consider the scheme to be a well-designed one, that the scheme will result in the repositioning of the building, reflect the dramatic change across the Kings Cross area in the last 15 years . Members were advised that the scheme will address the vacant building after the previous tenant Euro Star left the premises and that one of the reasons is the lack product design which the scheme aims to address.
- Meeting was advised that a wide range of public consultation has been carried out throughout the process via notifying the residents, website launch to inform the public of the proposals and regular newsletter were provided. In addition webinars were hosted, Q&A sessions were held and 4 public meetings were scheduled on site and 25 one to one meetings were held for residents to discuss concerns of residents. In addition residents were also provided with bespoke daylight sunlight reports to consider their individual impacts
- In terms of wider consultation the team met with wide range of community groups including the learning and knowledge quarter and local schools . The consequences of these public consultations changes have resulted in changes to the scheme and certain commitments which include reducing the height of Times House by 0.5m, reducing the 5th floor elevation of Caledonian street by 3.3m , providing an active frontage and street improvements to York way which will be facilitated by a financial contribution of £75k to widen the pavement along York way and also consider other improvements to lactive the frontage. Also a mixed unit has been introduced to the scheme on York way
- Other commitments include to work with security consultants to review the security measures on site and will be taking forward a number of community initiatives
- In terms of overlooking windows of the third floor north side of the building facing Joiners yard, meeting was advised that as part of the proposal, windows around that particular elevation will be positioned further away and obscured which will be an improvement to the current position
- In terms of daylight impact, assessment has been undertaken and it is evident that with regard to Times and Laundry building results show that in terms of BRE guidelines, they are good in policy terms and that breaches are minor and slightly above 20%
- In terms of sunlight impact, meeting was advised that there are no transgressions and are within BRE standards and that the same position and situation in terms of the courtyard, that any loss is negligible and comply with BRE standards
- In terms of public benefits , the agent reiterated that the scheme will be bringing forward significant benefits that will outweigh any significant harm to the heritage assets in the area and they include an increase in 1723 sqm

of floor space provided within CAZ which optimises office floor space . Also there will be a commitment to contribute provide affordable work office space , noting that the applicant is willing to commit to the delivery of 10% office floor space on this the site in lieu of it being provided on the Jahnn site if possible

- Also there will significant CIL contributions and S106 contributions of £850k contribution towards offsite affordable housing
- In terms of building materials, meeting was advised that this is primarily in Times House which is a contemporary building, that it will retain the existing structure as much as possible for sustainable reasons , introducing a new permeable ground floor and introducing an articulated green metal cladding to complement the red brick.
- On the lack of consultation with residents and in particular concerns about the schemes impact on heritage assets, the agent advised that in heritage terms it is notable that on site there are 2 locally listed buildings which are being retained sensitively refurbishing with minimal changes and where there is an attempt to improve, it is about improving ground floor permeability and removal of railings to York way and re cladding of the glass entrance block to give it more of a contextual and significant entrance to that block.
- In addition meeting was advised that with regards to height of building, although there is an increase in height, there is significant step back to minimise the street view and to reduce the wider impact of the eastern block with the plant being set back by 40m from Caledonian street.
- On the 10% uplift being proposed the agent acknowledged that it would be across both sites, that overall the scheme will be delivering 400sqm of floor space and that with the provision of the hub, that it would be 10% from each site, that the equivalent on this site would be 220sqm.
- The Chair indicated that members find themselves in the similar situation to the previous Jahn Court application as they are closely interrelated and have similar issues.
- A suggestion to defer the application was agreed, that committee would like some of the issues raised be assessed, that the applicants need to moderate the excess of the height, and that it was being deferred on a design basis and not just the impact on a conservation basis.

Councillor Convery proposed a motion to Defer. This was seconded by Councillor Klute and carried.

RESOLVED:

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

The meeting ended at 0.25 am

CHAIR

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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING COMMITTEE		AGENDA ITEM NO:	B1
Date:	04 April 2022	NON-EXEMPT	

Application number	P2022/0547/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Unlisted
Conservation area	N/A
Development Plan Context	Central Activities Zone Kings Cross & Pentonville Road Key Area Employment Growth Area Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services) Article 4 Direction – B1c (Light Industrial) to C3 (Residential) CrossRail 2 Safeguarding Zone London Underground Zone of Interest (Tunnels)
Licensing Implications	N/A
Site Address	158-160 Pentonville Road, London, Islington, N1 9JL
Proposal	Demolition of the existing building and erection of a part 4, part 5 storey building, with single basement level, comprising 487 sqm of office use (Class E(g)(i)) at the ground and basement levels and 9 residential units on the upper levels

Case Officer	Harriet Beattie
Applicant	c/o Agent
Agent	Centro Planning Consultancy

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)

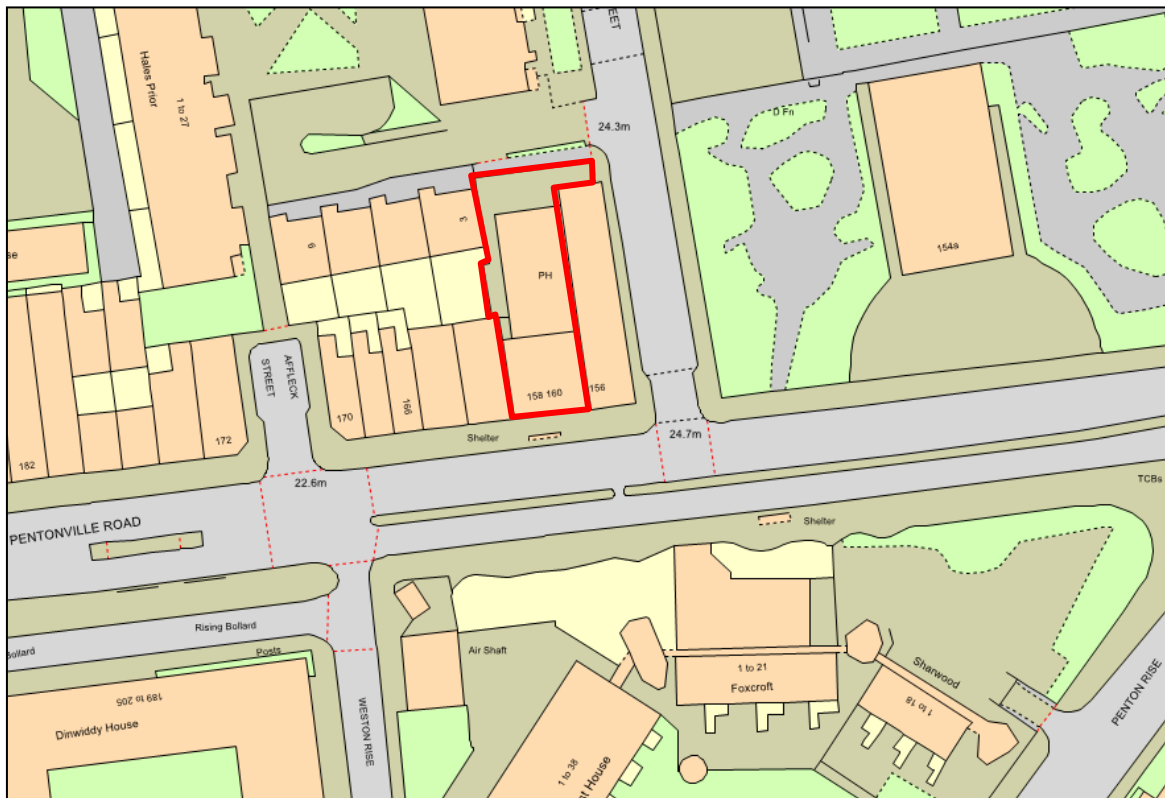


Figure 1: Site plan

3. PHOTOS OF SITE/STREET

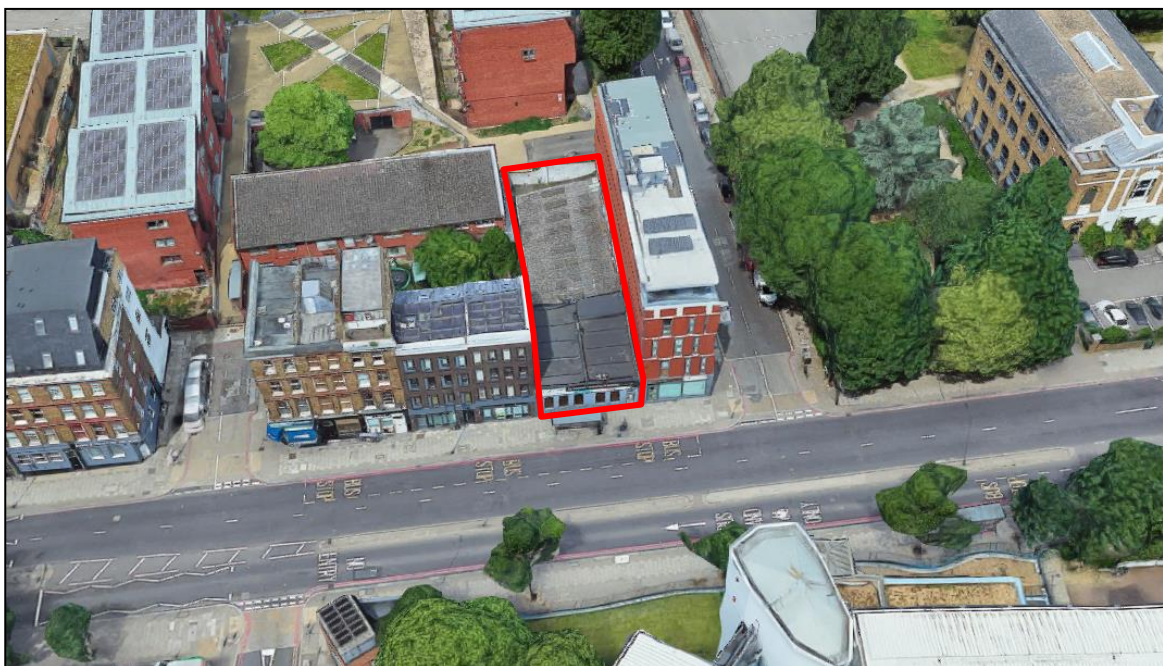


Figure 2: Aerial view from the south

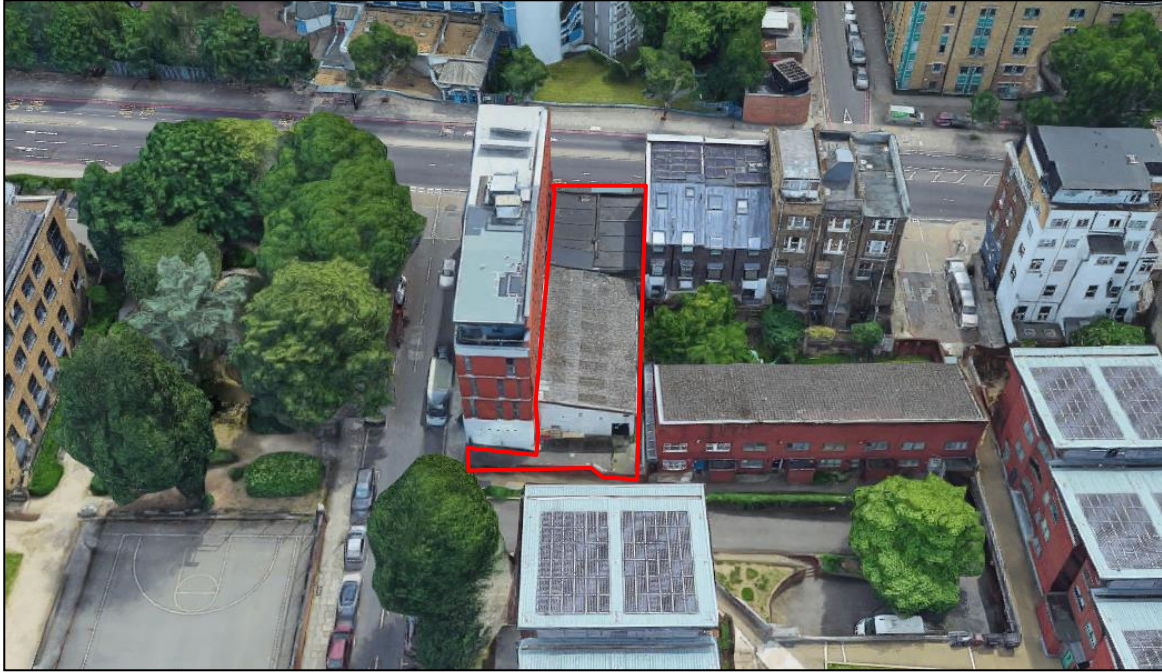


Figure 3: Aerial view from the north-



Figure 4: Photograph of the front elevation of the building from Pentonville Road



Figure 5: Photograph showing the access from Cumming Street



Figure 6: Photograph of the rear of the site

4. SUMMARY

- 4.1 The application seeks permission for the demolition of the existing single storey building and the erection of a part four, part five storey building and a basement to provide 487sqm office floorspace (Use Class E(g)(i)) and 9 residential units.
- 4.2 The nine residential units will consist of 4 x one bedroom, 4 x two bedroom and 1 x three bedroom units.
- 4.3 The proposal would not include on-site affordable housing, however, the requisite small sites financial contribution of £450,000 for provision of affordable housing is secured via a S106 agreement.
- 4.4 The main considerations of the application are the principle of the development in terms of land use, design and appearance, impact upon neighbouring residential amenity and transport and highways implications.
- 4.5 The site has been subject to land use change, with the building last being occupied by the Rhythms of Life Homeless Charity. The charity had used the site to store food that had been donated before being distributed. The occupier was served a Hygiene Emergency Prohibition Order on 29th October 2021 that prohibited the continued use of the site to store food due to environmental health concerns. As a result of this order, the use of the site by Rhythms of Life ended their occupation of the site. The site is understood to be currently vacant. This report provides clarity regarding the lawful use of the site, and assesses the impact of the loss of the lawful use and the principle of the proposed land use.
- 4.6 It is clear that the site was used at an earlier time as an educational use. Development Plan policies seek to retain educational and community uses. The principle of the loss of the social infrastructure use is considered acceptable in this case and the development to provide 487sqm GIA of office (Use Class E(g)(i)) floorspace for the borough within the Kings Cross Key Area, Employment Growth Area and Central Activities Zone is strongly supported.
- 4.7 The site is currently occupied by a single storey building which represents under-development of the site. The proposal, which will deliver a part four, part five storey development, represents an effective and appropriate redevelopment of the site.
- 4.8 The proposed development is considered to be acceptable in regards to its height, bulk, scale, massing, design and external finish within the established townscape along Pentonville Road and would not cause detriment to heritage assets.
- 4.9 Although there is some reduction to daylight and sunlight receipt to neighbouring properties, these represent minimal transgressions, which are not considered to represent a reason for refusal given the limited reductions, the site's central London location and surrounding urban context.
- 4.10 Due consideration has been given to the proposal's impact on outlook, privacy, potential for noise and disturbance. Overall, neighbouring amenity is not considered to be unduly harmed by the development.
- 4.11 The site has the best public transport accessibility level (PTAL) of 6b due to its proximity to Kings Cross and Angel stations, and bus routes along Pentonville Road. The proposal would be a car-free development as it does not seek on-site parking provision. As such, 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 and potential impacts during the demolition and construction period.

4.12 All other matters relevant to planning are considered to be acceptable.

4.13 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

5. SITE AND SURROUNDING

5.1 The application site is located on the north side of Pentonville Road, west of the junction with Cumming Street, within the Barnsbury ward.

5.2 The site is currently occupied by a 236 sqm single storey mid-terrace property (including a part lower ground level), which runs north through to a rear servicing yard located off a spur of Cumming Street. The building comprises a commercial frontage onto Pentonville Road with a flat roof at the front of the site and a mono-pitched roof section, sloping down from east to west, towards the rear of the site.

5.3 The site is flanked to the east by Lambros House (156 Pentonville Road), a five storey block, at the junction of Pentonville Road and Cumming Street, comprising commercial units at ground floor level (currently occupied by Pong restaurant) and residential at the upper floors.

5.4 The western boundary of the site is flanked by 162 Pentonville Road, a four storey block, which comprises a commercial unit at ground floor and residential at the upper levels, and the rear garden boundary and side elevation of 3 Cumming Street, which is a two-storey end of terrace residential property.

5.5 To the rear of the site, on the other side of the service road, is the side elevation of residential block of flats, 1-45 Manneby Prior.

5.6 Contextually, the surrounding area provides a variety of building forms, styles, appearance and ages. The site does not lie within a conservation area and is not listed. The site does, however, form part of a terraced parade which includes a locally listed property, 166 to 170 Pentonville Road, which lies to the west of the site.

5.7 In terms of the local policy context, the site is located within the Kings Cross and Pentonville Road Key Area, the Central Activities Zone (CAZ), Northdown Street Employment Growth Area, and the Cross Rail 2 Safeguarding Area.

5.8 Within the draft Local Plan the site is identified as being located within a Northdown Street Priority Location.

Internal

5.9 The building is split across two levels across the site. Internally the single storey shopfront fronting Pentonville Road accommodates two small offices, at 38sqm and 49sqm respectively, whilst ancillary space for kitchen space at 7.4sqm and a further office at 9.2sqm further within the building. To the rear, the warehouse structure comprises 116.4sqm at Lower Ground, and 15.89sqm mezzanine space, and totals 132.29sqm. The single storey warehouse element was constructed in the 1970s and its ground floor includes a part lower Ground Level.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the demolition of the existing building and erection of a part 4, part 5 storey building. This will include a single basement level with a floor area of 270sqm.
- 6.2 The proposal will deliver 487 sqm of office use (Class E(g)(i)) at the ground and basement levels. The proposal will also deliver 9 residential units comprising 4 x one beds, 4 x two beds and 1 x three beds on the upper levels.
- 6.3 Separate cycle and bin stores are provided for the residential and commercial units on the ground level.
- 6.4 The proposal will have a lightwell on the eastern boundary with No. 162 Pentonville Road and 3 Cumming Street which will provide natural light to the basement level office space.
- 6.5 The proposal will have separate commercial and residential entrances off Pentonville Road.
- 6.6 Figures 7 and 8 show views of the proposed building within the existing terrace.



Figure 7: View of front elevation from Pentonville Road



Revisions

- 6.7 Over the course of the application a number of revisions to both plans and documents have been undertaken. These include:
- Floorplans amended to re-size undersized bedrooms in Units 3 and 6
 - Floorplans amended to add policy compliant levels of storage to Units 7 and 8
 - Daylight and Sunlight Assessment updated to include details of overshadowing levels to garden/amenity areas
 - Visuals of the proposal updated to show winter gardens, in compliance with drawings and design and access statement
 - Noise Assessment updated to remove reference to balconies, which are instead winter gardens.
 - Cycle stores amended to respond to TfL consultation response to ensure this is in compliance with London Plan Policy T5

7. RELEVANT HISTORY:

- 7.1 The subject site has a number of planning applications as follows:

P071117 – Change of use from D1 (non-residential institution) to Sui Generis (Vehicle hire/leasing – Refused 26/06/2007, subsequent Appeal dismissed 05/11/2007.

Two reasons for refusal including: “The proposal would result in a loss of floor space in education use. No evidence has been provided that would indicate that the site is no longer suitable for continued education use and as such the proposal would be contrary to Policy Ed2 of the Islington UDP 2002. Educational sites will be safeguarded and their loss will generally be resisted”.

P022441 – Creation of restaurant/bar (basement & ground floors) and 14 residential apartments (1st, 2nd, 3rd & 4th floors) – Application Withdrawn 25/11/2002.

982364 – Change of use from warehouse and ancillary offices to D1 use (educational) – Approved with Conditions 28/01/1999.

001277 – Erection of a single storey warehouse, including vehicle access way onto Cumming Street. 1770sqft. Lightweight asbestos roof and brickwall construction. Approved with Conditions 14/06/1979.

P2019/2290/FUL - Demolition of existing single storey building and erection of part one storey, part four storey (plus basement) office development (use class B1(a)) with associated works. (Departure from Development Plan) – Planning Committee resolved to grant approval subject to conditions and legal agreement on 23/04/2020

P2021/2220/FUL - Demolition of the existing single storey building and erection of a part 4, part 5 storey building, with single basement level, comprising 474 sqm of office use (Class E(g)(i)) at the ground and basement levels and 9 residential units to the upper levels – application subject to an appeal for non-determination – Appeal Pending (ref: APP/V5570/W/22/3290677)

PRE-APPLICATION ADVICE:

- 7.2 Pre-application advice was sought for development of the site (reference: Q2018/4165/MJR) in late 2018.
- 7.3 It was outlined that the existing use of the site was unclear, with the site's planning history suggesting that the existing premises has a D1 use and further evidence may be required to justify the loss of the existing D1 use.
- 7.4 Officers noted that business floorspace is encouraged in the CAZ and concerns were raised in relation to the design of the scheme.
- 7.5 Before the application subject of this report was submitted the applicant's team met with Council officers including the Inclusive Design Officer to discuss amendments to the previous application (planning ref: P2021/2220/FUL) which would need to be made before the proposal is formally re-submitted.
- 7.6 The amendments which were made to the proposal before the application was formally submitted includes:
- Improvements to the design of elevations
 - Improvements to design of winter gardens to make a positive contribution to the appearance of the elevations
 - Improvements to the access arrangements – particularly to the cycle and refuse stores which were shown to be convoluted on the previous floorplans
 - Improvements to the layout of the office floorspace, including layout of W/C facilities to improve circulation and efficiency of use.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 355 adjoining and nearby properties on 1st March 2022. A site notice and press advert were displayed on 3rd March 2022. The statutory time period for consultation is 21 days, however, the London Borough of Islington consultation provides for 3 additional days to account for the timing of Site Notice display and Press Notices. Such, the statutory timeframe for the consultation period expired on 24th March 2022 but the noted timeframe for response expires on 27th March 2022. Notwithstanding this, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Any representations received after the publication of the Committee Report will be given due consideration, will be provided to Members prior to the Committee Meeting and a verbal update will be provided as part of the Officers presentation.
- 8.3 At the time of the writing of this report no responses had been received from the public with regard to the application.

External Consultees

- 8.4 Metropolitan Police Secure by Design Officer: Range of security measures required including use of airlock lobby, use of self-closing and self-locking bins, spyholes for front doors, specification standards for communal doors and windows. Condition to be attached requiring proposal to meet Secure by Design Silver Certification.

Case Officer response: *Consultation response noted and shared with applicant. Secure by Design condition attached as requested – see condition 18.*

- 8.5 Thames Water: No objection subject to condition securing the protection of Thames Water Assets

Case Officer response: *condition attached as requested - see condition 8*

- 8.6 Transport for London – Crossrail: No objections raised subject to attachment of condition requiring design and method statement for foundation and underground works

Case Officer response: *condition attached as requested – see condition 5*

- 8.7 Transport for London: The Site is on A501 Pentonville Road, which forms part of the Transport for London Road Network (TLRN). TFL provided guidelines for development including that the footway and carriageway must not be blocked during the construction phase, that skips cannot be kept on the footway or carriageway and that construction vehicles can only stop at permitted locations within permitted time limits. The hoarding must not interfere with the bus stop. Construction vehicles must only enter and leave in forward gear. Detailed cycle drawings were requested.

Case officer response: *the applicant has revised the basement and ground floor plan to amend the cycle store to ensure this complies with London Cycling Design Standards and London Plan Policy T5. The plans now show an access aisle width of 2500mm behind the lowered frame, which is in accordance with the requirements of section 8.2.6 of the LCDS. Spaces equipped with Sheffield stands are 2M wide and access aisles behind these spaces are a minimum of 1800mm as per figure 8.1 of the LCDS. Commercial visitor spaces are shown outside to ensure that internal access is only for employees. These spaces are shown with a generous separation to allow for easy access. Employee cycle storage provision is designed in accordance with the requirements of Chapter 8 of the LCDS. Commercial storage incorporates a space for a tricycle and a mobility scooter charging point.*

Internal Consultees

- 8.8 Access Officer - No objections raised.

- 8.9 Conservation and Design Officer – No objections raised. The scheme has been considerably refined since its earlier iterations. The designs are now such that the development is considered to positively contribute to its setting and appropriately enrich the streetscape to both Pentonville Road to the front and Cumming Street to the rear. The height bulk and mass are considered compatible within the terrace and the realignment of the rear building line particularly advantageous to the wider context. The materials are of a good quality and will complement the architecture and the building's broader setting. The elevational treatment is considered acceptable with robust structuring principles of the front elevation whereby the development will effectively read as a 'pair of buildings' with a well-ordered and rhythmic façade. As such there are no design objections.

8.10 Energy Conservation Officer – The key target which would be applied in this case is that the residential element should achieve a 19% reduction in regulated emissions, against a Part L 2013 baseline. This target is being met. As the residential element is below 10 units, the carbon offset contribution will be applied to the residential element only and based on a fixed fee of £1,000 per flat, so £9,000 in total.

8.11 Public Protection Division (Air Quality) – Raises concerns about air quality for proposed residential units. The submitted air quality report notes that concentrations of NO₂ clearly exceed the AQO of 40 µg/m³ across the proposed development frontage at the first residential floor and is still highly margin at 2nd floor.

Case Officer response: *Applicant will be utilising winter gardens instead of balconies for the properties facing onto Pentonville Road. This will protect these amenity spaces from air pollution.*

8.12 Public Protection Division (Noise Team) and (Land Contamination) - No objections raised subject to the recommended conditions securing a demolition and construction plan, restrictions on plant noise and sound insulation (see conditions 3, 8 and 9).

8.13 Spatial Planning and Transport (Transport Officer) – Highways have no objections and the proposed cycle parking improvements and accessibility is welcome.

Case Officer response: *condition securing cycle parking delivery is attached – condition 13.*

8.14 Building Control – assessed submitted Fire Strategy and fire mark-up plans against London Plan Policy D12. Requested additional information regarding the separation of the amenity area from the exit route serving the commercial use and how the evacuation lift will be operated. Following receipt of further information Building Control have confirmed they have no further comments on the Fire Statement.

Case Officer response: *The applicant has confirmed that in order to separate the exit route from the amenity area, the applicant proposes a smoke curtain and automatic smoke suppression measures to the rear of the building. This would separate the cycle parking and mobility scooter charging point from the exit route. The applicant believes that this provision could be controlled via condition. The evacuation lift for the residential component would be driver-assisted, which is in line with the GLA's guidance sheet for Policy D5(B5).*

Condition 23 is recommended regarding the requirement for an updated Fire Strategy – condition 23

Condition 25 requires that the development shall be constructed in accordance with the approved 'Structural Method Assessment – Revision P2 – Dated: May 2021 – prepared by: ads consultancy' unless otherwise agreed in writing.

8.17 Sustainability Officer - It is proposed that surface water discharge will be reduced to a greenfield runoff rate which is welcomed. Confirmation of attenuation storage requested. Confirmation of whether blue roof attenuation is to be provided is sought. Exploration of ground floor attenuation recommended. Urban Greening Factor Assessment requested along with details of green screen. The recommendations in the Preliminary Ecological Appraisal should be followed. Green Roof condition to be attached.

Following receipt of amended details the Sustainability Officer has confirmed that they are generally satisfied with the information the applicant has provided. Minimising the attenuation requiring pumping is welcomed. Sustainability Officers raise no objections

subject to the attachment of drainage and green roof conditions. These have been attached as requested (see conditions 4 and 16)

Case Officer response: *The applicant has confirmed that the detail design will provide a detailed hydraulic model and attenuation will be allocated accordingly. Blue roof attenuation can be provided within the green roof areas and under the solar panels if roof loading accommodates it. Urban Greening Factor information was provided.*

9. RELEVANT POLICIES

9.1 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.);

9.2 National Planning Policy Framework (NPPF) 2021, Paragraph 11(c) 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..."*

9.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: *"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."*

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

9.5 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.

9.6 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, **Page 40** birth, or other status.

9.7 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.

9.8 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.

National Guidance

9.9 The National Planning Policy Framework (July 2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

9.10 The Development Plan is comprised of the London Plan (March 2021), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Emerging policy: draft Islington Local Plan 2019

9.11 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 now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September to 5 October 2021.

9.12 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).

9.13 Emerging policies that are relevant to this application are set out below in Appendix 2. The emerging policies are considered to be consistent with the current policies.

Designations

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

- Central Activities Zone (CAZ)
- Kings Cross & Pentonville Road Key Area (Core Strategy policy CS9)
- Employment Growth Area (Northdown Street EGA)
- Article 4 Direction – B1a (office) to C3 (residential)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use;
- Affordable Housing;
- Quality of Accommodation;
- Dwelling Mix
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport and Highways;
- Energy and Sustainability;
- Waste Management;
- Biodiversity
- Air Quality
- Planning Obligations, CIL and local finance considerations.

Land-use

10.2 There are three key areas of assessment: the principle of the loss of the existing use, training, and the principle of the proposed uses: residential and office.

10.3 These are addressed in the sections below.

Loss of the existing use

10.4 To assess whether the loss of the existing use is policy compliant, first the existing use of the site must be established. A recent permission explored in significant detail this issue and reference is made to this below.

10.5 The application site was last occupied by Rhythms of Life, a homeless charity. Google street view imagery indicates that this use moved into the site between April 2018 and July 2019. As a result of a Hygiene Emergency Prohibition Order, the use of the site by Rhythms of Life ended their occupation of the site. The site is understood to be currently vacant.

- 10.6 Prior to this, the site was used up to 2007 by an educational operator, teaching make-up and beauty application. Since 2007, a beauty company (Murad) occupied the site, and vacated the premises in 2017. There is evidence that Murad used the site as a distribution centre and office. The Applicant has provided business rate entries from the Valuation Office Agency (VOA) for the previous application on this site dating back to 2010 (April) indicating 'Workshop and premises' use.
- 10.7 The Planning Committee resolved to grant planning permission on 23.04.2020 for application P2019/2290/FUL. This application proposed '*Demolition of existing single storey building and erection of part one storey, part four storey (plus basement) office development (use class B1(a)) with associated works*'.
- 10.8 This application involved the loss of all social infrastructure on site.
- 10.9 Office use on the site was previously found to be appropriate and the resolution by the Planning Committee to grant permission for the replacement of an education use (albeit vacant for a number of years) with CAZ appropriate office space under planning reference P2019/2290/FUL is afforded considerable weight in the consideration of this application. It should be noted that the S106 Legal Agreement for application ref: P2019/2290/FUL is still awaiting completion.
- 10.10 The character and land use of the immediate locality has not changed significantly since Members resolved to approve the previous application. It was previously noted that an office use could represent a more neighbourly use in this location.
- 10.11 However, since the resolution to grant the an amended NPPF (July 2021) and the London Plan (March 2021) have both been adopted, and the draft Islington Local Plan has been subject to Examination in Public.
- 10.12 As such, officers have assessed the loss of the last lawful use, which is considered to be educational (use class F1(a)) against the updated policy context.
- 10.13 Islington Development Management Policy DM4.12 places emphasis on the retention of existing social infrastructure. This policy states that: *the Council will not permit any loss or reduction in social infrastructure uses unless:*
- i) a replacement facility is provided on site which would, in the council's view, meet the need of the local population for the specific use; or*
 - ii) the specific use is no longer required on site. In such circumstances, the applicant must provide evidence demonstrating:*
 - a) that the proposal would not lead to a shortfall in provision for the specific use within the local catchment;*
 - b) that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses; and*
 - c) any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility.*
- 10.14 Draft Local Plan Policy SC1: Social and Community Infrastructure states
- The Council will not permit any loss of social and community infrastructure uses unless:*
- (i) a replacement facility is provided on-site. Any facility must be of at least equivalent quality, quantity and accessibility to that of the existing facility, and must be*

consistent with Part G. It must, in the Council's view, ensure that the needs of the local population will continue to be met to at least the same level as the existing use; or

- (ii) the existing use or another social and community infrastructure use is not required on site, demonstrated through: a. provision of marketing and vacancy evidence to assess continued demand for the existing use and all other suitable social and community infrastructure uses that could be accommodated on site. Evidence must be provided for a period of at least 12 months, in line with Appendix 1; and b. provision of a Community Needs Assessment detailing why the site cannot support social and community infrastructure uses and why the existing use is no longer required on-site as well as demonstrating that the needs of service users have been considered before making recommendations/submitting proposals involving replacement or relocation or consolidation of services; or*
- (iii) The proposal involves the loss/reduction/relocation of social and community infrastructure uses as part of a rationalisation of a recognised public sector body's estates programme. The applicant will be required to provide a Community Needs Assessment demonstrating details of rationalisation, including that they have considered the needs of service users as part of any rationalisation strategy.*

10.15 The proposal does not provide a replacement training facility, nor does it provide sufficient evidence that the loss of this facility would lead to a shortfall, that there is no demand or any details of a potential replacement. As such, the proposal fails to adequately address the criteria for the loss of a training facility. However, as with application P2019/2290/FUL which is subject to a resolution to approve, and which resulted in the loss of existing social infrastructure, there are specific circumstances regarding the quality of the existing facility which need to be addressed and are relevant in justifying its loss.

10.16 The accessibility and standard of provision on the site is poor. This is due to the age of the structures on site, the level change across the site, and their design – intended to support uses other than social infrastructure (education and training). The 87sqm of space which could conceivably accommodate social infrastructure uses has poor level access to WCs and kitchen areas which are not step-free, which would be contrary to adopted policies.

10.17 Officers are satisfied that the existing structures are not appropriate for social infrastructure uses, having only been used for this purpose for short duration in relation to a specific historic planning consent from 1999. The use prior to 1999 was more akin to storage and distribution with ancillary office space, and the design of the structures on site was to support employment and other commercial uses, not social infrastructure.

10.18 It should be noted that the site has not been used for training, having been used (albeit without planning consent) by Rhythms of Life. The previous education and training use delivered training to those in the beauty industry. It did not provide a flexible community or education facility and was used only by those in this niche industry and, as such, did not benefit the broad demographics that other flexible community uses can. Local Policies promote flexible community uses which maximise shared uses, something the former training facility failed to do.

10.19 The site lies within CAZ, which prioritises office floorspace. The role of the CAZ is identified in London Plan and local policies as critical in maintaining and enhancing London's vibrant centre and one of the world's most attractive and competitive business locations. The proposal will deliver CAZ compliant uses and will make a positive contribution to the functionality of the CAZ.

- 10.20 The London Plan seeks to locate community uses in designated Town Centres, which the application site does not fall within.
- 10.21 As highlighted above, it should be noted that the loss of the training facility to be replaced by office floorspace was previously considered acceptable by the Planning Committee under application P2019/2290/FUL. Although there have been some changes to policy context since the previous resolution to grant, no changes to the Development Plan have been made which would alter the planning assessment of the loss of the training facility.
- 10.22 For the reasons outlined above, the loss of the already vacated training facility is considered acceptable as the proposal will replace this with office floorspace, which is a priority for the CAZ.

Principle of Office Floorspace

- 10.23 The proposal seeks to deliver 487sqm of office floorspace within the ground floor and the basement.
- 10.24 The NPPF 2021 outlines the overarching objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity. Chapter 6 of the NPPF states that planning 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.
- 10.25 London Plan Policy SD4 seeks to enhance and promote the unique international, national and London wide roles of the (CAZ), based on an agglomeration and rich mix of strategic functions and local uses. The nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.
- 10.26 London Plan Policy SD5 states that Offices and other CAZ strategic functions are to be given greater weight relative to new residential development in all other areas of the CAZ. This policy goes on to state that residential or mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ.
- 10.27 London Plan Policy E1 states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.
- 10.28 London Plan Policy E2 states that development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space.
- 10.29 London Plan Policy E3 sets out the circumstances where planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.
- 10.30 Islington Core Strategy Policy CS6 is a spatial strategy for the King's Cross key area that outlines the specific spatial policies for managing growth and change for this key area within the Borough. Part A of the policy indicates that York Way and Pentonville Road will be the principal locations 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.

- 10.31 Core Strategy Policy CS13 seeks to provide employment space for businesses in the borough. Part A of this policy relates to new employment floorspace and encourages new business floorspace within the CAZ and town centres where access to public transport is greatest, require new business floorspace to be flexible to meet future business needs and require a range of unit types and sizes (including those suitable for SMEs).
- 10.32 Development Management Policy DM5.1 states that within the CAZ, major development proposals with a net increase in office floorspace should also incorporate housing.
- 10.33 Policy DM5.4 requires that within Employment Growth Areas, major development proposals for employment space must incorporate an appropriate amount of affordable workspace.
- 10.34 Draft Local Plan Policy SP2 identifies the role of the CAZ, CAZ fringe and Kings Cross Priority Employment Location (PEL). This policy identifies that within these location existing business uses will be safeguarded and proposals for the intensification, renewal and modernisation of existing business floorspace is encouraged. Proposals for new business floorspace are required to maximise the provision of business floorspace. A broad range of business floorspace typologies are suitable within the Spatial Strategy Area, including Grade A offices, hybrid space, and co-working space.
- 10.35 Draft Local Plan Policy B1 states that in line with inclusive economy objectives, the Council will seek to cultivate a diverse and vibrant economic base through requiring development to provide a range of workspace types and unit sizes, which are affordable for a range of occupiers, including established and emerging enterprises, and SMEs. This policy identifies that new business floorspace will be focused in the CAZ and PELs.
- 10.36 Draft Local Plan Policy B2 states that new business floorspace will be directed to CAZ and Priority Employment Locations (PELs).
- 10.37 The application site lies in both the CAZ and a Priority Employment Location and the proposal would result in a net gain in office floorspace. While residential floorspace is proposed, this is in accordance with policy DM5.1 that requires the provision of residential floorspace. It is considered that the provision of office floorspace across the lower floors and residential above is acceptable in this case. The provision of Affordable Workspace in this case is not required as the commercial floorspace does not exceed 1000sqm.

Principle of Residential Floorspace

- 10.38 The London Plan supports the building of more homes through Policy GG4, which promotes the delivery of genuinely affordable homes and the creation of mixed and inclusive communities, with good quality homes that meet high standards. Policy GG2 requires development proposals to make the best use of land by enabling development on brownfield land well-connected by public transport and by applying a design-led approach to determine the optimum development capacity of sites.
- 10.39 The London Plan also supports increasing housing supply and optimising housing potential through Policy H1, which states that the potential for housing delivery on all suitable and available brownfield sites should be optimised.
- 10.40 Islington's Core Strategy (adopted 2011) supports the provision of high quality, inclusive and affordable homes, seeking to meet and exceed the borough housing targets (set by the Mayor of London). Whilst this policy (CS12) refers to following and not exceeding the densities level set in the London Plan, these measures have since been deleted from the current London Plan. Additionally, policy CS15 looks to provide inclusive spaces for

residents and visitors and create a greener borough by creating new open spaces particularly in those areas that currently have little or no open space locally.

- 10.41 Development Management Policies (2013) has a number of policies which are relevant to housing, community uses and open and green spaces. Housing policies seek to ensure that new housing is of good quality, with residential space and design standard so that Islington can deliver an appropriate mix of housing sizes that meet an identified need, at high density whilst also delivering sustainable development.
- 10.42 Part E of Policy DM5.1 states that Within the Central Activities Zone (CAZ) major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3 (now superseded). Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.
- 10.43 The Draft Local Plan Policy H1 states that high quality new homes are integral to achieving the aim of making the most efficient use of land and improving quality of life of residents. Furthermore, this policy states that Islington is committed to meeting and exceeding the boroughs minimum housing delivery target as set out in the London Plan.
- 10.44 The principle of a residential use on this site is therefore supported in policy terms and is considered acceptable in land use terms.

Affordable Housing

- 10.45 Islington's Core Strategy Policy CS12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 10.46 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of one or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit, which would accumulate to £450,000 for the nine units proposed.
- 10.47 The applicant has agreed to contribute the full sum of £450,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a S106 legal agreement.

Quality of Accommodation

- 10.48 London Plan Policy D6 requires housing development to be of high-quality design and provide adequately-sized rooms (in accordance with Table 3.1 in the London Plan) with comfortable and functional layouts, which are fit for purpose and meet the needs of Londoners without differentiating between tenures. The policy also requires qualitative aspects of a development to be addressed to ensure successful sustainable housing. Moreover, housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.

- 10.49 Finally, the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 10.50 Islington's Core Strategy policy CS12 advises that to help achieve a good quality of life for Islington residents, residential space and design standards will be significantly increased and enhanced from their current levels. Development Management Policy DM3.4 sets out the detail of these housing standards. Policy DM3.4 (part D (i)) states that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated.

Space Standards

- 10.51 Standard 24 of the Mayoral Housing SPG, policy D6 of the London Plan (2019) and table 3.2 of the Islington Development Management Policies describe minimum standards of private internal space for new developments.
- 10.52 The originally submitted plans showed two units with undersized bedrooms and Units 7 and 8 had no labelled storage. The plans were amended to resize the bedrooms so they were compliant with the space standards, and Units 7 and 8 were relabelled to show a compliant level of storage space. All proposed units provide a compliant level of internal floor area including sufficiently sized bedrooms and storage areas.

Private Amenity Space

- 10.53 Policy D6 (Housing quality and standards) states that in relation to private outside space: 'Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m'.
- 10.54 This minimum private open space requirement is also reflected in standards 26 & 27 of the London Housing SPG; Development Management Policies DPD Policy DM3.5; and Draft Local Plan Policy H5.
- 10.55 All residential units will have access to private amenity space in the form of winter gardens on the front elevation and balconies on the rear elevation. Winter Gardens are used on the front elevation as this elevation faces onto Pentonville Road which is a busy highway and therefore subject to greater noise and disturbance.
- 10.56 It is noted that although the majority of units benefit from sufficient private outdoor amenity space, the proposed 3 bedroom unit has a total area of 12sqm private amenity space. Although this complies with the national space standards, which has requirement of 5sqm for a 1-2 person dwelling and additional 1sqm per occupant, it will not comply with local policy DM3.5 Private Outdoor Space.
- 10.57 Policy DM3.5 requires a minimum of 30m² for family housing (three bedroom residential units and above). Although this is a shortcoming of the application, officers do note the narrowness of the site plot and its location of a busy road. The restricted size of the site limits the ability to deliver larger amenity areas without compromising the development potential of the site and the busy frontage makes it difficult to deliver high quality amenity space at ground floor level. It is also noted that the back of the site lies only metres from Joseph Grimaldi Park. This park benefits from open space and play equipment, making it ideal for use by families. It should also be noted that, although the proposal doesn't comply with local policy DM3.5, the draft Local Plan standard for private outdoor space as outlined

in Policy H5 reflects the national space and Housing SPG standard which the proposal does comply with.

Other quality considerations

- 10.58 With the exception of Units 2 and 5, all units will be either dual or triple aspect. Although these two units will be single aspect, they incorporate large window openings, a southern aspect and due to there is no opportunity for the amalgamation of these units to provide an appropriately sized unit with dual aspect. The units are appropriately stacked, with similar uses above each other, avoiding noise and disturbances to bedrooms. In advance of the application being submitted, the applicant liaised with Inclusive Design Officers to respond to suggested amendments to the layout. This included relocating the lift to avoid disturbance to the bedrooms of proposed residential uses.

Dwelling Mix

- 10.59 The NPPF speaks of the importance of ensuring that the size and type of new housing meets local need. London Plan Policy H10 states that schemes should generally consist of a range of unit sizes, having regard to local evidence of need, the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types at different price points across London, the mix of uses in the scheme, the range of tenures in the scheme, the nature and location of the site, the aim to optimise housing potential on sites, the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock and the need for additional family housing and the role of one and two bed units in freeing up existing family housing.

- 10.60 Islington Core Strategy Policy CS 12 Meeting the housing challenge Islington will meet its housing challenge, to provide more high quality, inclusive and affordable homes by:

Requiring a range of unit sizes within each housing proposal to meet needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing, and resisting the loss of existing units that are appropriate for the accommodation of families.

- 10.61 Islington's Local Plan: Development Management Policies 2013 - Policy DM3.1 Mix of housing sizes states that:

A. All sites should provide a good mix of housing sizes.

B. To ensure the range of housing sizes needed in the borough is provided, the housing mix required on all residential developments will be based on Islington's Local Housing Needs Assessment, and the requirements of any updated housing needs surveys and/or assessments prepared by or on behalf of the council.

- 10.62 The proposal will deliver four x 1 bedroom units, four x 2 bedroom units and one x 3 bedroom unit.

- 10.63 These are market units, and local policy identifies 2 bedroom units as being most in need for market properties. The proposal will provide 4 units of this size. The proposal will provide a good range of sizes and, as such, the unit mix is supported.

Design and Appearance

- 10.64 Quality of design lies at the heart of the planning system and is stressed at Chapter 12 of the NPPF (Achieving well-designed places). It states 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. The NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Further it 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.

- 10.65 Chapter 12 of the NPPF states that Local Planning Authorities should have access to, and make appropriate use of, tools and processes for assessing and improving the design of development.
- 10.66 These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. It is advised that Local Planning Authorities have regard to the outcome of these processes and recommendations made by the design review panels in assessing applications.
- 10.67 The London Plan, through Chapter 3 (Design) sets out its support for high quality architecture and public realm, which responds to local context by delivering buildings that are positioned and of a scale, appearance and shape that response to the identify and character of the locality.
- 10.68 London Plan Policy D3 states that development proposals should;

Form and layout

- 1) 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*
- 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area*
- 3) be street-based with clearly defined public and private environments*
- 4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users*

Experience

- 5) achieve safe, secure and inclusive environments*
- 6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest*
- 7) deliver appropriate outlook, privacy and amenity*
- 8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity*
- 9) help prevent or mitigate the impacts of noise and poor air quality*

10) achieve indoor and outdoor environments that are comfortable and inviting for people to use Quality and character

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

12) 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

13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy

14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.

10.69 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity.

10.70 Development Management (2013) Policy DM2.1: Design states all forms of development are required to be of high quality, 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.

10.71 The site is not located within or adjacent to a Conservation Area nor are there any statutory listed building on or adjacent. Nos.166-170 Pentonville Road are locally listed.

10.72 Draft Local Plan Policy (2019) PLAN1: Site appraisal, design principles and process states that all forms of development are required to be of a high quality and make a positive contribution to local character, legibility and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. This policy outlines the high quality design expectations which proposals will need to meet.

Height and Massing

10.73 The proposal seeks to add an additional floor to that of the scheme previously resolved to be granted (planning reference: P2019/2290/FUL) to the front element of the site, facing onto Pentonville Road. This has been carefully designed and, given the steeply sloping nature of the street, responded to with a stepped terrace form, this new build element will read as being of an appropriate, and remaining lower than the end of terrace property at 176 Pentonville Road.

10.74 The applicant has now provided imagery with the application documentation demonstrating the resulting visual impact. This demonstrates that this is a successful insertion of additional height and mass in this location.

10.75 The proportions of the courtyard element, located between the front and rear building elements, are now appropriate with sufficient distances between homes to create an acceptable residential environment and privacy as well as enabling acceptable levels of sunlight and daylight penetration. The designs are now considered to accord with the

guidance within the Council's Urban Design Guide SPD which stresses the importance of achieving the right relationship between the buildings and the streets, as well as the spaces they flank – para 5.68.

10.76 The design guide states, in para 5.69, that new development should:

- complement and relate to the prevailing townscape
- have regard to the land uses either side of the street and their sensitivity in relation to overlooking and overshadowing
- avoid creating overlooking or overshadowing problems for neighbouring properties.

10.77 Alterations to the roof lines are recognised as being highly sensitive and as such Islington's UDG stresses the need for caution when considering alterations and states, in para 5.86, that changes will be considered unacceptable if they:

- adversely impacts on views and on typography
- adversely impacts on the character of open space or the public realm
- adversely impacts on the architectural integrity and quality of the existing or neighbouring buildings
- would be out of scale with its neighbours

10.78 The scheme design is now considered to be in compliance with this detailed guidance.

Basement Development

10.79 The basement proposed is considered to be proportionate to the site and is of a similar size to the existing basement, in compliance with draft Local Plan Policy DH4. Neither the basement nor the proposed lightwell will either compromise the architectural quality of the proposal or the character or amenity of the area. By reason of distance and the quality of the proposal, it will not have an impact on the nearby locally listed building.

Materiality

- 10.80 The proposal uses the following materials: London Stock multi-brick, stone cladding, profiled terracotta spandrels to the front elevation, decorative metal Juliette and balcony railings to the rear and courtyard elevations, and powder coated aluminium framed glazing.
- 10.81 The proposed materials palette is considered to be suitably robust and in keeping with the character of the area. To ensure the materiality of the proposal is of the highest quality a condition is attached requiring samples of the materials to be submitted to and approved in writing by the Local Planning Authority (see condition 6).

Impact on heritage assets

- 10.82 To the west of the site is locally listed building, 166 to 170 Pentonville Road.
- 10.83 Special regard was given to the Register of Locally Listed Buildings and Locally Significant Shopfronts (April 2010). This document identifies this building as being part of a pair of four storey late Victorian tenements, symmetrically placed astride Affleck Street, with yellow stock brick with red brick arches and spandrel panels. The ground floor has a modern shop front and heavy rendered cornice to front and side street elevations.

- 10.84 The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.85 Noting the separation of the site to the locally listed building of 20 metres to the west of the site and the appropriate scale, high quality design and materiality of the development, it would not detrimentally harm the significance of this locally listed heritage asset.

Design conclusion

- 10.86 The design, as proposed in this application, demonstrates a significant improvement to that presented under previous application P2021/2220/FUL and is considered appropriate to the application's setting.

Accessibility and Inclusive Design

- 10.87 London Plan Policy D7: Accessible housing requires that proposals provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:
- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
 - 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 10.88 Policy DM2.2 of the Islington Development Management Policies requires all development to demonstrate 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.
- 10.89 To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 10.90 A lift to the central core of the building allows for level access to all of the floors for wheelchair users, whilst both entrances to the building at ground floor are level access. The dimensions of the lift are considered accessible.
- 10.91 As part of the assessment of the application, the Council's Accessibility Officer was consulted and raised no objection.

Neighbouring Amenity

- 10.92 Chapter 12 of the NPPF details that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. With specific regard to daylight and sunlight, the NPPF states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.
- 10.93 London Plan Policy D1 states that development design should deliver appropriate outlook, privacy and amenity. London Plan Policy D9 states that the design of development should

provide sufficient daylight and sunlight for new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outdoor space. London Plan Policy D13 seeks to reduce, manage and mitigate noise to improve health and quality of life.

Daylight and sunlight: assessment guidelines

- 10.94 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.
- 10.95 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]'.
- 10.96 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.97 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 is 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.
- 10.98 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

- 10.99 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)."

- 10.100 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."

- 10.101 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

10.102 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”.

10.103 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.

Sunlight Guidance

10.104 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 degrees 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.”*

10.105 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.”

10.106 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”.

10.107 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

10.108 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’.

10.109 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.”

Daylight and Sunlight: Assessment

10.110 The applicant submitted alongside the application a daylight and sunlight assessment prepared by GL Hearn, titled: Update – Daylight and Sunlight Report – dated: 11th February 2022. This report considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines. This report was found to have omitted some key details regarding the assessment, including providing no details about overshadowing levels of neighbouring gardens and amenity spaces. As such, at the request of officers, a revised Daylight and Sunlight Assessment was submitted.

10.111 The following properties were assessed:

- 162-164, 166, 168, 172, 176, 180 Pentonville Road
- 3, 5, 7 and 9 Cumming Street,
- 1-27 Hales Prior, Calshot Street
- Foxcroft House, Penton Rise

10.112 The table below identifies where the proposal will contravene BRE guidelines

Daylight – proposed scheme		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room/ Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
164 C Pentonville Road								
Lower Ground R1/W1	Kitchen/ Dinner	4.72	4.17	12%	25.35	3.64	2.51	31%
Lower Ground R1/W2		3.78	2.35	38%				

Ground R1 / W1	Living Room	10.09	7.09	30%	14.99	12.00	8.28	31%
Unit 2 162 Pentonville Road								
First Floor R1 / W1	LKD	29.21	25.73	12%	9.8	9.33	8.22	12%
First Floor R1 / W2		15.53	15.53	0				
First Floor R1 / W3		8.81	5.88	33%				
3 Cumming Street								
Ground R1 / W1	Living Room	18.32	15.33	16%	26.19	19.30	15.51	30%
Ground R1 / W2		18.61	16.54	11%				
First Floor R1 / W1	Bedroom	16.31	13.61	15%	12.87	9.55	7.31	23%
First Floor R2 / W2	Bedroom	16.46	14.56	12%	12.87	9.10	6.90	24%

10.113 164C Pentonville Road: This property lies to the west of the site. This property is a single aspect maisonette, located to the rear of Pentonville Road. Window W2 serving room R1, Lower Ground (kitchen/dinner) experiences a loss of 38%. Window W1 serving the living room experiences a loss of 30%. The windows servicing this unit open onto a small courtyard area within a rear lightwell to the building. This arrangement is already restricting to daylight, with low levels meaning any change to the level of light received is proportionally larger in assessment terms.

10.114 162 Pentonville Road adjoins the western boundary of the site. Although this window experiences impact, this is less than compared to the previous scheme that is subject to a resolution to grant (planning reference: P2019/2290/FUL). Although the extent of the reduction to VSC is notable, the daylight distribution to this room would remain in accordance with the BRE Guidelines. Given this and the dense urban local built form and the currently undeveloped nature of the site, on balance, this impact is considered acceptable.

10.115 3 Cumming Street: This is the two storey dwellinghouse which lies on the western boundary of the application site. Daylight distribution shows that three rooms would have transgressions. Two of the rooms are bedrooms, where the BRE notes there is less requirement for light. Although the living room will experience a reduction of 30%, which is a notable reduction, on balance given the dense urban form of the local area and underdeveloped nature of the site, this level of impact is considered acceptable on balance. Furthermore, the reductions to VSC to these rooms are within allowances of the BRE Guidelines.

10.116 In conclusion, for the reasons noted above and that the level of transgression to this limited number of rooms/windows is not significant, it is considered to be acceptable in this case. The site is currently undeveloped, being occupied by a single storey building when the adjoining buildings fronting Pentonville Road range from 4 to 5 storeys. To deliver an acceptable level of development on site there will be impact on daylight and sunlight.

Impacts to Sunlight

10.117 The submitted report and addendum, following the revised proposal, indicates that no neighbouring windows would fail BRE guidance criteria for sunlight.

Overshadowing

- 10.118 The submitted report and addendum for 21st March indicates that all neighbouring amenity space would comply with BRE guidance criteria with the exception of two neighbouring properties, Nos. 3 and 5 Cumming Street. The impact on these two properties when modelled on 21st March are assessed below:
- 10.119 3 Cumming Street adjoins the western boundary of the application site. This property has a rear garden area of 70.55 sqm and currently receives sunlight to 16% (11.23sqm) of this garden space on 21st March. As such, the garden significantly fails BRE Guidance criteria as existing and as such, any change to this already low figure is disproportionately high. The proposed development would reduce the sunlight the garden receives on 21st March to 1% (0.81sqm), a reduction of 93%. Although the proposal will result in a significant loss of sunlight to this neighbouring garden, it is considered that any reasonable development of this currently low level site would have similar impacts and that the existing low levels are as a result of the existing back to back layout of these units.
- 10.120 5 Cumming Street lies to the west of the application site, and is separated from the application site by 3 Cumming Street. This property has a garden with an area of 61.4 sqm. The garden currently receives sunlight to 5% of the garden (3.06sqm). As such, the garden significantly fails BRE Guidance criteria as existing. The proposed development would reduce the sunlight the garden receives on 21st March to 2% (1.12 sqm), representing a loss of 63%. Although the proposal will result in a significant loss of sunlight to this neighbouring garden, it is considered that any reasonable development of this currently low level site would have similar impacts and that the existing low levels are as a result of the existing back to back layout of these units.
- 10.121 The impact of the proposal on these two garden areas is notable and the proposal will have a negative impact. It is important, however, to note that the extent of the loss of sunlight to these gardens is so marked due to the existing significant level of overshadowing they receive from buildings of up to 4-5 storeys on Pentonville Road. Due consideration must be given to the dense, urban character of the site. Also, the existing site is significantly under-developed, and delivering a form and height of building which is comparable with the built form of adjoining Pentonville Road properties will lead to impacts to the gardens of 3 and 5 Cumming Street. Therefore, on balance, while the impact of the proposal on overshadowing levels to these two gardens is acknowledged to be harmful and a notable negative of the proposal, on balance this does not outweigh the benefits of effectively redeveloping the site to provide much needed additional office space within the CAZ and 9 residential units.

Outlook/Overbearing Impact

- 10.122 There are no windows in the side elevation of the block of flats which will directly adjoin the eastern boundary of the site, No. 156 Pentonville Road. The main front and rear elevations are in line with those of No. 156 Pentonville Road. As such, the impact to this block in terms of loss of outlook will purely be from the projecting balconies on the rear elevation. As the balconies on the front elevation are recessed, there will be no loss of outlook from these. The balconies on the rear elevation will directly adjoin the rear western boundary of No. 156. By reason of the balconies modest projection and the fact that the windows serving the rear elevation of the flatted properties of No. 156 are set off the boundary, the impact of these projecting balconies in terms of outlook is considered to be acceptable.
- 10.123 In regard to the neighbouring properties to the west, the proposal will be in line with the front elevations of adjoining properties No. 162 Pentonville Road and 3 Cumming Street. There will, however, be an increase in height on site which would be noticeable from the

south and north, and neighbouring properties to the west (particularly adjoining properties No. 162 Pentonville Road and 3 Cumming Street). However, residential properties to the west do not directly face the proposed building, which reduces the degree of impact. Views towards the application site from all properties to the west would be oblique.

- 10.124 The proposed building will be visible from the rear gardens and rear windows of 3 - 9 Cumming Street and unobscured rear windows between 162-164 Pentonville Road. Whilst the increase in height and mass to the subject site would be noticeable from the rear gardens, rear windows within these properties would retain adequate outlook as they do not directly face the site. Given the set-back of the proposed building within the centre of the site, it is not considered to unduly worsen the sense of enclosure to the rear of neighbouring properties. It should be noted that a building of up to four storeys was resolved to be granted by the Planning Committee at this site under application - P2019/2290/FUL. Although this most recent proposal does present an additional storey, this additional massing is considered minor when compared to the previously approved 4 storey built form.
- 10.125 The proposal is therefore not considered to give rise to unacceptable loss of outlook from an increased sense of enclosure. Any loss of outlook is largely driven by the urban context of the site and the currently under-development of the application site. The proposed lightwell on the western boundary will provide some relief to the adjoining properties.
- 10.126 On balance, although there will be some loss of outlook and overbearing impact to the neighbouring properties on the western boundary, the extent of this impact, coupled with the urban context of the site and the benefits of the proposal, means that this impact is not unacceptable.

Privacy

- 10.127 The aforementioned policies above identify that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy, consideration has to be given also to the nature of views between 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 harm.
- 10.128 The windows in the front elevation face onto Pentonville Road. The northern elevation faces onto the side elevation of block of flats Manneby Prior. This neighbouring elevation has only one window at a distance of circa 15 metres, which is effectively over a highway.
- 10.129 The eastern boundary of the site is a solid wall which attaches directly onto the side elevation of the adjoining block of flats. The only part of the development which would impact on privacy levels of this adjoining block is the balconies on the rear elevation. The design of these have undergone significant review from both design and planning officers to ensure that the sides of the balconies are solid enough to maintain an appropriate level of privacy for neighbouring occupiers.
- 10.130 In regard to properties to the west of the site, there are windows of the proposed units which open up into the lightwell. With the exception of the windows serving the stairwell and corridors, the windows will be looking north or south in the direction of the opposing wall of the development. As such, these windows will not result in direct overlooking. To safeguard neighbouring privacy, a condition is attached requiring that the windows in the side elevation are obscure glazed (see condition 14).

- 10.131 A condition has been attached (condition 15) which prevents flat roofs of the proposed building being used for amenity space. This is to safeguard the privacy of neighbouring properties.

Noise and disturbance

- 10.132 The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers given the existing lawful use has the potential to generate more noise and disturbance when compared to office use. As part of the assessment of the application, the Council's Environmental Health Team were consulted. A key area of their assessment was whether the proposal could cause any noise and disturbance. It was identified that the proposed roof level plant was a potential source of noise. A condition was attached restricting the noise level of this to safeguard the amenities of future residents and neighbouring properties (see condition 10). In addition to this, a condition was also attached requiring a sound insulation strategy for office and residential uses (see condition 11).
- 10.133 Furthermore, the site makes use of the two existing entrances to the site for business use, it is not considered that the level of pedestrian activity that these arrangements would generate would give rise to any discernible increase in the level of noise, disturbance, litter or antisocial behaviour for local residents.
- 10.134 All servicing for the building would be carried out towards the rear onto Cumming Street, alongside the existing servicing location of the adjoining 156 Pentonville Road (Lambros House). This arrangement is considered appropriate.

Impact on Neighbouring Amenity: Conclusion

- 10.135 The proposal will result in the development of a currently under-developed site. As such, the proposal will deliver a notable increase in massing and building height on site, which will in turn have a greater impact on neighbouring amenities when compared to the existing built form. The level of impact is considered to not present an unacceptable impact.

Transport and Highways

- 10.136 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.
- 10.137 London Plan Policies T1, T2, T3, T4, T5, T6 and T6.1 seek for all new development to identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently and streets are greener and more pleasant. Adding to this, policies also set out requirements for levels of on-site vehicle parking, cycle parking and for servicing.
- 10.138 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport, but with provision made for disabled persons parking bays. London Plan Policy T7 states that seeks to ensure that development proposals facilitate safe, clean and efficient deliveries and servicing.
- 10.139 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.

- 10.140 Draft Local Plan Policy T1: Enhancing the public realm and sustainable transportation requires that applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed. This policy goes on to state that all new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.
- 10.141 The application site has a PTAL of 6b, which is considered 'excellent', due to the numerous bus links along Pentonville Road and proximity to Angel and Kings Cross stations.
- 10.142 The application site is located within a Controlled Parking Zone (CPZ) 'Zone B', which operates weekdays between 08:30 – 18:30 and on Saturdays between 08:30 – 13:30.

Servicing, deliveries and refuse collection

- 10.143 The site as existing has a very narrow vehicular access from Cumming Street. This open area is to be built over as part of the proposed development. The proposed development would continue to be serviced on-street from Cumming Street. One delivery trip per day is predicted for the proposed development (office use).
- 10.144 Servicing and deliveries cannot take place on Pentonville Road due to being part of the TLRN (with double red lines) and the bus stop located to the front of the site.
- 10.145 Concerning the hours of delivery, a condition is recommended (condition 21) requiring details of a finalised Delivery and Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

Vehicle parking

- 10.146 The proposal will be a car-free development, which is secured via the S106. This will restrict future residents, with the exception of blue badge holders, of the proposed residential units from applying for parking permits.
- 10.147 Given the site's constraints in providing for on-site parking, a financial contribution in lieu of wheelchair accessible parking is considered acceptable. This is proposed to be secured via legal agreement.

Cycle Parking

- 10.148 Cycle parking for the office floorspace is required to be provided at a rate of one space per every 80 square metres of new office (B1a) floorspace and needs to be secure, covered, conveniently located and step free. The Draft Local Plan requires that this standard is 1 per 75sqm of office floorspace.
- 10.149 Residential development should provide dedicated long-stay parking space for cycles in accordance with the London Plan and guidance in the London Cycling Design Standards:
- One long-stay space per studio or one bedroom (one-person) dwelling;
 - One and a half long-stay spaces per one bedroom (two-person) dwelling;
 - Two long-stay spaces per two or more bedroom dwelling.
- 10.150 The proposal provides two cycle parking areas within the ground floor of the building. For the residential part of the proposal, 14 cycle parking spaces will be provided in addition to 2 accessible cycle parking spaces. For the office 7 cycle spaces are provided in addition to one accessible space. This meets policy requirements and a condition has been

attached requiring that the cycle store is implemented as approved on the ground floor plan (condition 13).

Local Level Travel Plan

- 10.151 A local level travel plan and monitoring for this will be secured via condition and S106.

Energy and Sustainability

- 10.152 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 10.153 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.
- 10.154 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.
- 10.155 Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.156 Islington's Draft Local Plan Policy: S3 Sustainable Design Standards outlines that all non-residential and mixed-use developments proposing 500sqm or more net additional floorspace are required to achieve a final (post-construction stage) certified rating of Excellent as part of a fully fitted assessment within BREEAM New Construction 2018 (or equivalent scheme), and must make reasonable endeavours to achieve an Outstanding rating. A 'verification stage' certification at post occupancy stage must also be achieved, unless it can be demonstrated that this is not feasible.
- 10.157 Accompanying this application was a Sustainable Design and Construction Statement prepared by Apex Capital Partners.
- 10.158 The key target which would be applied in this case is that the residential element should achieve a 19% reduction in regulated emissions, against a Part L 2013 baseline. As part of the assessment of the application, the Council's Sustainability Team were consulted. They confirmed that the required 19% reduction in regulated emissions is being met.
- 10.159 Furthermore, on reviewing the remainder of the energy statement and the overheating analysis, Sustainability Officers raised no objections to the proposal.
- 10.160 Due regard has been given to Islington's Planning Obligations (S106) SPD (2016). This outlines the carbon offset formula used to determine carbon offsetting contributions. The SPD gives an alternative definition for major developments as delivering either at least 10 residential units or 1000sqm of commercial floorspace.

- 10.161 Although the proposal is a major as defined by Town and Country Planning (Development Management Procedure) (England) Order 2015 which defines majors as having a floor area of 1000sqm, in terms of identifying the appropriate carbon contribution this proposal is not a major as defined by this part of the SPD.
- 10.162 As such, the carbon offset contribution will be applied to the residential element only and based on a fixed fee of £1,000 per flat, so £9,000 in total. This is secured via S106.
- 10.163 The proposal will deliver two areas of photovoltaic panels on the roof, totalling 54sqm. A condition has been attached which requires that these are implemented as demonstrated on the approved roof plan (condition 20).
- 10.164 A condition has been attached requiring that prior to occupation of the relevant building evidence shall be submitted to the Local Planning Authority for approval in writing to show that the development will achieve a BREEAM rating of Excellent (condition 19).
- 10.165 Subject to the conditions and S106, the proposal will comply with sustainable development objectives as required by the Development Plan.

Waste Management

- 10.166 Sufficient Waste storage facilities should be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, for major developments, details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores. Draft Local Plan policy ST2: Waste states that development proposals must provide waste and recycling facilities which: (i) fit current and future collection practices and targets; (ii) are accessible to all; (iii) are designed to provide convenient access for all people, helping to support people to recycle; and (iv) provide high quality storage and collection systems in line with Council guidance.
- 10.167 A refuse and recycling storage area is proposed to the rear of the building. It would be located within an 'open-air gated courtyard' which can be accessed from the rear of the building and also from Cumming Street to allow for easy access for waste collectors.
- 10.168 The location and provision for refuse and recycling is considered acceptable and it should be in place prior to occupation of the development, as secured via condition 12.

Biodiversity

- 10.169 Chapter 15 of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 10.170 London Plan Policy G6: Biodiversity and Access to Nature states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. Policy G6 goes on to state that proposals which reduce deficiencies in access to nature should be considered positively.
- 10.171 Core Strategy Policy CS15: Open Space and Green Infrastructure outlines the requirement to protecting and enhance biodiversity across the borough and addressing deficiencies in access to nature.

- 10.172 Policy DM6.5: Landscaping, trees and biodiversity states that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 10.173 The application was accompanied by the Preliminary Ecology Appraisal prepared by Apex Capital Partners Limited – dated February 2022.
- 10.174 This report identifies that introduced shrubs, buildings and hardstanding were the habitats are found on the application site. The site lies within a highly urbanised area of Central London. To the east of the site is Joseph Grimaldi Park, a small area of greenspace with trees. It is understood that nesting birds could make use of the flat roof and introduced shrubs on site.
- 10.175 The report sets out key recommendations for protecting and preserving biodiversity on site. In regards of nesting birds, if clearance works are required to the introduced shrubs, then they should be performed either before early March or after late August in order to avoid the main bird nesting season; and if, clearance works are deemed necessary during the nesting period an experienced ecologist will be required to check the Site habitats immediately prior to works commencing to confirm that no nesting birds will be affected.
- 10.176 In terms of bats, the detailed lighting design on site should be designed to be functional and directional and in line with current guidance.
- 10.177 Whilst no invasive species were identified during the survey, any contractors involved in clearance activities should remain vigilant. If suspected invasive species are found, these will be examined by a suitably qualified botanist, and if confirmed as invasive, their location will be mapped and they will be suitably disposed of to prevent their spread away from the site.
- 10.178 A condition has been attached which requires that the recommendations of this report are carried out to ensure any on-site biodiversity is protected (condition 16).

Protection of Trees

- 10.179 It is noted that there is a tree in the garden of No. 3 Cumming Street. This tree is not subject to a Tree Preservation Order, but has biodiversity and amenity value and should be protected. A condition (number 24) has therefore been attached requiring that a scheme for the protection of retained trees should be submitted to and approved by the Local Planning Authority.

Proposed biodiversity/greening measures

- 10.180 The proposal will include a tiered lightwell to the boundary where it is proposed to install a tiered green wall system. Given the orientation this is likely to be planted with hardy ferns and other low light tolerant species
- 10.181 The applicant also proposes a green roof. The Council Sustainability Officers recommend that blue roof attenuation can be provided within the green roof areas and under the solar panels if roof loading accommodates it. This will also have the potential to improve the UGF score.

- 10.182 A condition is attached requiring that details of this green/blue roof and the green wall are submitted to and approved by the Local Planning Authority alongside their maintenance plan. This is to ensure that these features are of good quality, will make a meaningful contribution to on-site biodiversity and greening and will be maintained in the future.

Urban Greening Factor

- 10.183 London Plan Policy G5 Urban Greening sets out the expectation for major development proposals to 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. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments.
- 10.184 The UGF should be based on the factors set out in Table 8.2 of the London Plan, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).
- 10.185 Draft Local Plan Policy G1 Green Infrastructure requires that Islington major developments are required to conduct an Urban Greening Factor (UGF) assessment in accordance with the methodology in the London Plan. Schemes must achieve an UGF score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.
- 10.186 The proposal is able to achieve a UGF score of 0.178. This is below the target of 0.4. Although this is a failing of the proposal, officers do consider that due regard must be given to the site's constraints, which limit the ability to add more greenery on the site. At present, the site has no ecological value, so the greening measures proposed – a green roof, tree planting and a green wall – represent a notable enhancement in this regard.

Air Quality

- 10.187 Chapter 15: Conserving and Enhancing the Natural Environment requires that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 10.188 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.
- 10.189 Draft Local Plan (2019) Policy S1: Delivering Sustainable Design states that all new development must be designed, constructed and operated to limit contribution to air pollution and to improve air quality as far as possible, as well as reducing exposure to poor air quality, especially among vulnerable people.
- 10.190 The whole of the borough of Islington has been designated by the council as an Air Quality Management Area.
- 10.191 It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Demolition and Construction Management Plan (DCMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 3. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Further, emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.192 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 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 10.193 A Section 106 legal 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:
- Affordable Housing: A contribution of £450,000.00 towards the provision of affordable housing elsewhere in the borough
 - Construction Management Plan and Monitoring: in adherence to the Council's Code of Practice for Construction Sites, the provision of a Construction Management Plan, and a monitoring contribution of £2800 (calculated at 9 residential units x £200, and 487sqm of office floorspace – rounded to 500sqm – calculated at 5 x £200)
 - Highways Reinstatement: agreement from the developer to cover the cost of reinstating any highway damaged by the developer during the construction works
 - Carbon Offset: SPD formula seeks a contribution of £1000 per residential unit – total contribution required is £9000
 - Green Performance Plan: to be submitted and approved prior to the proposed use being occupied
 - Accessible Parking Bay: there will be an uplift of 29 on-site workers, which generates a requirement for one disabled bay. A contribution will be provided in lieu of the disabled bay required.
 - Car free development
 - 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.
 - Local Level Travel Plan - Monitoring and annual review of the Travel Plan associated with proposal payable on completion of the legal agreement.
- 10.194 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

11. SUMMARY AND CONCLUSION

- 11.1 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.

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Affordable Housing: A contribution of £450,000.00 towards the provision of affordable housing elsewhere in the borough
- Construction Management Plan and Monitoring: in adherence to the Council's Code of Practice for Construction Sites, the provision of a Construction Management Plan, and a monitoring contribution of £2800 (calculated at 9 residential units x £200, and 487sqm of office floorspace – rounded to 500sqm – calculated at 5 x £200)
- Highways Reinstatement: agreement from the developer to cover the cost of reinstating any highway damaged by the developer during the construction works
- Carbon Offset: SPD formula seeks a contribution of £1000 per residential unit – total contribution required is £9000
- Green Performance Plan: to be submitted and approved prior to the proposed use being occupied
- Accessible Parking Bay: there will be an uplift of 29 on-site workers, which generates a requirement for one disabled bay. A contribution will be provided in lieu of the disabled bay required.
- Car free development
- 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.
- Local Level Travel Plan - Monitoring and annual review of the Travel Plan associated with proposal payable on completion of the legal agreement.

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

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 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
	<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 and documents list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p><u>Plans:</u></p> <p>Proposed Basement & Ground Floor – drawing number: 4962/PA/10C – dated: 17/03/2022</p> <p>Proposed Upper Floors – drawing number: 4962/PA/11C – dated: 15.03.2022 – submitted: 23.03.2022</p> <p>Proposed Roof Plan – drawing number: 4962/PA/12B – dated: 24.02.2022</p> <p>Proposed Residential Layouts Unit 01, 02, 04, 05, 07, 08 – drawing number: 4962/PA/13A – dated: 24.02.2022</p> <p>Proposed Residential Layouts Unit 03, 06, 09 – drawing number: 4962/PA/14B – dated: 24.02.22</p> <p>Proposed Materials – drawing number: 4962/PA/31A – dated: 22.02.2022</p> <p>Proposed Elevations – drawing number: 4962/PA/20A – dated: 22.02.2022</p> <p>Proposed Section AA and West Elevation – drawing number: 4962/PA/22 – dated: 11.02.2022</p> <p>Proposed Section BB, Section CC and Section DD – drawing number: 4962/PA/21 – dated: 11.02.2022</p> <p>Existing and Proposed Street Elevation – drawing number: 4962/PA/30 – dated: 11.02.2022</p> <p><u>Documents:</u></p> <p>158-160 Pentonville Road Fire Statement – dated: 25.02.2022 – prepared by: Marshall Fire</p> <p>Fire Strategy Comments – dated: 25.02.2022 – prepared by: Marshall Fire</p> <p>Air Quality Assessment – dated: 7th May 2021 – prepared by: Apex Capital Partners Ltd</p> <p>Construction Management Plan – Version: 2.0 – dated: 10.02.22 – prepared by: entram</p> <p>Construction Waste Management Plan – Version: 2.0 – dated: 10.02.22 – prepared by: entram</p> <p>Daylight and sunlight</p> <p>Design and Access Statement -</p> <p>Flood Risk Assessment & Drainage Strategy Report – document number: C2164-R1-REV-A - dated: July 2019 – prepared by: Nimbus Engineering Consultants</p> <p>FRA & Drainage Report Supplementary Statement – dated: 11.02.22 – prepared by: Apex Capital Partners Ltd</p>

	<p>Planning Noise Assessment – Acoustics Report A1721 R01b – dated: 24.03.22 – prepared by: ion acoustics</p> <p>Office Market Assessment & Economic Regeneration Statement Version 2 – dated: July 2021 – prepared by: Savills</p> <p>Overheating Assessment – BRUKL Output Document – Pentonville Offices – dated: 05.05.21</p> <p>Technical Note: Cycle Parking Design & Management Plan - Version: B – dated: 11.02.22</p> <p>Planning Obligations Statement – dated: February 2022 – prepared by: Centro Planning Consultancy</p> <p>Planning Statement – dated: February 2022 – prepared by: Centro Planning Consultancy</p> <p>Preliminary Ecological Appraisal – dated: February 2022 – prepared by: Apex Capital Partners</p> <p>Phase 1 Desk Study – dated: June 2021 – prepared by: Apex Capital Partners Limited</p> <p>Structural Method Assessment – Revision P2 – Dated: May 2021 – prepared by: ads consultancy</p> <p>Sustainable Design and Construction Statement – dated: 7th May 2021 – prepared by: Apex Capital Partners Limited</p> <p>Transport Statement – Version: D - dated: February 2022 – prepared by: Apex Capital Partners Ltd</p> <p>Utilities and Foul Sewerage Statement – Revision: P2 – dated: May 2021 – prepared by: XCO2 for Apex Capital Partners Ltd</p> <p>Urban Greening Factor Calculator – submitted: 23.03.2022 – prepared by: Centro Planning Consultancy</p> <p>Reason: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Demolition and Construction Management Plan</p> <p>CONDITION: Prior to commencement of works a Demolition, Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ul 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 debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;

	<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, 09.30-13.00 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 on Pentonville Road and Cumming Street 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/user-nrmm/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 DCMP.</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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
4	Detailed Drainage Design
	<p>CONDITION: Prior to commencement of works, details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of sustainable drainage system in accordance with the principles as</p>

	<p>set out in London Plan Policies SI 13. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme would achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times. The drainage system shall be installed/operational prior to the first occupation of each phase of the development. The details submitted should also include a management and maintenance programme. 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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission</p>
5	<p>Design and Method Statement for Underground/Foundation Works</p> <p>CONDITION: The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> • provide details for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), • accommodate the location of the existing London Underground structures and tunnels-provide Ground Movement Assessment • accommodate ground movement arising from the construction thereof - provide details of load change on our assets • 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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
6	<p>Samples of Materials</p> <p>CONDITION: No above ground works shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This will include the preparation of a sample brick panel on site.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.</p>
7	<p>Architectural Details</p>

	<p>CONDITION: No above ground works shall commence unless and until detailed specifications including drawings (plan/section/elevation) at a minimum scale of 1:20 of the following details have been submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> a) Winter gardens and balconies including privacy screens, concertinas, balustrading and soffits b) Parapets c) Rainwater pipes, gutters d) Windows including sills and lintels e) Doors including individual, communal and refuse store entrances. <p>Reason: High quality and well-considered detailing is fundamental to the success of the development and must be considered and approved by the Local Planning Authority prior to above ground works occurring</p>
8	<p>Impact on Thames Water Assets</p> <p>CONDITION: No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.</p> <p>Reason: The proposed works will be in close proximity to an underground strategic water main, utility infrastructure. The works have the potential to impact on local underground water utility infrastructure.</p>
9	<p>Sound Insulation</p> <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: To ensure that an appropriate standard of accommodation is provided.</p>
10	<p>Fixed Plant (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAf90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014+A1:2019.</p>

	Reason: To ensure that an appropriate standard of accommodation is provided.
11	Sound insulation strategy – office and residential uses
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: To ensure that an appropriate standard of accommodation is provided.</p>
12	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plan - Proposed Basement & Ground Floor – drawing number: 4962/PA/10B – dated: 15/03/2022 - 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>
13	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 as shown on approved plan Proposed Basement & Ground Floor – drawing number: 4962/PA/10B – dated: 15/03/2022 - and maintained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	Obscured Glazing (Compliance)
	<p>CONDITION: The hereby approved development shall not be occupied until all glazing to the west elevation at first floor and above, have been obscure glazed and either fixed shut or with 150mm opening restrictors. The development shall be maintained as such thereafter.</p> <p>Reason: To safeguard the amenities of the adjoining residential units.</p>
15	No use of flat roofs (Compliance)
	<p>CONDITION: The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>Reason: To ensure that the amenity of residents is not adversely affected.</p>
16	Green/Blue Roof Details and Maintenance Plan
	<p>CONDITION: Details of the biodiversity (green/blue) roofs as shown on plan 'Proposed Roof Plan – drawing number: 4962/PA/12B – dated: 24.02.2022' shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green) roofs shall be:</p>

	<p>a) biodiversity based with extensive substrate base (depth 80-150mm); and</p> <p>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>Details of the irrigation and maintenance regime for the proposed green roofs and green wall shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun.</p> <p>The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
17	Biodiversity mitigation (compliance)
	<p>CONDITION: The proposal hereby approved shall comply with the biodiversity mitigation measures as outlined in approved document Preliminary Ecology Appraisal prepared by Apex Capital Partners Limited – dated February 2022.</p> <p>Reason: In the interests of preserving on-site biodiversity.</p>
18	Secure by Design
	<p>CONDITION: Prior to carrying out above ground works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full 'Secured by Design' Accreditation. The development shall only be carried out in accordance with the approved details.</p> <p>Prior to the first occupation of each building or part of a building or use, 'Secured by Design' certification shall be obtained for such building or part of such building or use.</p> <p>Reason: In the interest of creating safer, sustainable communities.</p>
19	BREEAM Excellent
	<p>CONDITION: (a) Prior to occupation of the relevant building evidence shall be submitted to the Local Planning Authority for approval in writing to show that the development is on track to receive a BREEAM rating of Excellent.</p> <p>(b) Within 6 months of first occupation of the relevant building, certification shall be submitted to the Local Planning Authority for approval in writing confirming that the development achieves a minimum BREEAM assessment rating of 'Excellent'.</p> <p>Reason: In the interest of energy efficiency and sustainability.</p>
20	Photovoltaic Panel Installation

	<p>CONDITION: The proposed photovoltaic roof panels shall be installed as shown on approved plan Proposed Roof Plan – drawing number: 4962/PA/12B – dated: 24.02.2022 and retained hereafter.</p> <p>Reason: In the interest of energy efficiency and sustainability.</p>
21	Delivery and Servicing Plan
	<p>CONDITION: 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: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
22	Travel Plan – Residential and Class E(g)(i)
	<p>CONDITION: Prior to occupation of the development hereby approved, a local level travel plan shall be submitted to and approved in writing by the Local Planning Authority. This travel plan should address both the residential and non-residential components of the scheme. The Travel Plan shall assess the transport impact on the surrounding area and consider sustainable modes of transport. The recommendations identified within the updated Travel Plan shall be implemented in full and retained thereafter, apart from with written consent of the Local Planning Authority.</p> <p>Reason: To ensure there would not be a detrimental transport impact on the surrounding area and sustainable travel is encouraged.</p>
23	Fire Strategy
	<p>CONDITION: Prior to above ground works, a Fire Escape Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Fire Brigade Emergency Planning Authority and Building Control.</p> <p>The works shall be undertaken in accordance with the details of the Fire Escape Strategy hereby approved.</p> <p>Reason: In the interests of fire safety of the building.</p>
24	Tree Protection
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and basement excavation 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> <p>a. Location and installation of services/ utilities/ drainage.</p>

	<p>b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</p> <p>c. Details of construction within the RPA or that may impact on the retained trees.</p> <p>d. a full specification for the installation of boundary treatment works.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>h. a specification for scaffolding and ground protection within tree protection zones.</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>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</p> <p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Veteran and ancient tree protection and management</p> <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.</p>
25	Basement Excavation (compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved 'Structural Method Assessment – Revision P2 – Dated: May 2021 – prepared by: ads consultancy' unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>Reason: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>

List of Informatives:

1	Working with the applicant
	In dealing with this application, Islington Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2	S106
	SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
3	Superstructure
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
4	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
5	Car-Free Development
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
6	Groundwater Risk Permit

	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
7	<p>Working near Thames Water Assets</p> <p>The proposed development is located within 15 metres of Thames Waters underground assets and 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>
8	<p>Roller Shutters</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework (July 2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

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

A) The London Plan - Spatial Development Strategy for Greater London (March 2021)

Policy GG1 Building strong and inclusive communities
Policy GG2 Making the best use of land
Policy GG3 Creating a healthy city
Policy GG4 Delivering the homes Londoners need
Policy GG5 Growing a good economy
Policy GG6 Increasing efficiency and resilience
Policy D1 London's form, character and capacity for growth
Policy D2 Infrastructure requirements for sustainable densities
Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D8 Public realm
Policy D11 Safety, security and resilience to emergency
Policy D12 Fire safety
Policy D14 Noise
Policy H1 Increasing housing supply
Policy H4 Delivering affordable housing
Policy H5 Threshold approach to applications
Policy H6 Affordable housing tenure
Policy H10 Housing size mix
Policy S4 Play and informal recreation
Policy E1 Offices
Policy E7 Industrial intensification, co-location and substitution
Policy E11 Skills and opportunities for all
Policy HC1 Heritage conservation and growth
Policy G1 Green infrastructure
Policy G4 Open space
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy S1 Improving air quality
Policy S12 Minimising greenhouse gas emissions

Policy SI3 Energy infrastructure
 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 T1 Strategic approach to 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 T6.1 Residential parking
 Policy T7 Deliveries, servicing and construction
 Policy T8 Funding transport infrastructure through planning

B) Islington Core Strategy 2011

Spatial Strategy	Policy CS13 (Employment Spaces)
Policy CS2 (Finsbury Park)	Policy CS14 (Retail and Services)
Policy CS3 (Nag's Head and Upper Holloway Road)	Policy CS15 (Open Space and Green Infrastructure)
Policy CS4 (Highbury Corner and Holloway Road)	Policy CS16 (Play Space)
Policy CS5 (Angel and Upper Street)	Policy CS17 (Sports and Recreation Provision)
Policy CS6 (King's Cross)	Infrastructure and Implementation
Policy CS7 (Bunhill and Clerkenwell)	Policy CS18 (Delivery and Infrastructure)
Policy CS8 (Enhancing Islington's Character)	Policy CS19 (Health Impact Assessments)
Strategic Policies	Policy CS20 (Partnership Working)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	
Policy CS12 (Meeting the Housing Challenge)	

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Housing

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

Employment

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

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space
DM6.3 Protecting open space
DM6.4 Sport and recreation
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Energy and Environmental Standards

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

Transport

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

Infrastructure

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

Emerging policy: draft Islington Local Plan 2019

1. 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 now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September to 5 October 2021.

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).

Emerging policies that are relevant to this application are set out below in Appendix 2. The emerging policies are considered to be consistent with the current policies.

Emerging Islington Local Plan (2019)

Policy PLAN1: Site appraisal, design principles and process

Policy SP2: King's Cross and Pentonville Road

Policy H1: Thriving communities

Policy H2: New and existing conventional housing

Policy H3: Genuinely affordable housing

Policy H4: Delivering high quality housing

Policy H5: Private outdoor space

Policy B1: Delivering business floorspace

Policy B2: New business floorspace

Policy B3: Existing business floorspace

Policy B5: Jobs and training opportunities

Policy G1: Green Infrastructure

Policy G4: Biodiversity, landscape design and trees

Policy G5: Green roofs and vertical greening

Policy S1: Delivering sustainable design

Policy S2: Sustainable design and construction

Policy S3: Sustainable design standards

Policy T1: Enhancing the public realm and sustainable transport

Policy T3: Car-free development

Policy T5: Delivering, servicing and construction

Policy DH4: Basement development

5. Designations

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

- Central Activities Zone (CAZ)
- Kings Cross & Pentonville Road Key Area (Core Strategy policy CS9)
- Employment Growth Area (Northdown Street EGA)
- Article 4 Direction – B1a (office) to C3 (residential)
- Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services)
- Article 4 Direction – B1c (Light Industrial) to C3 (Residential)
- CrossRail 2 Safeguarding Zone
- London Underground Zone of Interest (Tunnels)

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

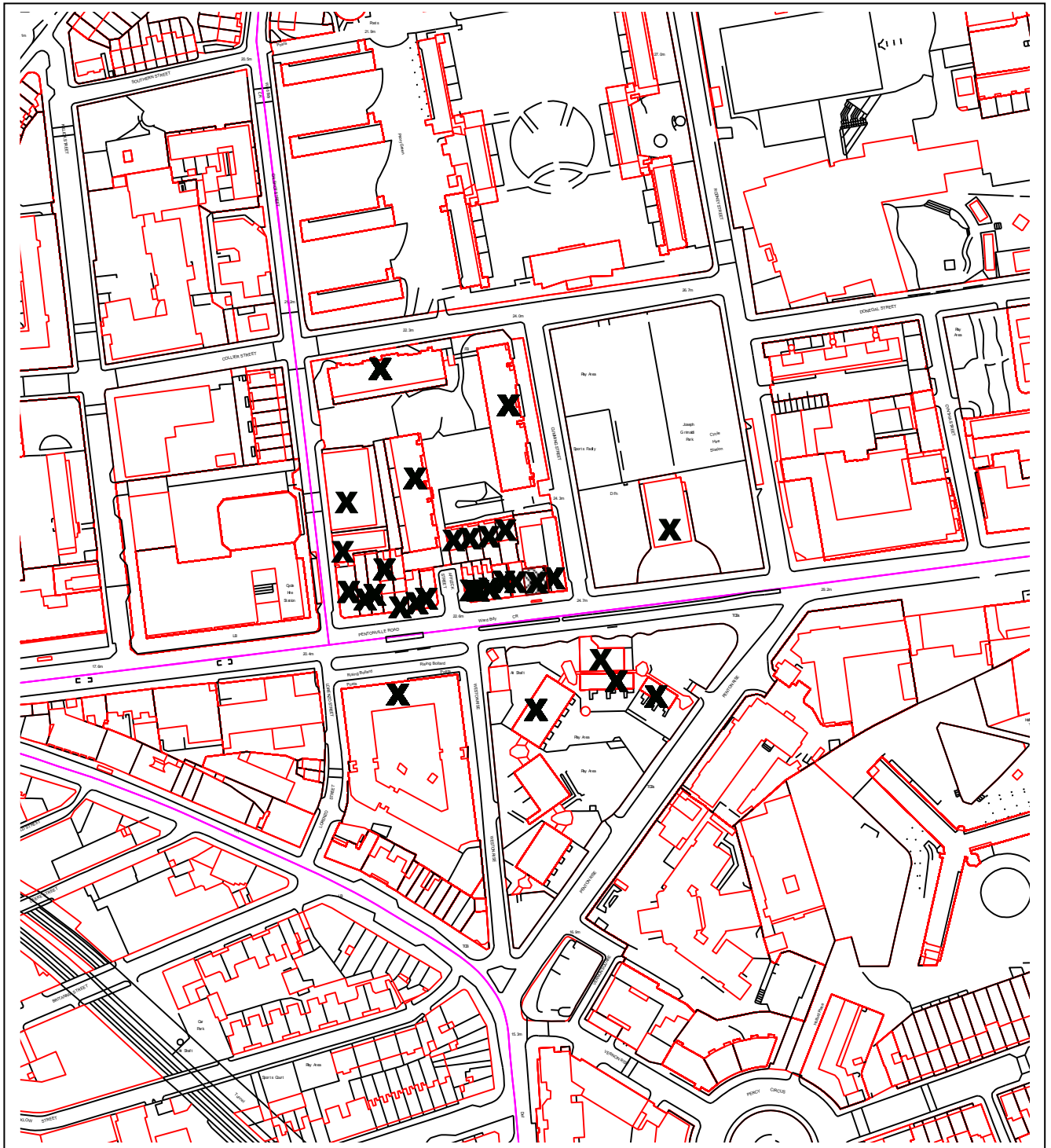
- Student Bursaries
- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

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

Register of Locally Listed Buildings and Locally Significant Shopfronts (April 2010)

Islington SE GIS Print Template



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P2022/0547/FUL

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:	B2
Date:	04 April 2022	NON-EXEMPT	

Application number	P2021/3078/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Not applicable.
Conservation area	Within 50m of Moorfields Conservation Area
Development Plan Context	Central Activities Zone Employment Priority Area (General) Archaeological Priority Area Local Cycle Routes Bunhill & Clerkenwell (Finsbury Local Plan Area) Site Allocation BC6 (250 City Road/City Forum) Within 100m of TLRN Road Rail Land Ownership – TFL Surface / Tunnels
Licensing Implications	None
Site Address	250 City Road, London, EC1M 7AJ
Proposal	Change of use of 5,288.5sqm (GEA) of existing business floorspace from Use Class B1 (office) to use classes E(g)(i) (office), E(g)(ii) (research and development), E(g)(iii) (light industrial), E(e) (healthcare) and F1(a) (education).

Case Officer	Stefan Sanctuary
Applicant	Berkeley Homes (North East London)
Agent	Gerald Eve

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in red)

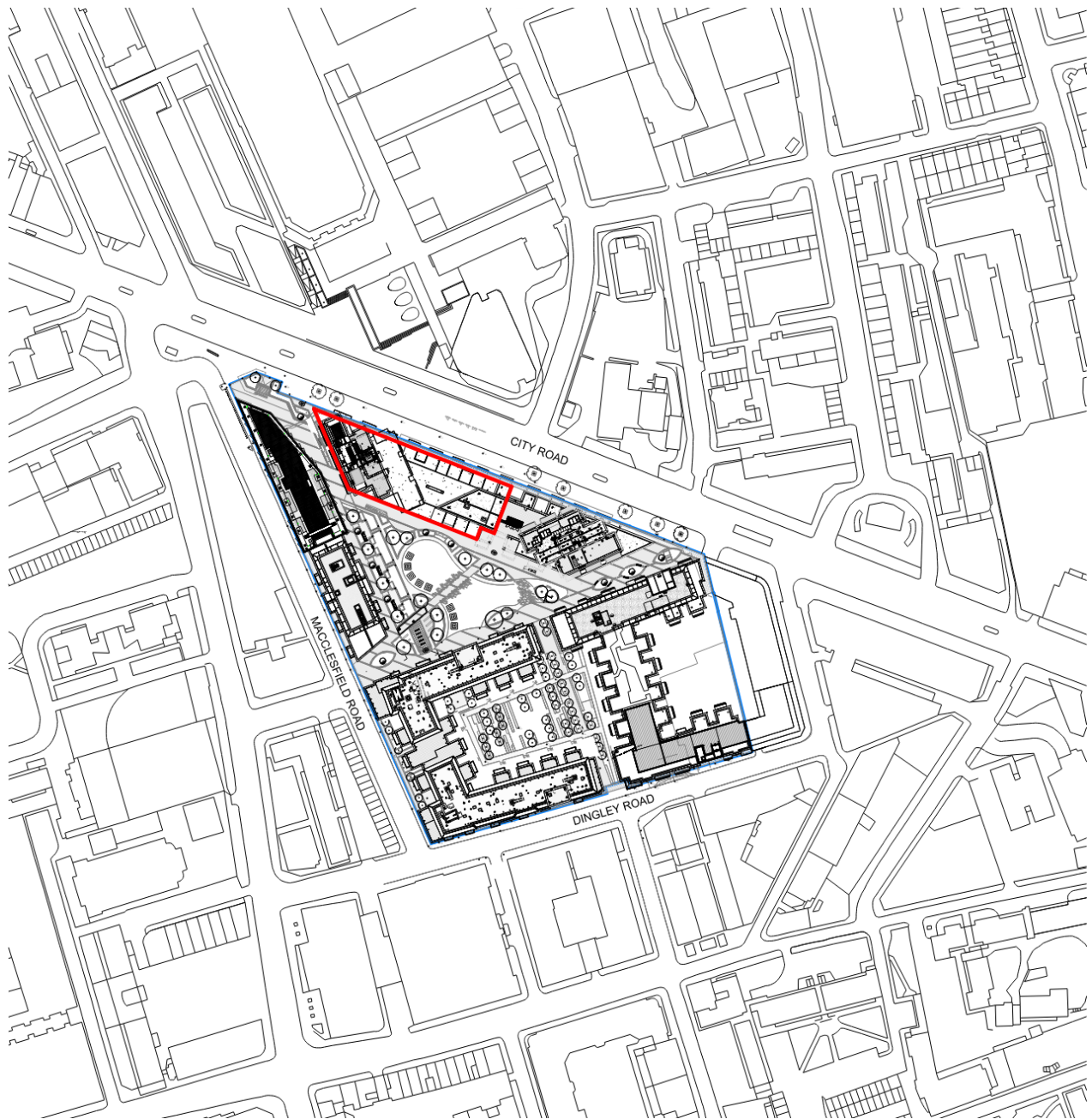


Fig 1: Site location plan

3. PHOTOS OF SITE/STREET



Fig 2: Aerial view showing Block 1, 250 City Road

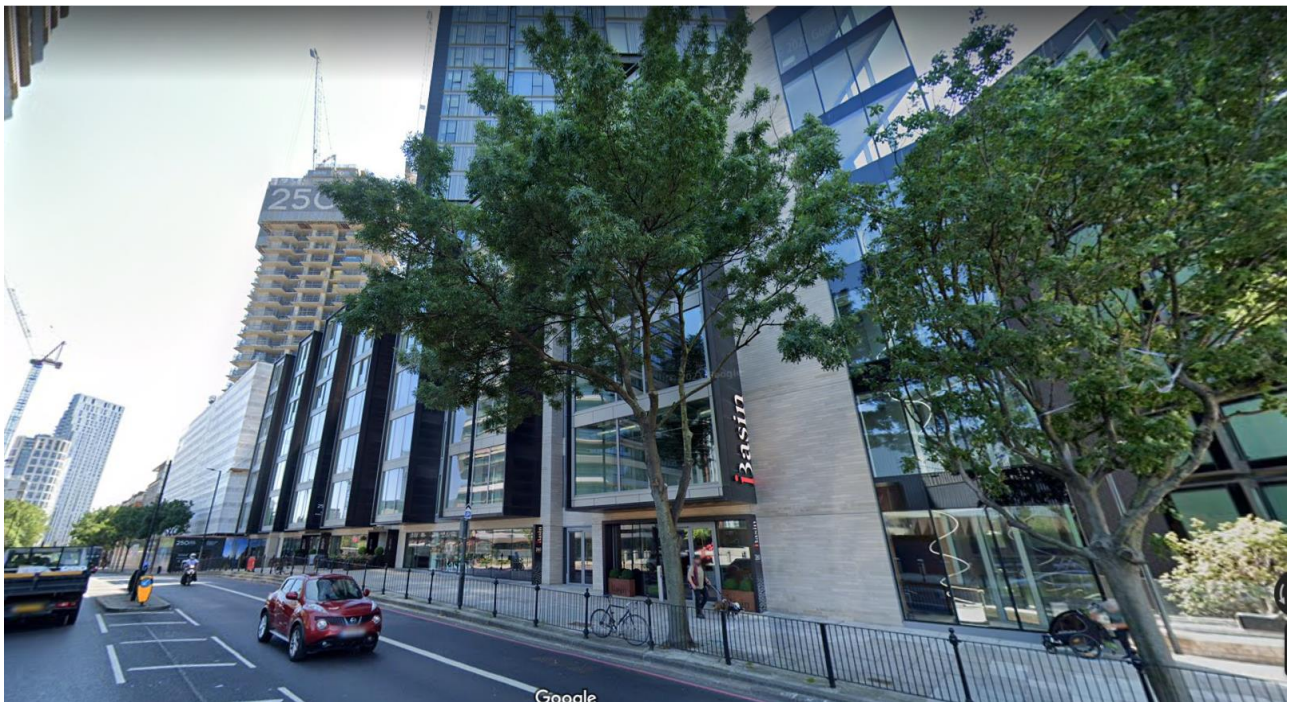
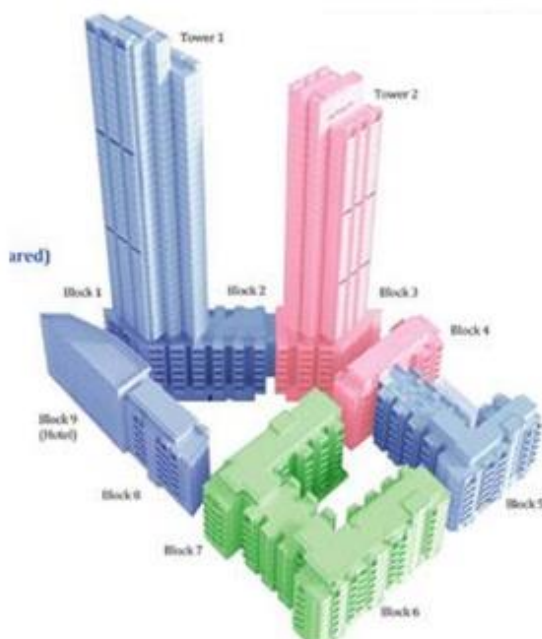


Fig 3: Front elevation from City Road

4. SUMMARY

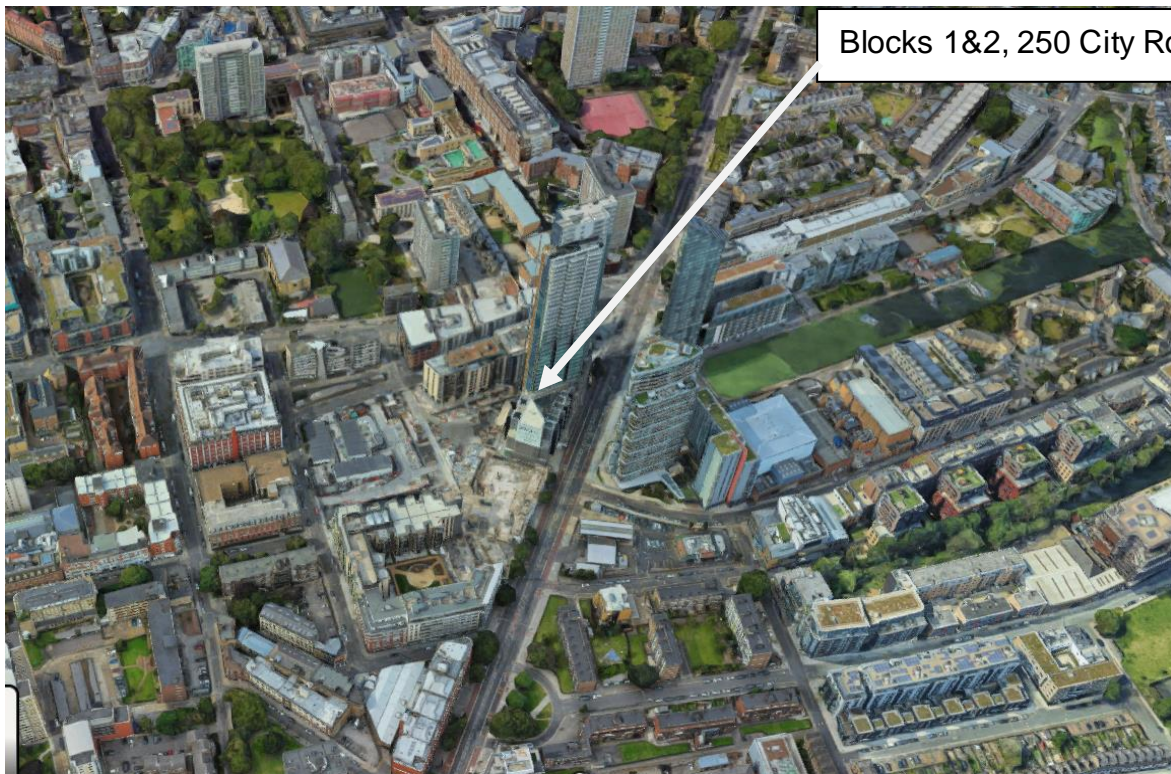
- 4.1 Planning permission is sought for the change of use of 5,288.5sqm (GEA) (4,822sqm GIA) of existing business floorspace from the consented Class B1 (office) to Use Classes E(g)(i) (office), E(g)(ii) (research and development), E(g)(iii) (light industrial), E(e) (education) and F1(a) (healthcare).
- 4.2 The application demonstrates that the consented business floorspace (former Use Class B1) has been marketed without success for a period in excess of 24 months, in accordance with relevant planning policy. It is not considered that the potential loss of office / business floorspace at this particular site would unduly harm the strategic functions of London's Central Activities Zone nor would it compromise the economic functions of the Employment Priority Area.
- 4.3 Overall, having regard to the Development Plan, it is considered that the proposed education (Use Class F1(a) and Use Class E(e)) use is acceptable in land use terms, subject to appropriate conditions and would make an efficient use of this brownfield site. The proposal would also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth and the effective use of land.
- 4.4 The application does not propose any physical alterations to the existing buildings. The proposed development optimises energy and sustainability performance within the existing building and reduces environmental impact through the effective retention and reuse of the existing building.
- 4.5 The proposed development is considered to accord with the policy requirements of the adopted London Plan and Local Plan and the emerging Local Plan. The application is recommended for approval subject to conditions.

5. SITE AND SURROUNDINGS



Masterplan Blocks and Phases

- 5.1 The subject site is part of the larger site known as 250 City Road or City Forum, which has a consent under planning application reference P2013/1089/FUL and subsequent section 73 application P2016/2994/S73 for 995 residential units, 7,600sqm of office floorspace, affordable workspace, a data centre, flexible commercial floorspace, a crèche, a hotel, ancillary facilities, public realm works and landscaping. The wider site of 250 City Road, is 1.9 hectare in size, has an irregular shape, and is bounded by City Road to the northeast, Macclesfield Road to the west, Dingley Road to the south, and buildings to the east. The site is currently under construction with much of the permission referred to above already implemented.
- 5.2 Phase 1, including Blocks 1 and 2, which are the subject to this change of use application, as well as Tower 1, have been completed and partly occupied. The consented office floorspace which is the subject of this application fronts City Road located at Levels 1, 2 and 3 with access and lift stairs/cores at lower ground and ground floor level. Phases 2 and 3, including the remaining consented office floorspace in Block 3, as well as Tower 2, are due to be completed in the next two years. These latter phases include a balance of homes, further office floorspace, retail and affordable workspace, a creche and data centre.



Birdseye view looking west

- 5.3 The surrounding buildings are mainly in residential use, though there are also some other uses such as a hotel, a telephone exchange as well as some offices in the surrounding area. Abutting the site to the east are City Reach (22 Dingley Road) and 238 City Road. To the north are the new developments at 257-259 (Aquarelle House and The Canaletto) and 261 City Road (The Lexicon), and the City Road Basin. The canal basin used to extend southwards into the City Forum site, and the bridge that carried City Road over the basin still exists – this results in a 2.5 metre difference between the pavement and ground levels within the City Forum site. The Islington/Hackney borough boundary runs along Wharf Road and part of City Road to the north of the site.
- 5.4 The site is not within a conservation area, but Moorfields Conservation Area is in close proximity to the east, and St Luke's Conservation Area is located to the south on the opposite side of Dingley Road. City Road is the A501, a Red Route managed by Transport for London. Other streets surrounding the development site are managed by LB Islington.

Parking on Dingley and Macclesfield Roads is restricted during specified daytime hours, Monday to Saturday. The site is served by several bus routes along City Road, and is within walking distance of Angel and Old Street stations. The site has a PTAL of 6a, which represents excellent accessibility to and by public transport.



Artist impression – Phase 1

6. PROPOSAL (IN DETAIL)

- 6.1 The planning application involves the change of use of 4.822sqm (GIA) of existing business floorspace from the consented Class B1 (office) to Use Classes E(g)(i) (office), E(g)(ii) (research and development), E(g)(iii) (light industrial), E(e) (education) and F1(a) (healthcare). No external physical changes are proposed to the buildings.
- 6.2 The change of use essentially concerns the floorspace at 1st, 2nd and 3rd floor level but also involves the lobby, lift and stair core of the ground and upper ground floors only, with the remaining floorspace at ground and upper ground being retained in consented retail use. The applicants have indicated that they intend to occupy the floorspace for office but given the difficulty of letting the space in the past two years, have applied to widen the uses permitted to include the additional uses listed above. The original decision notice simply refers to commercial B1 floorspace, so this would in fact already include Use Class E(g)(ii) as well as E(g)(iii). As such, permission is sought to widen the consented uses to include Use Class E(e) (education) and F1(a) (healthcare).

7. RELEVANT HISTORY:

The following is the most relevant and recent planning history for the site:

P2016/2994/S73 – Application under Section 73 (minor material amendments) to hybrid planning permission P2013/1089/FUL was approved on the 23rd March 2017. The proposed minor material amendments were: 1) infill of and amendment to recesses to City Road and southwest elevations of blocks 1, 2 and 3 to provide additional office (B1) floorspace, deletion of brise soleil and addition of balconies/terraces, 2) enlargement of mezzanine floor in block 1 to provide addition retail (A1) floorspace, and 3) amendments to internal core. The application is accompanied by a Statement of EIA Conformity.

P2013/1089/FUL - Hybrid planning application for demolition of existing buildings and comprehensive redevelopment comprising full planning permission for all elements (other

than Block 9 submitted in outline with appearance reserved) for four blocks ranging from 7 to 9 storeys plus two towers of 42 storeys (up to 155m) and 36 storeys (up to 137m), providing up to 995 residential units; commercial floorspace (Class B1) up to 7,600sqm; affordable workspace (Class B1); relocated data centre; flexible retail/financial and professional services/restaurant/café/drinking establishment/health centre floorspace (Class A1/A2/A3/A4/D1) up to 3,650sqm; crèche (Class D1); and hotel (Class C1) of up to 190 beds; together with public open spaces, up to 1,223 cycle spaces, 225 car parking spaces and ancillary floorspace within a basement and other associated works.

8. Pre-application Advice:

- 8.1 Pre-application advice was originally sought for a potential change of use application of Blocks 1, 2 and 3, i.e. essentially all of the office floorspace in the development. The options of proposed uses presented included residential floorspace. As Block 3 had not yet been constructed and genuine marketing had not commenced for this floorspace, it was advised that this should not be pursued at this point. Moreover, the residential proposal was not satisfactory in terms of quality of accommodation, dwelling mix and affordable housing so was also advised against.
- 8.2 It was agreed that any future change of use application should be focused on Blocks 1 and 2, for which there was seemingly sufficient marketing evidence to justify a change of use. It was advised that any future change of use application should be supported by the evidence required by Appendix 1 of the emerging Local Plan to justify a change of use. Moreover, it was advised that any proposed uses should be in line with the strategic functions of London's Central Activities Zone and that any proposal should provide evidence of benefits to Islington residents.

9. CONSULTATION

Public Consultation

- 9.1 Letters were sent to occupants of 1078 adjoining and nearby properties on the 15th November 2021. A site notice was displayed on the 18th November 2021. The public consultation of the application therefore expired on 12th December 2021, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 9.2 At the time of the writing of this report no objections had been received from the public with regard to the application.

External Consultees

- 9.3 **Metropolitan Police (Crime Prevention):** no comments
- 9.4 **Transport for London:** raised no objection and confirmed that the predicted trip from the proposed uses would not give rise to unacceptable impacts on TfL's highway network and supported an increase in the amount of short-term cycle parking to address the requirements of the proposed uses.
- 9.5 **London Underground:** made no comment.

Internal Consultees

- 9.6 **Access Officer:** No inclusivity issues with the principle of these uses, but the following specific comments:
- A condition (6) should be included to ensure that the proposed uses are inclusive and accessible and meet the requirements of Policy DM4.12.
 - Would welcome the prior to occupation condition (8) for short-stay cycle parking.
 - Accessible WC - door should open outwards or have double hinge. Note that toilets with “indicative layout” - would need to see confirmed layout. Would caution that the design of the toilets seems to be tight and question whether the size of the toilets permit provision of a sanitary bin.
- 9.7 **Energy Officer:** no comments.
- 9.8 **Public Protection (Noise Team):** no comments.
- 9.9 **Highways Officer:** no objections in principle subject to the provision of short-term cycle parking spaces for the proposed education and healthcare uses.
- 9.10 **Planning Policy Officer:** no objections.

10. RELEVANT POLICIES

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

National Guidance

- 10.1 Islington Council (Planning Committee), in determining the planning application has the main following 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 or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).
- 10.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: “at the heart of the NPPF is a presumption in favour of sustainable development.
- 10.3 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals

- 10.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 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.
- 10.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 10.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the adjoining listed buildings, its setting and any of its features of special architectural or historic interest.

Development Plan

- 10.11 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.

The London Plan (2021)

- 10.12 The London Plan was adopted on 2nd March 2021 and now has full weight and is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Policy GG1 Building strong and inclusive communities Policy GG5 Growing a good economy Policy SD4 Central Activities Zone Policy SD5 Offices, other strategic functions & residential development in the CAZ Policy D1 London's form, character and capacity for growth Policy D5 Inclusive Design Policy D12 Fire safety Policy S2 Health and social care facilities Policy S3 Education & childcare facilities Policy E1 Offices Policy E2 Providing suitable business space	Policy E11 Skills and opportunities for all. Policy SI1 Improving air quality Policy SI2 Minimising greenhouse emissions Policy SI4 Managing heat risk Policy SI7 Reducing waste and supporting the circular economy 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
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10.13 Islington Core Strategy (2011)

<u>Spatial Strategy</u> Policy CS7 Bunhill and Clerkenwell) Policy CS8 (Enhancing Islington's Character) <u>Strategic Policies</u> Policy CS10 (Sustainable Design) Policy CS11 (Waste) Policy CS13 (Employment Spaces)	<u>Infrastructure and Implementation</u> Policy CS18 (Delivery and Infrastructure) Policy CS19 (Health Impact Assessments) Policy CS20 (Partnership Working)
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10.14 Islington Local Plan Development Management Policies (2013)

Policy DM2.1 (Design) Policy DM2.2 (Inclusive design) Policy DM4.12 Social and strategic infrastructure and cultural facilities Policy DM5.2 Loss of existing business floorspace Policy DM6.1 (Healthy development) Policy DM7.1 (Sustainable design & construction)	Policy DM7.4 (Sustainable design standards) 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)
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10.15 Finsbury Local Plan (2013)

Policy BC2: City Road Basin

Policy BC8: Achieving a balanced mix of uses

10.16 Islington Local Plan Examination in Public (2019)

10.17 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 Draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October.

10.18 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).

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

Policy SP1: Bunhill and Clerkenwell Policy SC1 Social and Community Infrastructure Policy SC3 Health impact assessment Policy SC4 Promoting Social Value Policy B1 Delivering business floorspace Policy B3 Existing business floorspace Policy B5 Jobs and training opportunities	Policy S1 Delivering sustainable design Policy S3 Sustainable design standards Policy S4 Minimising greenhouse emissions Policy S6 Managing Heat Risk Policy T2 Sustainable transport choices Policy T3 Car-free development Policy T5 Delivery, servicing and construction
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10.20 Bunhill and Clerkenwell AAP (2019)

Policy BC1: Prioritising office use

Policy BC4: City Road

10.21 Site Allocation BC2 – 250 City Forum

11. DESIGNATIONS

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

- Central Activities Zone (CAZ)
- Employment Priority Areas (General) – BC8, Finsbury Local Plan
- Archaeological Priority Area

- Local Cycle Routes
- Bunhill & Clerkenwell (Finsbury Local Plan Area)
- Site Allocation BC6 (250 City Road/City Forum)
- Within 100m of TLRN Road
- Rail Land Ownership – TFL Surface / Tunnels

Supplementary Planning Guidance (SPG) / Document (SPD)

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

12. ASSESSMENT

12.1 The main issues arising from this proposal relate to:

- Land use
- Amenity
- Accessibility
- Transport

Land-use

General Principles

12.2 As an overriding principle, developments should contribute towards building strong and inclusive communities (London Plan Policy GG1) by providing access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities. Moreover, developments must seek to ensure that London continues to generate a wide range of economic and other opportunities, and that everyone is able to benefit from these to ensure that London is a fairer, more inclusive and more equal city. At the same time the London Plan (Policy GG5) encourages those involved in planning and development to seek to ensure that London's economy diversifies and that the benefits of economic success are shared more equitably across London.

12.3 Specifically in relation to the Central Activities Zone (CAZ), the London Plan (Policy SD4) stipulates that 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; and the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders. At the same time, the CAZ as a centre of excellence and specialist clusters including functions of state, health, law, education, creative and cultural activities, and other more local Special Policy Areas should be supported and promoted.

Office Floorspace

12.4 Policy E1 (Offices) of the London Plan 2021 states at part A that improvements to the quality, flexibility and adaptability of office space of different sizes should be supported by new office provision, refurbishment and mixed use development. There should be an increase in the office stock in the CAZ. Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace. Though the redevelopment, intensification and change of use of surplus office space to other uses including housing could be supported, the scope for the re-use of otherwise surplus large office spaces for smaller office units should also be explored.

12.5 Policy CS7 of the Islington Core Strategy (2011) comprises the Spatial Strategy for Bunhill and Clerkenwell which is subsequently expounded further in the Finsbury Local Plan. Part

A of Policy CS7 states that employment development would contribute to a diverse local economy which supports and complements the Central London Economy. Policy CS13 of the Core Strategy states that existing employment space should be safeguarded throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ. Development which improves the quality and quantity of existing provision will be encouraged. In exceptional circumstances loss of employment floorspace might be acceptable in line with considerations which will be set out in the Development Management Policies.

- 12.6 Turning to the Development Management Policies, Policy DM5.2 states that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This is also reflected in the relevant Finsbury Plan Policy BC8, which states that evidence to demonstrate lack of demand must show that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.
- 12.7 Similarly, emerging Local Plan Policy B3 stipulates that all existing business floorspace will be protected and that applications involving a net loss of business floorspace in the CAZ will be refused unless there are exceptional circumstances that demonstrate there is no demand for the use of the floorspace, unit, building and/or site for a business use appropriate to the role and function of the area. Evidence must be submitted demonstrating that such space has been vacant and continuously marketed for a period of at least 24 months, in line with Appendix 1. It must also be demonstrated that the loss of business floorspace – either individually or cumulatively – would not compromise the operation of the wider area, and that the proposed non-business use is compatible with existing uses (including consideration of amenity impacts on uses in the vicinity).
- 12.8 Finally, Policy BC1 of the emerging Area Action Plan for Bunhill & Clerkenwell states that there is a need to provide office floorspace to cater for projected jobs increases and secure inclusive economic growth in the Bunhill & Clerkenwell Area. Policy BC4 (City Road Basin) of the emerging AAP City Road states that City Road is generally considered suitable for a range of typologies from small stand-alone offices and workspaces to large floorplate Grade A offices. However, the southern part of City Road, between Bath Street and the City Road Basin, which is to the south-east of the subject site, is considered particularly suitable for Grade A office floorspace.

Healthcare / Education Provision

- 12.9 The London Plan designates the CAZ as a centre of excellence and specialist clusters including functions of state, health, law, education, creative and cultural activities. This is echoed in the Council's Spatial Strategy Policy CS7, which refers to a number of notable education and medical institutions, which have a presence in the Bunhill & Clerkenwell area, including City University London; City and Islington College; Moorfields Eye Hospital; and Queen Mary University of London. The Policy recognises that these institutions, many of which have historic ties to the area, make an important contribution to the local economy and states that the provision of additional non-residential university uses in the area is supported. More generally, Policy CS14 states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.

- 12.10 Policy BC2 of the Finsbury Local Plan, which relates to City Road Basin, encourages a diverse mix of employment spaces, including offices, small and affordable workspaces, shops and educational and community uses and cafes and restaurants where these would help to animate key streets and spaces. Emerging Local Plan Policy SC1 states that the Council will support proposals to provide new and/or extended social and community infrastructure facilities and their co-location with other social and community uses, subject to an assessment against all relevant Local Plan policies. Part F of the policy requires that new social and community infrastructure that is not generally accessible to the public be required to enter into Community Use Agreements to allow and promote access to the facility by local communities. Further, Policy SC4 requires all development in Islington to maximise social value in order to deliver as many public benefits as possible.

Assessment

- 12.11 Planning permission is sought to widen the uses of 4,822 sqm (GIA) of existing commercial floorspace at the site to also include healthcare (E(e)) and education (F1(a)) uses. Whilst a 'Change of Use' application has been submitted, the applicant has made it clear in their submission that they are not proposing to remove the ability for the E(g) (former B1) uses to come forward. Indeed, their stated preference is for business uses to come forward, but as they have been unable to secure any occupiers for the uses to date, they are now seeking to broaden the scope of acceptable uses beyond the approved Class B1 floorspace within Phase 1 of the wider development. This is to enable other uses to be potentially carried out within the building – specifically uses falling under Use Class E(e) in addition to Use Class F1(a).
- 12.12 The existing consent refers to B1 use (commercial floorspace), which would include the uses E(g)(i) (office), E(g)(ii) (research and development) and E(g)(iii) (light industrial). So although these uses are included in the uses proposed, they do not require an assessment of their suitability as they are already consented uses. As such, the planning assessment will focus on the proposed additional uses, i.e. healthcare (E(e)) and educational (F1(a)) uses as well as the potential loss of business uses.
- 12.13 Notwithstanding the applicants stated preference for business floorspace at the site, a full assessment of the loss of business floorspace and potential suitability of education and healthcare uses has been carried out. The applicants have provided an Employment & Marketing Report along with supplementary information as part of their planning application in order to meet the requirements of Policy BC8 of the Finsbury Local Plan as well as Policy B3 of the emerging Local Plan, which require any loss of business floorspace to be justified through the submission of robust marketing evidence. The evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least 2 years. Appendix 1 of emerging Policy BC3 provides a list of the type of evidence required to satisfy the policy requirement that the use has been appropriately marketed without success before a change of use can be considered and the applicant has provided an assessment against this.
- 12.14 The applicant demonstrates in their Employment & Marketing Report that the property has been registered with at least one reputable local or national commercial property agent. A company called Hall Kemp, real estate consultants, as well as Cushman & Wakefield appear to have been in charge of marketing the commercial floorspace in the development. It has been confirmed that from the beginning of construction (2015-2016), a hoarding was erected around the site providing details of the commercial floorspace which was to be made available. An advertisement board was erected on the property around the time of completion (September 2019) providing information about iBasin (the brand name given to the development) and how to contact the real estate agents about viewings. From correspondence provided by the applicants, it has been demonstrated that the office

floorspace was marketed for a continuous period of at least 2 years following completion of the development in September 2019.

12.15 The applicants have confirmed that the following marketing activities have taken place:

- Promotional film produced and widely circulated in July 2018;
- Presentations at the 250 City Road marketing suite in December 2018;
- Listing on Rightmove and Zoopla Commercial in April 2019;
- Additional agent appointed in June 2019;
- Agents launch event on completion of build in September 2019;
- Marketing details re-circulated via email in March 2020;
- Online Tour created to enable virtual viewings in April 2020;
- Formal show space created (including 'dressing' of 3rd floor meeting rooms) in August 2020;
- Another promotional film was produced and circulated via marketing channels in October 2020;
- Installation of arch and totem signage above entrance door in January 2020.

12.16 The applicants have also confirmed that an iBasin website was launched at the start of 2018 and emails sent to 1,200 London agents to promote the website. In addition, a press release was issued in the industry press advertising the availability of the business floorspace. The advertising strategy also included the circulation of brochures which have been provided as part of this application. It can be confirmed that the brochures and further advertisement paraphernalia included the location, size, site description, lawful land use, property type and specification of the floorspace, as is required by the supporting text of emerging Local Plan Policy B3.

12.17 The applicants have furthermore provided information about the price at which the property was marketed. It would appear from the information provided confirms that the office floorspace was marketed at a rate of £50 - £65 per square foot, which is what would be expected for the location and type of office floorspace provided. The number of enquiries received have been set out in the application submission. Information on who the enquiry was from i.e. the name and type of business/organisation, and the type of space/use they required has also been provided. Detailed commentary on any viewings undertaken, setting out the number viewings undertaken, who viewed the space i.e. the name and type of business/organisation, reasons why those viewing the space did not wish to make an offer has also been provided.

12.18 The applicants have confirmed that a considerable number of enquiries have been received during the marketing period by email and by phone. Of these enquiries, 55 have progressed past the initial enquiry and undertaken physical viewings of the floorspace and have finally discounted the space for a variety of reasons. The main reason given for the lack of interest in the space appears to be the location, in particular the relative distance from both Angel station and Old Street station. Indeed the site is equidistant from the two and its PTAL rating drops down to 5 for that reason. To understand the impacts of this more fully, research has been undertaken by the applicants to understand the types of commercial accommodation that the floorspace at 250 City Road is competing with. A total of 28 alternative locations were considered. The majority of these were considered to have good or excellent transport connections being in close proximity to major transport hubs – namely, Liverpool Street Farringdon, London Bridge, and Waterloo. Those which were described as being in 'secondary' locations were those more than a 10 minute walk away from a major transport hub (250 City Road is about a 10-minute walk). Those considered less appealing than 250 City Road were those which were second-hand and, therefore, of inferior quality. As well as distance from transport links and quality of accommodation, other

factors noted included efficiency of floorplate arrangements and location in relation to local amenities e.g. those in close proximity to Shoreditch were considered to have greater appeal than 250 City Road.

- 12.19 The applicants have also provided some further information about economic trends in the CAZ which seeks to provide further reasoning behind the lack of interest in the business floorspace at the site. The applicants cite a report titled 'The Economic Future of the Central Activities Zone' in which the overarching conclusion refers to the post-Covid era of office floorspace and that whilst office-occupiers will not turn their backs on the CAZ, according to the report they will increasingly reassess their needs and demands in terms of the premises they choose to occupy. Furthermore, the report argues that there is expected to be sustained pressure on firms to locate in buildings and areas that reduce travel time, provide spaces suitable for in-person and social interactions, provide greater variation in surroundings, and generally provide a better working environment for their employees. Increased ease and safety of commuting is identified as one of the key real-estate drivers in the post-Covid era. There is an expectation that companies will increasingly be looking to locate in areas close to major station hubs to reduce the need for employees to have to interchange en-route. This trend is expected to be particularly pronounced within emerging and high profit sectors such as tech, life science, and knowledge cluster occupiers.
- 12.20 In response to the analysis provided by the applicant, it is considered that the ease and safety of commuting in the post-Covid era is not in itself a particularly compelling argument for the unattractiveness of business floorspace at 250 City Road. The argument being made would appear to be more specifically about the use of public transport interchanges rather than the walking distances from transport interchanges; and a 10-minute walk from Angel or Old Street will not have become less safe because of Covid-19. However, the impact of the pandemic on office lets in general across London and beyond is perhaps a more convincing reason for the lack of take-up of the office space at 250 City Road over the last 2 years. This is likely to have reduced demand for office floorspace at the time of marketing the property from October 2019 until today, as has been the case across London.
- 12.21 Whilst the Council acknowledges that the Covid19 pandemic suppressed demand for office uses over the last two years, these are short-term effects and moving forward the GLA projections indicate that the CAZ will return to growth and demand for office floorspace. Office floorspace in the CAZ is also likely to be favoured by tenants as they seek high quality well-connected workplaces to appeal to employees returning to the office. This projection is also supported by evidence from the Local Plan review 'Viability Topic Paper Update', which concludes that the long-term outlook remains positive for the prime London office market, due to the shortage of new build grade A office space. The Council also note that the adopted commercial assumptions and conclusions adopted in the Council's Draft Local Plan Viability Study (December 2018) remain reasonable. The reasons for the lack of success letting the office floorspace at 250 City Road may be numerous and a combination of factors could have played their part, but the critical point here is that the applicants have demonstrated that they have robustly and continuously marketed the property for over 2 years without success, as required by relevant planning policy. Furthermore, as noted above, the application does not remove the ability to use the space for offices if the demand does come about.
- 12.22 Another requirement of planning policy to justify a change of use application from business floorspace within the CAZ to other uses is to demonstrate whether the loss of business floorspace – either individually or cumulatively – would compromise the operation of the wider area or not, and whether the proposed non-business use would be compatible with existing uses (including consideration of amenity impacts on uses in the vicinity). While amenity impacts will be considered more fully in subsequent sections of this report, whether

the loss of business floorspace would compromise the operation of the wider area needs to be scrutinised here.

- 12.23 The site is located within London's Central Activities Zone in which its clusters of office and employment as well as its strategic functions of state, health, law, education, creative and cultural activities should be supported. At a more local level, the site is within Islington's Bunhill & Clerkenwell Area and more specifically within City Road and the City Road Basin area as identified within Policy BC4 of the emerging AAP and Policy BC2 of the adopted Finsbury Local Plan respectively. Policy BC4 states that the southern part of City Road towards Old Street, between Bath Street and the City Road Basin, is considered particularly suitable for Grade A office floorspace, and that the Council will encourage a greater quantum and efficiency of business floorspace here.
- 12.24 The site is also within the Employment Priority Area (General) designation (of the adopted Finsbury Local Plan rather than Employment Priority Area (Office) designation in which office floorspace is an absolute priority. Moreover, the site is on the edge of the CAZ and on the periphery of the Employment Priority Area. The applicants have noted that the remainder of the office floorspace within the wider development, in particular Block 3 to the south-east on City Road closer towards the employment cluster of Old Street will be retained as business floorspace and is not subject to this change of use application. It should also be noted, that the surrounding area is predominantly residential in character with the neighbouring properties on Macclesfield Road, Central Street, City Road and Wharf Road mainly in residential use. As such, while the site is in close proximity to the East London Tech City Cluster and the City Fringe Opportunity Area, it is not considered that the site in question forms a central role in an employment cluster, rather it is on the periphery of the CAZ as well as the commercial clusters of Old Street and Angel.
- 12.25 In summary, given its very particular location on the edge of the CAZ between the clusters of Old Street and Angel, it is not considered that the potential loss of business floorspace at this particular location would unduly compromise the operation of the wider area. Moreover, as discussed above, the applicants have evidenced the lack of demand for the floorspace by demonstrating two years of continuous marketing activities without success.

Provision of new education / healthcare uses

- 12.26 The revised National Planning Policy Framework (NPPF) (2021) paragraph 20 states that at a strategic level, community facilities (such as health, education and cultural infrastructure) should be supported.
- 12.27 In regard to making effective use of land, paragraph 120(D) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings. Further, paragraphs 120 and 121 emphasises that planning decisions need to reflect changes in the demand of land and local planning authorities should also take a positive approach to applications for alternative uses of land which is currently development but not allocated for a specific purpose in plans.
- 12.28 As referred to at the beginning of this chapter, and in accordance with London Plan Policy GG1, developments should contribute towards building strong and inclusive communities by providing access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities. The London Plan also refers to health and education being one of the strategic functions of the CAZ as a centre of excellence. At a local level Core Strategy Policy CS7 states that the provision of additional non-residential university uses in the area will be supported and that Islington will continue to have strong cultural and community provision providing a range of goods and services, including health and education, for people who live, work and study in the

borough (policy CS14). Policy BC2 of the Finsbury Local Plan, which relates to City Road Basin, encourages a diverse mix of employment spaces, including offices, small and affordable workspaces, shops and educational and community uses and cafes and restaurants where these would help to animate key streets and spaces.

- 12.29 It is considered that the principle of education and healthcare uses at this location within the CAZ can be supported, subject to a consideration of all other relevant planning policies. In particular, provision of education and/or healthcare floorspace at the application site will need to satisfy the principles of London Policy GG1 and Core Strategy Policy CS14 by providing services that are accessible and inclusive to those that live, work and study in the borough and ensuring that London is a fairer, more inclusive and more equal city. Moreover, Policy SC4 states that all development in Islington is encouraged to maximise social value in order to deliver as many public benefits as possible. Specifically on the matter of inclusivity and accessibility, adopted Policy DM4.12 and emerging Policy SC1 stipulate particular requirements for new social and community infrastructure.
- 12.30 The requirements for the adopted and emerging policy are very similar, with Policy SC1 stating that 'New social and community infrastructure and, where applicable, extensions to existing infrastructure 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, sustainable and which provide design and space standards which meet the needs of intended occupants; (iii) provide appropriate drop-off/pick-up facilities for disabled people; (iv) be sited to maximise shared use of the facility, particularly for sports, recreational and community uses; and (v) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.'
- 12.31 Moreover, Policy SC1 (Part F) states that development resulting in the provision of new social and community infrastructure that is not generally accessible to the public, such as school sports facilities, be required to enter into Community Use Agreements to allow and promote access to the facility by local communities. While the policy provides school sports facilities as an example of social and community infrastructure that would need to be made accessible to local communities, this could equally be applied to other social and community infrastructure uses that are not fully accessible to the public, such as private medical facilities or private schools or colleges.
- 12.32 In any case, Policy SC1 does not only require the physical accessibility of social and community infrastructure to be considered but also the overall inclusivity of the uses to local communities. Also, distinct but related to this requirement, Policy SC4 requires the overall social value of a development to be considered with the objective of maximising social, environmental and economic benefits in a sustainable way. Without knowing the end-user or occupier of the space at this time, it is not possible or practical to stipulate in which way the floorspace could be made more accessible to local communities or indeed to what extent the development would bring about social value. As such, in the event of an education or medical use taking up the space, details demonstrating how the facility would be made available and accessible to the local community and how the facility would deliver social value will need to be submitted to and approved by the Local Authority (*condition 10*).
- 12.33 In terms of the other requirements of policy SC1, it can be confirmed that the site is accessible by a range of sustainable transport modes, including walking, cycling and public transport and that the inclusive design aspects of the floorspace as well as the potential impacts on the amenities of surrounding uses will be considered in subsequent sections of the report.

- 12.34 Overall, having regard to the Development Plan, it is considered that the proposed education (Use Class F1(a) and Use Class E(e)) use is acceptable in land use terms, subject to appropriate conditions. The proposal would make an efficient use of this brownfield site and would also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.
- 12.35 In light of the introduction of Class E, in the event that planning permission is granted a condition (13) is recommended restricting the use of the site to the proposed uses only (Class E(g)(i)(ii)(iii), E(e), F1(a)). The intention is to ensure that the site would only be permitted for these use as proposed, supporting the Council's specific policies to enhance the designated Employment growth areas and the wider CAZ designation.
- 12.36 Furthermore, officers also recommend a separate condition (11) to restrict future change of use of the site from office to residential, based on the provision of Class MA within the latest General Permitted Development Order. This is to ensure that there would not be an unacceptable loss of business floorspace to residential use, which would adversely affect the designated Key Area and the Employment Growth Area.

Design, Conservation and Heritage Considerations

- 12.37 Given that there are no physical external changes proposed to the application site or buildings, it is not considered that there would be any design, conservation or heritage implications or considerations as a result of the proposed change of use application.

Inclusive Design

- 12.38 The London Plan policy GG1 states that development must support and promote the creation of a London where all Londoners can move around with ease and enjoy the opportunities that the city provides. Furthermore, it supports and promotes the creation of an inclusive London where all Londoners can share in its prosperity, culture and community minimising the barriers challenges and inequalities they face.
- 12.39 The Inclusive Design principles are out in London Plan policy D5 which states that development proposals should achieve the highest standards of accessible and inclusive design.
- 12.40 Policy DM2.2 of the Islington Local Plan requires new development demonstrate that they provide for ease and versatility of use, deliver safe environments, produce places and space that are convenient and enjoyable to use for all and bring together the design and management of development from the outset and over its lifetime. The Council's Inclusive Design SPD provides further guidance on inappropriate design.
- 12.41 The site already has permission for business floorspace and so the inclusive design aspects of the floorspace will not be reconsidered here. It is noted that the inclusive design condition for the office floorspace is a compliance condition, which reads as follows: "All lifts and accessible WCs serving the office floorspace shall be installed and operational prior to the first occupation of the office floorspace hereby approved in the relevant phase." In the event of planning permission being granted, for the avoidance of doubt, a similar condition to the same effect would be applied again (*condition 7*).
- 12.42 In the event of a healthcare or education provider taking up the space, the accessibility requirements would be distinct from that of an office occupier. Policy DM4.12 specifically requires social infrastructure such as education or healthcare uses to provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants.

- 12.43 Emerging Local Plan Policy SC1 'Social and Community Infrastructure' requires that new social infrastructure (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, sustainable and which provide design and space standards which meet the needs of intended occupants; (iii) provide appropriate drop-off/pick-up facilities for disabled people; (iv) be sited to maximise shared use of the facility, particularly for sports, recreational and community uses; and (v) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.
- 12.44 While not all of these requirements are necessary relevant to the application, the proposal would need to be inclusive and accessible and would need to provide appropriate drop-off/pick-up facilities for disabled people. In the event of an education or healthcare occupier taking up the space, further details of the inclusive design measures specific to that use would be required by condition (6) prior to occupation of the space. In particular, the toilet and bathroom facilities shown on plan do not appear to meet inclusive design principles and further detail would need to be provided by condition.
- 12.43 Moreover, a drop-off bay would need to be provided in order to cater for the needs of disabled visitors to the facility. It is considered that this could be captured by a condition (9) requiring the applicant to enter into a section 278 agreement in order to make the necessary changes to the highway to facilitate the provision of the bay in the event of a social infrastructure use taking up the space.
- 12.44 Subject to these conditions (6, 7 and 9) it is considered that the building would be accessible for the uses proposed and would meet inclusive design standards and requirements.

Neighbouring Amenity

- 12.45 The NPPF para 127F states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users. 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.
- 12.46 London Plan Policy D3 part D states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.
- 12.47 Development Management Policies DM2.1 and DM6.1 which require all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 12.48 No built form is proposed as part of this application so it is not considered that the proposal would give rise to the loss of daylight or sunlight to neighbouring residential occupiers. No new windows are proposed and the application would not result in any change to the physical relationship with surrounding buildings; as such, it is not considered that the building would give rise to any impacts in terms of overlooking, loss of privacy, loss of outlook or an increased sense of enclosure.

Noise and Disturbance

- 12.49 The existing building has consent for business / office uses, which are not considered to be particularly noise-sensitive nor particularly noise-generating uses. The original consent included noise and sound insulation conditions for the residential uses in the development

as well as plant noise conditions to mitigate against the likely noise generated by roof-plant noise. It is not considered that any further noise control or mitigation is required in the event of an office use occupying the space.

- 12.50 In the event of an education (F1(a)) or healthcare provider (E(e)) taking up the space, the noise impacts, particularly relating to the movements to and from the site, would be quite different. For example a healthcare provider may have the use of emergency vehicles, whereas an education provider might involve large groups coming and going at the same time. As such, in the event of a an F1(a) or E(e) use taking up the space, a site management plan would need to be submitted and approved by the Local Planning Authority prior to the occupation of the development (*condition 14*).

Energy Efficiency and Renewable Energy

- 12.51 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 152, 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.
- 12.52 London Plan policy GG6 seeks for London to become a more efficient and resilient city, in which development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050. Proposals must ensure that buildings are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating and avoiding contributing to the urban heat island effect.
- 12.53 London Plan policy SI 2, in support of the strategic objectives set out in Policy GG6 above, 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 would be met within the framework of the energy hierarchy. It requires all major 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 cannot be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund.
- 12.54 There are no physical changes proposed to the building as a result of this planning application and there is a limited amount that the applicant can do to help further achieve carbon reduction and sustainability initiatives. The original development for the entire 250 City Road site, which was granted planning permission under application P2013/1089/FUL and then superseded by application reference P2016/2994/S73, included a number of energy efficiency and green energy measures as well as connection to the Bunhill District Heat Network (which is expected later in 2022), resulting in a carbon reduction of 43% (regulated emissions) and 24% (total emissions) when compared to a Building Regulations (2010) compliant building. The s106 agreement to the permission also included a carbon offset contribution of £2.7million. With no increase in floorspace, the application is not required to make any further contributions towards energy or carbon reduction.

Circular Economy

- 12.55 Local Plan policy SI.7 'Reducing waste' states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal would 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.
- 12.56 The emerging SDMP policy S10 states that all developments must adopt a circular economy approach to building design and construction in order to keep products and materials in use for as long as possible to minimise construction waste.
- 12.57 The proposal comprises the retention of all of the existing building and as a result the reuse of existing building material has been maximised while waste and consequently environmental impact has been minimised. As such the intentions of Policy SI.7 of the London Plan and Policy S10 of the emerging Local Plan have been successfully achieved.

Highways and Transportation

- 12.58 The NPPF para 108 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost-effectively mitigated to an acceptable degree.
- 12.59 Chapter 10 of the London Plan relates to highways and transportation. London Plan Policy T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Transport Statement should be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of the same policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, would be required to address adverse transport impacts that are identified.
- 12.60 Locally, Local Plan policy DM8.1 states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, policy DM8.2 states that proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.
- 12.61 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 5 (Very good). The site is within walking distance to both Angel Underground Station as well as Old Street station, which provides services on various railway and underground lines. The site is also located in close proximity to a number of bus routes on City Road.

Trip Generation

- 12.62 The data provided within the submitted Transport Statement shows that the consented office floorspace would result in a significantly greater number of peak-time person trips than those proposed, i.e. healthcare or education uses. For example, the peak-time trip generation for an office use would be some 180 trips, whereas for a healthcare use this would be an estimated 150, while for an education use it would be significantly less. It can be

concluded that simply in terms of the quantum of trips made, the proposed uses would not give rise to unacceptable impacts on the highway network.

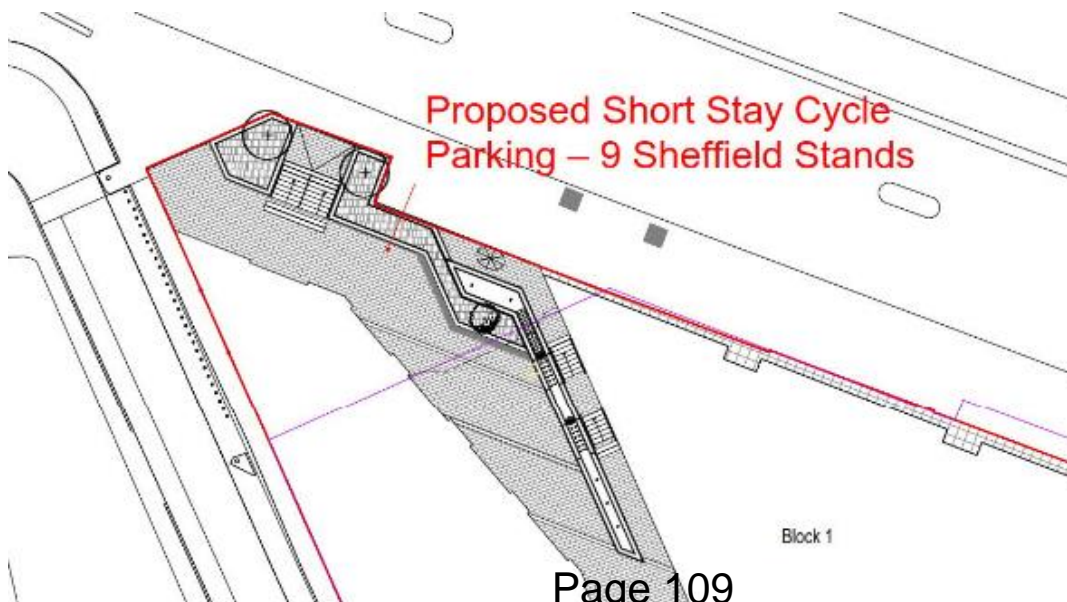
- 12.63 However, a healthcare use may necessitate that specific types of vehicle, such as emergency vehicles, access the site on a regular basis. Moreover, emerging Local Plan Policy SC1 requires that social infrastructure uses include pick-up / drop-off facilities for disabled people. This has not been shown on plan as part of this planning application, though it is considered that sufficient space exists on site or in the vicinity of the site to cater for this need. In the event of planning permission being granted for the proposed uses, a condition (8) would be required for the applicant to provide details of a drop-off bay on site or to enter into a s278 agreement to ensure that this is provided in close proximity to the site.

Servicing / Delivery

- 12.64 The servicing and delivery requirements for the proposed uses are generally less intensive than those for the consented office use. While the office use is estimated to result in up to 12 servicing / delivery trips per day, the proposed education and healthcare uses would result in anything between 4 and 12 servicing and delivery trips. These would all utilise the existing on site servicing and delivery bays in the basement.
- 12.65 There is an existing Delivery and Servicing Management Plan (condition 34 of the original permission) which governs the delivery and servicing arrangements for the site. It is considered that in the event of any deviation from the management plan as a result of future occupiers servicing or delivery needs, a revised plan should be submitted prior to the occupation of the development hereby approved (*condition 3*).

Cycle Parking

- 12.66 The proposed education and healthcare uses would give rise to short-stay cycle parking requirements. In accordance with Policy T5 of the London Plan (2021) and the corresponding Table 10.2, a total of 18 short-term cycle parking spaces should be provided in the public realm in order to cater for the needs of staff and visitors to any proposed healthcare and / or education uses. The proposed short-stay cycle parking should be conveniently located, secure and sheltered from the weather. At least one stand should be spaced more generously than others to provide for cargo and mobility bicycles. This would reflect the contemporary approach to cycle parking and address residual demands of the remaining development for short stay cycle parking since the original permission.



Potential location for short-term cycle parking

- 12.67 The application does not include the provision of short-term cycle parking, however the applicants have indicated where the short-term cycle parking could be provided (as above). Further details would be required by condition in the event of planning permission being granted and an education or healthcare use occupying the floorspace.

Fire Safety

- 12.68 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement which is an independent fire strategy produced by a suitably qualified assessor.
- 12.69 To accord with policy, a fire strategy document has been prepared by FDS Consult and is compliant with the appropriate Building Regulations 2020 as well as BS 9999. The document has been considered internally at officer level and is considered acceptable. It is proposed that any permission should be subject to a condition (12) ensuring that the development should only be occupied and managed in accordance with the submitted fire strategy.

Planning obligations, community infrastructure levy and local finance considerations

- 12.70 There is a 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.
- 12.71 Given that this a change of use application whereby the proposed uses would have comparable or reduced impacts when compared to the consented uses, it is not considered that a s106 agreement would be required. Potential changes to the highway network to enable the provision of a drop-off / emergency vehicle bay and short-term cycle parking, the submission of a revised Travel Plan and Green Performance Plan would be required by suitably-worded conditions (4 and 5).

13. SUMMARY

- 13.1 Paragraph 47 of the NPPF dictates that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise". The proposed development is considered to be acceptable in principle and in accordance with the development plan.
- 13.2 The application demonstrates that the consented business floorspace (former Use Class B1) has been marketed without success for a period in excess of 24 months, in accordance with relevant planning policy. It is not considered that the potential loss of office / business floorspace and the consequent introduction of education and/or healthcare uses at this

particular site would unduly harm the strategic functions of London's Central Activities Zone nor would it compromise the economic functions of the Employment Priority Area.

- 13.3 Overall, having regard to the Development Plan, it is considered that the proposed education (Use Class F1(a) and Use Class E(e)) use is acceptable in land use terms, subject to appropriate conditions, and would make an efficient use of this brownfield site. The proposal would also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.
- 13.4 The application does not propose and physical alterations to the existing buildings. As such, there are not considered to be any impacts on neighbouring amenity in terms of loss of daylight, sunlight, overshadowing, overlooking or an increased sense of enclosure. Any potential noise and disturbance impacts would be suitably mitigated by condition. The proposed development optimises energy and sustainability performance within the existing building and reduces environmental impact through the effective reuse of the existing building.
- 13.5 The proposed development is considered to accord with the policy requirements of the adopted London Plan and Local Plan and the emerging local plan. The application is recommended for approval subject to conditions.

Conclusion

- 13.6 The proposed development is considered to be acceptable and in accordance with the development plan. It is recommended that planning permission is **granted** subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management , the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	Commencement
	<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>Cover Letter by Gerald Eve dated 15th October 2021; Drawing Numbers XX-DR-A-01-1000; XX-DR-A-01-1001; XX-DR-A-01-1002 Rev 1; Existing Plans A-P-B1-1199; 1200; 1201; 1202; 1203; Transport Statement by WSP dated October 2021 and response note dated January 2022); Planning Statement by Gerald Eve dated October 2021; Employment and Marketing Report by Quod dated October 2021; Updated Cover Letter by Gerald Eve dated 20th December 2021; Employment and Marketing Report – Appendix 1 requirements dated 20th December 2021; Fire Strategy Overview (Issue 02) by FDS Consult dated January 2022; Headline Rental Opinion from HK London dated January 2022; Additional Information Cover Letter by Gerald Eve dated 1st February 2022;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning 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	Servicing and Delivery Plan (Details)
	<p>CONDITION: In the event of the proposed servicing and delivery arrangements deviating from the approved Delivery and Servicing Management Plan (DSMP), a revised DSP detailing servicing arrangements including the location and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the 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>

	REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free flow of traffic.
4	Green Performance Plan (Details and Compliance)
	<p>CONDITION: Prior to the occupation of the development hereby approved, a Green Performance Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of sustainable development and with the objective of bridging the gap between building performance and operation.</p>
5	Travel Plan (Compliance and Details)
	<p>CONDITION: Prior to the occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of sustainable development.</p>
6	Inclusive Design (Details)
	<p>CONDITION: Prior to the occupation of the site by a healthcare (Use Class E(e)) or education (Use Class F1(a)) use, details of inclusive design measures specific to that use shall be submitted to and approved in writing by the Local Planning Authority.</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: In the interests of accessibility and inclusive design.</p>
7	Inclusive Design (Compliance)
	<p>CONDITION: All lifts and accessible WCs serving the office floorspace shall be installed and operational prior to the first occupation of the office floorspace hereby approved in the relevant phase.</p> <p>REASON: In the interests of accessibility and inclusive design.</p>
8	Short-term Cycle parking (Details and Compliance)
	<p>CONDITION: Prior to the occupation of the development hereby approved and in the event of a healthcare or education use taking up the space, details of the short-term cycle parking facilities including no less than 18No. short-term cycle parking spaces in a convenient and accessible location, shall be submitted to and approved in writing by the Local Planning Authority.</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: In the interests of sustainable transport and the convenient and accessible location of cycle parking spaces.</p>
9	Section 278 Agreement (Details)
	<p>CONDITION: In the event of a healthcare or education use occupying the floorspace, a drop-off bay / emergency vehicle bay shall be provided in a convenient and accessible location prior to the occupation of the development. Details of the bay shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>In the event of a bay being provided outside of the site boundary, the details shall be subject to a Section 278 of the Highways Act 1990 agreement with the Local Highway Authority prior to the 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: In the interests of accessibility and the safe operation of the uses hereby permitted.</p>
10	Community Access Plan (Compliance)
	<p>CONDITION: In the event of a healthcare and/or education use occupying the floorspace hereby approved, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The details submitted shall include:</p> <ol style="list-style-type: none"> 1. Information on how the education / healthcare use would benefit local people; 2. How the facility would be made available to local communities; 3. Details on pricing policy; 4. Information on how the facility would be advertised to local residents; 5. How the development would deliver social value; 6. Other community access arrangements; 7. How the facility would complement existing facilities in the area. <p>The development shall be 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: In the interests of inclusivity and social value in accordance with emerging Local Plan Policy SC1 and SC4 and Policy DM4.12.</p>
11	Class MA (Compliance)
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
12	Fire Strategy (Details)

	<p>CONDITION: The details and measures set out in the Fire Strategy Overview – Issue 02 dated January 2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Should any subsequent change(s) be required to secure compliance with the submitted fire strategy, a revised fire strategy would need to be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the Fire Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
13	Restriction of PD rights
	<p>CONDITION: The building hereby approved shall only be used for business (Use Class E(g)(iii)), healthcare (Use Class E(e)) or education (Use Class F1(a)) uses and for no other purpose (including any other purpose within Class E or F1 of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location (Employment Growth Area). This would allow the Council to retain control over the change of use of the building in the future and to secure an appropriate balance of uses, and ensure that the availability of a range of workspaces to support the delivery of economic growth within the borough.</p>
14	Site Management Plan
	<p>CONDITION: In the event of an education and/or healthcare use occupying the space, a management plan detailing the future operation of the proposed uses, detailing</p> <ol style="list-style-type: none"> 1. management of access to the building; 2. safety and security measures; 3. management of the outdoor amenity space; 4. 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. Any education and/or healthcare use shall be managed in accordance with the details so approved thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity and in accordance with Development Management Policy DM2.1 and policy CS12F of the Islington Core Strategy 2011.</p>
15	Hours of Operation
	<p>CONDITION: In the event of an education and/or healthcare use occupying the space, such education and/or healthcare uses hereby approved shall not operate except between the hours of 7:00 and 23:00 on any given day.</p>

REASON: To ensure that the operation of the education and healthcare uses does not have an undue adverse impact on residential amenity in accordance with Policy CS12 of Islington's Core Strategy 2011, and Policy DM2.1 of Islington's Development Management Policies 2013.

List of Informatives:

1	Car-Free Development
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
2	Fire safety
	It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on Building Control@islington.gov.uk .

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 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

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

A) The London Plan 2021

Policy GG1 Building strong and inclusive communities Policy GG5 Growing a good economy Policy SD4 Central Activities Zone	Policy E11 Skills and opportunities for all. Policy SI1 Improving air quality Policy SI2 Minimising greenhouse emissions Policy SI4 Managing heat risk
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Policy SD5 Offices, other strategic functions & residential development in the CAZ Policy D1 London's form, character and capacity for growth Policy D5 Inclusive Design Policy D12 Fire safety Policy S2 Health and social care facilities Policy S3 Education & childcare facilities Policy E1 Offices Policy E2 Providing suitable business space	Policy SI7 Reducing waste and supporting the circular economy 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
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B) Islington Core Strategy 2011

Spatial Strategy Policy CS7 (Bunhill and Clerkenwell) Policy CS8 (Enhancing Islington's Character) Strategic Policies Policy CS10 (Sustainable Design) Policy CS11 (Waste)	Policy CS13 (Employment Spaces) Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure) Policy CS19 (Health Impact Assessments) Policy CS20 (Partnership Working)
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C) Development Management Policies June 2013

Policy DM2.1 (Design) Policy DM2.2 (Inclusive design) Policy DM4.12 Social and strategic infrastructure and cultural facilities Policy DM5.2 Loss of existing business floorspace Policy DM6.1 (Healthy development) Policy DM7.1 (Sustainable design & construction)	Policy DM7.4 (Sustainable design standards) 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)
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D) Finsbury Local Plan (2013)

Policy BC2: City Road Basin
Policy BC8: Achieving a balanced mix of uses

E) Emerging Policies relevant to this application are set out below:

Policy SP1: Bunhill and Clerkenwell Policy SC1 Social and Community Infrastructure Policy SC3 Health impact assessment Policy SC4 Promoting Social Value Policy B1 Delivering business floorspace Policy B3 Existing business floorspace	Policy S1 Delivering sustainable design Policy S3 Sustainable design standards Policy S4 Minimising greenhouse emissions Policy S6 Managing Heat Risk Policy T2 Sustainable transport choices Policy T3 Car-free development Policy T5 Delivery, servicing and construction
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3. **Designations**

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

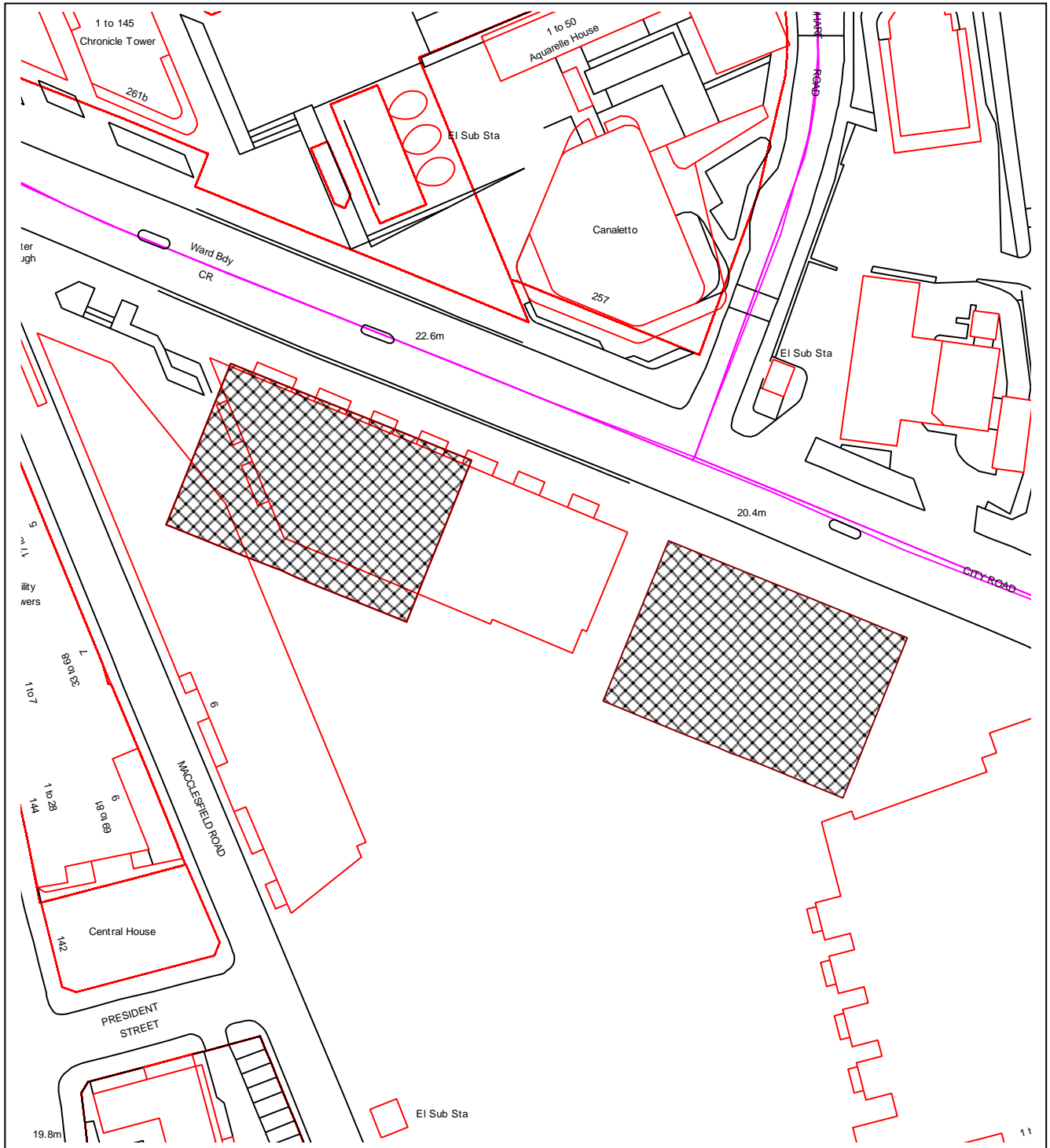
- Central Activities Zone (CAZ)
- Employment Priority Areas (General) – BC8, Finsbury Local Plan
- Archaeological Priority Area
- Local Cycle Routes
- Bunhill & Clerkenwell (Finsbury Local Plan Area)
- Site Allocation BC6 (250 City Road/City Forum)
- Within 100m of TLRN Road
- Rail Land Ownership – TFL Surface / Tunnels

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

The following SPGs and/or SPDs are relevant:

- | Islington Local Development Plan | London Plan |
|----------------------------------|--|
| - Inclusive Design SPD | - Accessible London: Achieving and Inclusive Environment |
| - Planning Obligations and S106 | - Sustainable Design & Construction |
| - Urban Design Guide | - Planning for Equality and Diversity in London |

Islington SE GIS Print Template



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P2021/3078/FUL

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PLANNING COMMITTEE REPORT ADDENDUM

Development Management Service
Planning and Development Division
Community Wealth Building

PLANNING COMMITTEE		AGENDA ITEM NO:	B3
Date:	04 April 2022	NON-EXEMPT	

Application number	P2021/1692/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	n/a
Conservation area	n/a
Strategic	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Employment Priority Area 14 (Great Sutton Street) Article 4 Direction B1c to C3 (CAZ) Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	n/a
Site Address	30 Bastwick Street, London, EC1V 3PS
Proposal	Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	H Planning

1. RECOMMENDATION

1.1. 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. BACKGROUND OF DEFERRAL

- 2.1. Planning application P2021/1692/FUL was presented at the Planning Committee meeting on 22 February 2022. The Planning Committee Report for this meeting is appended as **Appendix 2** for reference.
- 2.2. During the 22 February 2022 Committee Meeting, following concerns raised in representations regarding daylight and sunlight transgressions to neighbouring properties, Members voted to defer the item in order for the applicant to review the massing of the building and seek betterments to the daylight and sunlight levels.
- 2.3. Since the 22 February 2022 Committee Meeting, the Applicant has submitted amended plans and an updated Daylight Sunlight Report. The revisions to the proposal include the stepping back of part of the top floor and the introduction of a pitched roof to the rear of the site, whereas this was previously proposed as a flat roof.

3. CONSULTATION

Public Consultation Responses

- 3.1. To date, a total of 31 representations forming objections to the proposal have been received. Further correspondence and representations have been received since the item was deferred. However, no new material planning considerations have been raised from those addressed within the 22nd February 2022 Committee Report.
- 3.2. The amended plans have not been subject to a formal re-consultation given that the amendments reduce the bulk of the building to the upper most levels and the revised 'Daylight and Sunlight' reports reflect these amendments. This is in accordance with the Council's Statement of Community Involvement.

UPDATED ASSESSMENT

- 3.3. Following the deferral, the Applicant submitted revised elevation/floorplan drawings and a revised 'Daylight & Sunlight' report. It should be noted that the scheme has not been amended beyond the following revisions:
 - Revision to rear most part of the second floor, with the flat roof being revised into a pitched roof with 6 rooflights; and
 - Reduction to the northwestern part of the fourth storey (third floor) floorplan, leading to a 20sqm reduction in floor area.
- 3.4. Therefore, the overall proposed GIA floorspace has reduced from 1,778sqm to 1,758sqm.
- 3.5. The amendments to the mass of the proposed development has led to betterments, albeit marginal, to daylight and sunlight receipt to neighbouring properties.

Design

- 3.6. The proposed amendment to introduce a pitched roof would reduce the massing of the building and would be set within the rear building context. The pitched roof design would not detract from the character and appearance of the area and would maintain the design integrity of the development as previously proposed.
- 3.7. The amendment to the fourth floor of the building would introduce a further setback from the central rear projection. This would further reduce the massing of the upper floor of the resultant building and maintains the design of the building as previously proposed.

Impacts to Daylight

- 3.8. In the scheme presented to the 22 February 2022, 8 neighbouring windows and 8 rooms would have seen reductions beyond BRE guidance in relation to Vertical Sky Component and No Sky Line. Following the revisions, the results show that 8 windows and 8 rooms would still see reduction in daylight beyond BRE guidance. However, a number of windows and rooms would see a betterment to the reductions to neighbouring properties, albeit the reductions would transgress the BRE guidelines. Transgressions are reported to neighbouring 26 & 27 Bastwick Street, 37 Bastwick Street, 41 Central Street and 46-56 Pear Street. These are outlined further below:

Table 1: 46-56 Pear Tree St

Table 1: 46-56 Pear Tree St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
First Floor										
236	LKD	28.3	23.9	19%	16%	55.9	38	19	53%	50%
237		2.6	2.6	0	0					
238	LKD	21.3	15.2	32%	29%	27.4	23.1	12.9	49%	44%
239	Bedroom	28.1	22	24%	22%	9.3	9.1	8.2	10%	10%
240	Bedroom	21.8	16.4	27%	25%	13.8	12.4	8.3	34%	33%
241	Bedroom	20.4	16.6	20%	19%	19.5	18.3	13.5	29%	27%
Second Floor										
244	LKD	33.5	30.6	11%	9%	55.9	42.5	29.6	36%	30%
245		22.6	22.6	0	0					
256	Kitchen	32.8	28.6	15%	13%	27.4	25.5	17	39%	33%

Table 2: 26 & 27 Bastwick St

Table 2: 26 & 27 Bastwick St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
First Floor										
45	Unknown	3.3	2	40%	39%	67.8	26.4	26.4	0	0

Table 3: 29 Bastwick St

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
First Floor										
11	LKD	0	0	0	0	27.2	9	6.6	3%	3%
12		26	20.1	24%	23%					
13	Staircase	22.7	21.7	5%	4%	1.3	1.2	0.6	50%	50%

Table 4: 37 Bastwick St

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
First Floor										
122	Living	25.5	19.3	25%	24%	4.7	4.6	4.5	3%	3%
Second Floor										
126	Bathroom	31.7	23.7	28%	25%	4.7	4.6	4.5	3%	2%
Third Floor										
130	Conservatory	34.7	18.7	47%	46%	21.8	21.8	21.8	0	0

Table 5: 41 Central St

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	Reduction (%) Revised Scheme
First Floor										
145	Reception / Living	12.5	11.9	10%	5%	18	12	8.8	28%	27%

Impacts to Sunlight

- 3.9. In the scheme presented to the 22 February 2022, 8 neighbouring windows would have seen reductions beyond BRE guidance in relation to Sunlight. Following the revisions, the results show that the quantum of reduction is now 7 windows as follows:

Table 6: Sunlight Transgressions		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
29 Bastwick								
<i>First Floor</i>								
3	Domestic	27	20	7	26%	0	0	0
4	Domestic	36	25	11	31%	0	0	0
5	Domestic	25	18	7	28%	0	0	0
8	Domestic	32	23	9	28%	0	0	0
10	Domestic	30	21	9	30%	0	0	0
43 Central Street								
<i>Ground Floor</i>								
150	LKD	19	14	5	32%	1	1	0
151	LKD	31	25	6	23%	5	3	40%

- 3.10. The results show that the transgressions to 29 Bastwick Street are the same as the previous scheme of 22 February 2022.
- 3.11. To 43 Central Street, there are betterments to window 150 now seeing a 26% reduction (previously 32%) and window 151 now seeing a reduction of 19% (previously 23%). The reductions however would still marginally transgress BRE guidance. Paragraph 9.113 of the 22 February 2022 highlights that this is believed to be a living/kitchen/dining room and there are no other sunlight transgressions to other windows.
- 3.12. 45 Central Street saw reductions beyond BRE guidance to one window (157) of a conservatory at ground floor to the rear of the property in the previous scheme. The revised proposal sees a betterment to this window, which would now meet BRE guidance.

Overshadowing

- 3.13. Paragraphs 9.116 – 9.118 of the 22 February 2022 Committee Report outline overshadowing. The revised scheme would see the same result of 1 neighbouring garden (45 Central Street) seeing a 100% reduction beyond BRE guidance. There are no other transgressions to neighbouring gardens/amenity spaces beyond BRE guidance.

Amendment to Recommended Conditions

- 3.14. The conditions as recommended in the 22nd February 2022 Committee Report have been amended to account for the revised plans and to address the motions seconded at the planning committee on 22nd February 2022. The amendments to conditions are detailed below:
- Condition 2 has been amended to include the revised drawings and documents received since the 22 February 2022 Committee Meeting;
 - Condition 11 has been amended to include restricted hours for deliveries and servicing of the building so that they do not disturb standard high-time/sleeping hours (between 2300 and 0700); and

- Condition 12 has been amended to restrict demolition and construction to weekdays only (no Saturday, Sunday or Public Holidays).

Summary

- 3.15. A comprehensive assessment of the revised proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. While a number of transgressions continue to occur beyond BRE guidance with regard to daylight, sunlight and overshadowing to one garden, the overall quantum is considered low whilst the reductions themselves are considered to result in a minor adverse impact given the circumstances and site context. Transgressions weigh against the scheme but the weight given is low by officers following inspection of the results and context of the neighbouring properties affected. The BRE guidance must be viewed flexibly and considered with regard to the prevailing Central London urban context. As such, while there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduly or unacceptably harmful. Officers consider the proposed development is acceptable, in accordance with the overall planning balance of the proposal as set out at paragraphs 9.190 – 9.195 of the 22 February 2022 Committee Report at **Appendix 2**.

4. CONCLUSION

- 4.1. Following the deferral of the application at 22 February 2022 Committee Meeting, the Applicant has revised the proposal by reducing the extent of the upper most storey and introducing a pitched roof form. This has led to betterments in the reductions to daylight, albeit the quantum of transgressions remains the same. The quantum of transgressions in regard to sunlight has been reduced from 8 to 7, but there is no change in regard to overshadowing of the garden of 45 Central Street.

RECOMMENDATION

- 4.2. It is recommended that planning permission be granted subject to conditions and Section 106 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. Contribution of **£312,480** 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 281sqm small / micro workspace units at basement level which includes -
 - a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
 - flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
 - good standards of internal sound insulation;
 - a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading; and
 - demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.
- c. Contribution towards 4x bays or other accessible transport initiatives of: **£8,000**;
- d. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of **£3,000**;
- e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by the LBI Highway). 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;
- f. Facilitation, during the construction phase of the development, of the following number of work placements: 2x. 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**;
- g. A contribution of **£25,806** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;

- i. 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;
- j. Compliance with the Code of Employment and Training;
- k. Compliance with the Code of Local Procurement;
- l. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,778** 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;
- m. Payment towards employment and training for local residents of a commuted sum of: **£22,239**; and
- n. 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.

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

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	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>1927.PP.01 - Proposed Sub Basement Floor Plan - Rev. I;</p> <p>1927.PP.02 - Proposed Basement Floor Plan – Rev. H;</p>

	<p>1927.PP.03 - Proposed Ground Floor Plan – Rev. F; 1927.PP.04 - Proposed First Floor Plan – Rev. E; 1927.PP.05 - Proposed Second Floor Plan - Rev. H; 1927.PP.06 - Proposed Third Floor Plan - Rev. I; 1927.PP.07 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.08 - Proposed Basement Floor Plan - Rev. E; 1927.PP.09 - Proposed Ground Floor Plan - Rev. E; 1927.PP.10 - Proposed First Floor Plan - Rev. D; 1927.PP.11 - Proposed Second Floor Plan - Rev. E; 1927.PP.12 - Proposed Third Floor Plan - Rev. F; 1927.PP.13 - Proposed Roof Plan - Rev. E; 1927.PP.14 - Proposed Rear & Front Elevations - Rev. G; 1927.PP.15 - Proposed Side Elevations - Rev. G; 1927.PP.16 - Proposed Section AA & BB Rev. J; 1927.PP.17 - Proposed Section CC & DD Rev. H; 1927.PP.18 - Proposed Section EE Rev. G; 1927.PP.20 - Proposed Roof Plan Rev. B;</p> <p>Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21; Delivery & Service Plan prepared by Paul Mew Associates dated June 2021; Final Noise Report (ref: 557/21) prepared by Michael Sugiura Acoustic Consultant dated May 2021; FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021; Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021; Transport Statement prepare by Paul Mew Associates dated May 2021; Highways Response prepared by Paul Mews Associates dated September 2021;</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>Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses for all facing bricks; b) render (including colour, texture and method of application); c) windows and doors (including sections and reveals); d) roofing materials (including facing materials); e) any 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 resulting appearance and construction of the development is of a high standard.</p>
4	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 the amenity of neighbouring residents is not adversely affected.</p>
5	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans (1927.PP.03 Rev G - Proposed Ground Floor Plan) 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>
6	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans (1927.PP.01 Rev. I - Proposed Sub Basement Floor Plan) 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>
7	Flat Roofs (Compliance)
	<p>CONDITION: The flat roofs of the development hereby approved, including the identified green roofs, 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>
8	Internal 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 surrounding 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 (but not limited to):</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 neighbouring adjacent residential dwellings.</p>
9	Obscured Glazing (Compliance)
	<p>CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the development hereby approved, all windows at second floor and third floor levels of the</p>

	<p>rear (north-western) elevation of the building shall be obscure glazed and permanently fixed shut, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of preventing direct overlooking and in addition to prevent undue noise disturbance to the residential properties in immediate proximity to the development site. This condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.</p>
10	External Lighting (Details)
	<p>CONDITON: 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>
11	Delivery and Servicing Plan (Compliance)
	<p>CONDITION: The development shall be constructed and operated strictly in accordance with the hereby approved Delivery and Servicing Plan dated June 2021 and the Highways Response dated September 2021, 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>No deliveries or servicing shall take place outside of 0700 – 2300.</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, Construction and Environmental Management Plan (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> <ul 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 debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and

	<p>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 Saturdays, 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	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>
14	Energy Efficiency (Compliance)
	CONDITION: The energy efficiency measures as outlined within the hereby approved

	<p>Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021 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>
15	Green Roofs (Details and Compliance)
	<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>
16	Urban Greening Factor (Compliance)
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
17	Bird and Bat Boxes (Details and Compliance)
	<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>

18	Inclusive Design
	<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> <ul style="list-style-type: none"> a) All entrances to the building must be level, step free and Part M compliant; b) Confirmation that all doors are to be automated; c) Confirmation that all accessible WCs on ground, first and second floors achieve Part M4 compliance; d) All WCs to allow for right hand and left hand transfer on alternating floors; and e) 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>
19	Sustainable Urban Drainage (Compliance)
	<p>CONDITION: The development shall be carried out strictly in accordance with the details so approved within the FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021 and shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
20	Piling Method Statement – Thames Water (Details)
	<p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</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>
21	Basement Excavation (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21, unless otherwise agreed in writing. 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>
22	Restriction of Office Use and Removal of Permitted Development Rights (Compliance)
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i)</p>

	<p>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 (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place 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 Central Activities Zone, Employment Growth Area and wider Borough. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
23	Amalgamation of Units (Compliance)
	<p>The dedicated 4x SME office units at Basement level shall not be amalgamated with one another into a single unit nor amalgamated with the office floorspace above.</p> <p>REASON: To ensure that the dedicated SME units are secured in perpetuity for the provision of premises suitable for small businesses.</p>
24	Contaminated Land (Details)
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site: A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local

	<p>Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
25	Fire Safety Strategy (Compliance)
	<p>CONDITION: The details and measures set out in the Fire Statement ref: 611272 by Salus Building Control and Fire Safety Consultants dated 15/01/2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. 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>
2	Community Infrastructure Levy(CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>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>
3	The Building Acts and Building Regulations
	<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</p> <p>E: building.control@islington.gov.uk</p>
4	Street Naming and Numbering
	<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</p> <p>E: address.management@islington.gov.uk</p>
5	Thames Water
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577</p>

	<p>9483 or by emailing trade.effluent@thameswater.co.uk</p> <p>Application forms should be completed on line via www.thameswater.co.uk Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
6	Thames Water
	<p>In regards to Condition 20, Thames Water advise on referring to their guide 'working near our assets' to ensure your workings will be 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/Developinga-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>

APPENDIX 2: 22 FEBRUARY 2022 COMMITTEE REPORT



ISLINGTON

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building
PO Box 333
Town Hall
LONDON N1 2UD

PLANNING COMMITTEE		AGENDA ITEM NO:
Date: 22 February 2022		

Application number	P2021/1692/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	n/a
Conservation area	n/a
Strategic	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Employment Priority Area 14 (Great Sutton Street) Article 4 Direction B1c to C3 (CAZ) Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	n/a
Site Address	30 Bastwick Street, London, EC1V 3PS
Proposal	Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	H Planning

5. 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**.

6. SITE LOCATION

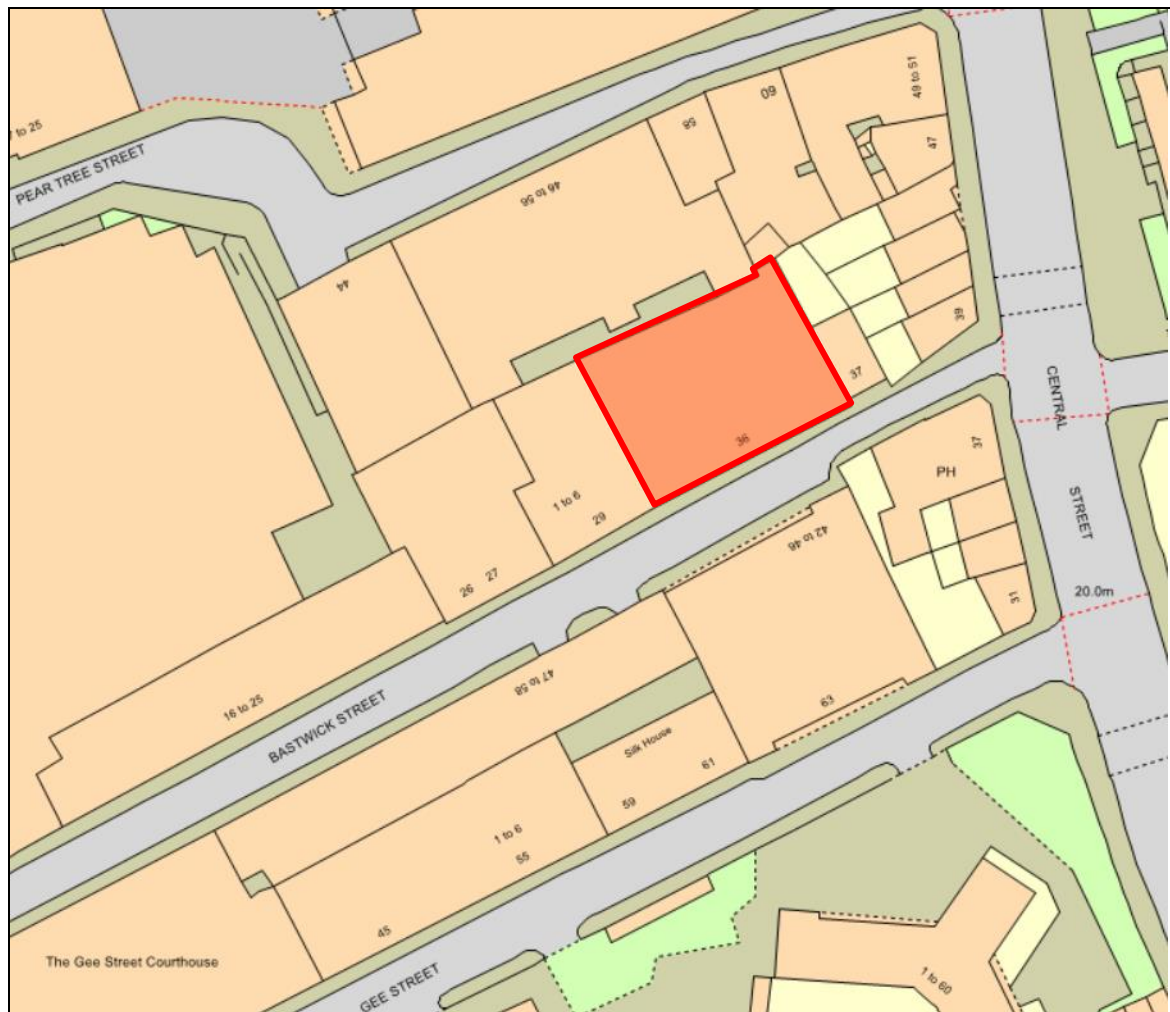


Figure 1: Site Location Plan (outlined in red)



Figure 2: Aerial view from the south



Figure 3: Aerial view from the north

7. SUMMARY

- 7.1. The application seeks to redevelop the site (currently in use as a photography studio and prop studio) following the demolition of the existing single storey building. The proposed replacement building would be a total of 4 storeys in height and provide for 1,778sqm of office floorspace (E(g)(i) Use Class), an uplift of 1,778sqm.
- 7.2. The proposal has been amended during the course of the application, with revisions to the height of the upper most floor and first floor rear projection, and alterations to the internal configuration in order to provide sufficient inclusive design features, cycle and refuse/recycling storage.
- 7.3. 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.
- 7.4. In land use terms, the provision of additional office floorspace within the Central Activities Zone (CAZ), Bunhill & Clerkenwell Key Area and the 'Great Sutton Street' Employment Priority Area, is supported. The proposed office development ensures that the site is predominately in business use, in accordance with all pertinent land use policies within the London Plan and Islington's Development Plan framework and therefore, the proposal is considered to be acceptable in land use terms.
- 7.5. 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. Further, the proposed development is considered to be well-designed, responding successfully to its context alongside neighbouring buildings along Bastwick Street.
- 7.6. Following further revisions during the application stage, the overall height of the building and the first floor have been reduced following concerns relating to impact upon outlook and reductions to daylight and sunlight to neighbouring residential properties.
- 7.7. The site has excellent public transport accessibility level (PTAL) due to its proximity to Old Street and Barbican railway and underground stations, and several bus routes run along Goswell Road and Central Street. The proposal would be car-free. Due to the site constraints, servicing and deliveries will 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.
- 7.8. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, which are to be secured via conditions and planning obligations.
- 7.9. The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 7.10. 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 an appropriate land use within 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.

8. SITE AND SURROUNDINGS

- 8.1. The application site relates to an existing single storey building to the north-west of Bastwick Street. The building has two hipped roofs.
- 8.2. The site is not located within a Conservation Area, however the north-eastern elevation adjoins the St Luke's Conservation Area (CA16). The buildings on site are not statutory listed, nor are any of the adjoining sites.
- 8.3. The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent). Old Street and Barbican are located a short distance to the site. There are also numerous bus routes along both nearby Goswell Road and Old Street. The site is within a resident only Controlled Parking Zone ('Zone A') with restricted parking on weekdays from 0830-1830 and Saturdays 0830-1330.

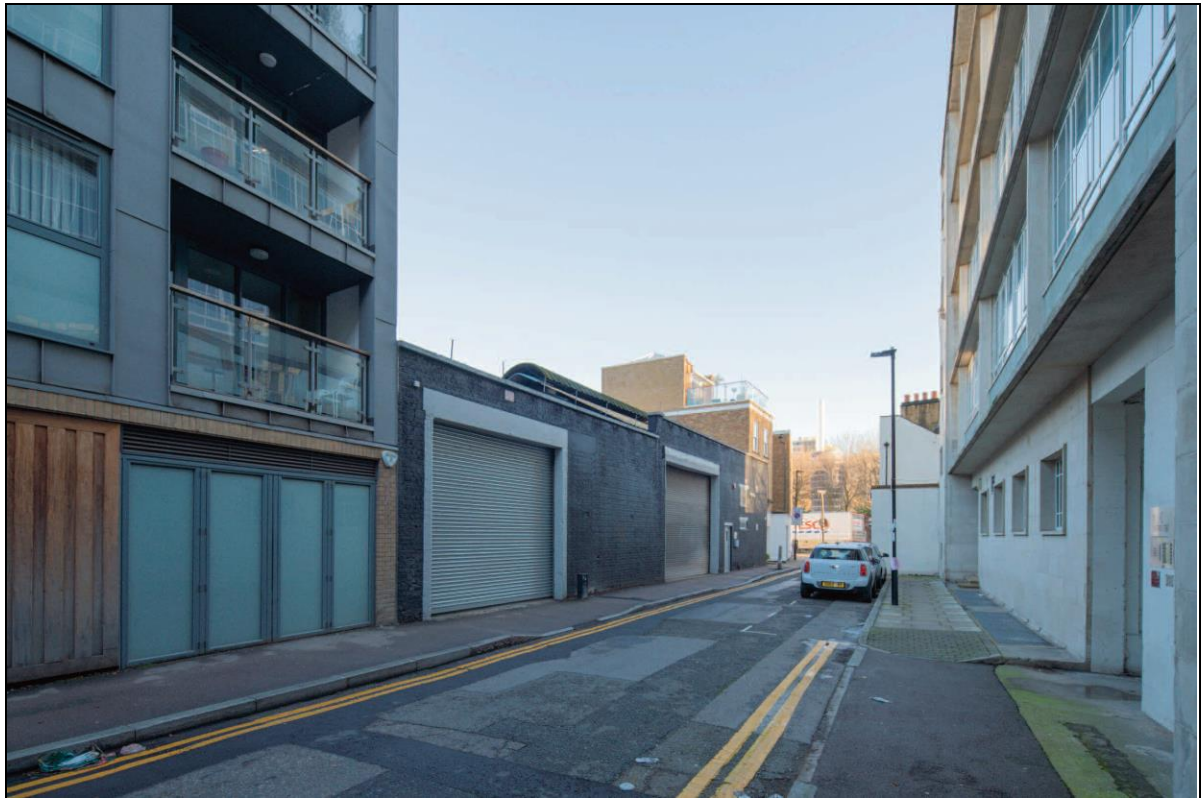


Figure 4: The existing front elevation looking north-east along Bastwick Street towards the junction with Central Street



Figure 5: The existing front elevation looking south-west along Bastwick Street

9. PROPOSAL (IN DETAIL)

- 9.1. The proposal seeks to demolish the existing single storey building and the construction of a four storey building (plus two basement levels). The total Gross Internal Area ('GIA') floorspace to be provided is 1,778sqm.
- 9.2. The only entrance to the building would be from Bastwick Street, with no other access point available on site. There is a single core to the building with a staircase and lift which would allow for step-free access to every floor within the building. Office floorspace is located at upper basement, ground, first, second and third floor levels. Cycle storage, changing rooms and a plant room would be located in the lower basement level.

Revisions to the scheme

- 9.3. 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 August 2021. 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 of addressing outstanding concerns relating to scale, height, bulk and the resultant impact of the proposed development upon neighbour amenity. The quantum and use of the proposed floorspace remains as originally submitted.
- 9.4. A summary of the revisions to the proposal are as follows:
 - Reduction of the Third Floor from 3.00m to 2.50m;
 - Reduction of the rear most part of the First Floor from 3.00m to 2.50m;
 - The inclusion of 4x Small and Medium Enterprise (SMEs) units at Upper Basement Level; and
 - Layout amendments have been made in response to comments relating to inclusive design, cycle storage and refuse/recycling areas.

10. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The Site has been subject to a number of applications. The following list are considered relevant to the current proposal:
- 6.2 P2020/3032/FUL: for “Temporary change of use of the site from 'housing and repair of motor vehicles' (Sui Generis) to prop storage and photography studio (sui Generis) for a period of 2 years, and retention of a front mental roller shutter door (retrospective application)” – Approved with Conditions 16/12/2020.
- 6.3 P2017/2858/FUL: for “Temporary change of use of site used for housing and repair of motor vehicles (Sui Generis) to a depot for two years to be used as Use Class B8 (Depot/Storage) for Cadent (National Grid) during the redevelopment of 1 Pear Tree Street. Insertion of new (metal) roller shutters and door to match existing on the front elevation” – Approved with Conditions 15/09/2017.
- 6.4 P121265: for “Retrospective change of Use to Commercial Car park for up to approximately 18 vehicles” – Refused 05/09/2012 and subsequent Appeal Dismissed 10/12/2012.

RELEVANT NEIGHBOURING SITES:

- 6.5 29 Bastwick Street (adjoins the site to the south-west)
- P042590: for “The construction of a four storey building to provide 170m² commercial (B1) floorspace at ground floor and six 1-bedroom flats to the first, second and third floors” – Approved with Conditions 15/10/2004.
- 6.6 44 Pear Street
- P2020/3206/FUL for “The upward extension, refurbishment and recladding of the existing building to create a new second and third floor and mezzanine level, associated with the use of the building for Class E purposes, together with the provision of plant equipment and a roof terrace at roof level and the provision of refuse, recycling and cycle parking facilities at ground floor level” – Resolution to Grant Planning Permission given a Planning Sub-Committee A on 14th December 2021. **This application was heard at the 14 December 2021 – Planning Sub Committee, where a resolution to grant planning permission was made subject to conditions and a legal agreement.**
- P2017/0865/FUL: for “Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations. (AMENDED PLANS: Amendments include alterations to the screening and relationship with the Pietra Lara Building (Flats 1 and 4) and alterations to the layout of units 7 and 8 at the fifth floor level)” – Approved with Conditions 29/11/2017, however this permission was not implemented.
- 6.7 46 – 56 Pear Street (Pietra Lara) (adjoins the site to the north-east)
- 990314 for “Redevelopment to provide two x B1 units at ground and basement levels five x 1-bedroom flats and nine x 2-bedroom flats at first to third floor levels” – Approved with Conditions 25/07/2000.

6.8 60 Pear Street (adjoins the site to the north)

P2015/2476/FUL: for “Proposed terrace at roof level. Balustrading set back from front and rear elevations. Existing metal staircase extended to meet roof level. Introduction of fixed roof lights and solar panels at roof level” – Approve with conditions 29/06/2015.

P2015/0183/FUL: for “Erection of a single storey half width rear extension at first floor level, together with the infill of the ground floor void” – Approved with Conditions 27/01/2015.

PRE-APPLICATION ADVICE

- 6.9 Pre-Application engagement between the Applicant and the Council was undertaken (reference: Q2020/3671/MJR) prior to the submission of the planning application. It was advised that the intensification of employment floorspace, and specifically office development, within the CAZ and Bunhill and Clerkenwell Area Action Plan could be supported in land use terms.
- 6.10 In terms of the design, the development of a four storey building would be acceptable, subject to refining the principle elevation on Bastwick Street. However, it was highlighted that there were concerns relating to the amenity of residential neighbours, in particular to an increased sense of enclosure, loss of outlook, loss of privacy through overlooking and loss to daylight/sunlight to habitable rooms.

7 CONSULTATION

Public Consultation

- 7.1 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 901 adjoining and nearby properties on 08 July 2021 and expired on 02 August 2021.
- 7.2 At the time of the writing this report, **23** 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*]:

Neighbouring Amenity

- Loss of privacy as a result of overlooking; [*See paragraphs 9.62 – 9.66*]
- Increased sense of enclosure and intrusion leading to loss of outlook; [*See paragraphs 9.67 – 9.68*]
- Loss of daylight and sunlight to neighbouring properties and increase overshadowing to amenity areas;

The cumulative impact upon daylight/sunlight to neighbouring properties due to another planning application: P2020/3206/FUL; [*See paragraphs 9.73 – 9.119*]

Design, appearance and heritage

- The proposal is too large of a building with unacceptable massing;
The proposal would adversely impact the character and appearance of this property and the setting of the conservation area;
Poor design. There is nothing distinct or delightful about the proposed building; [*See paragraphs 7.8 and 9.26 – 9.53*]

Biodiversity and sustainability

- Insufficient detail is provided in respect of biodiversity and the drainage strategy of the site. *[See paragraphs 7.13, 9.150 – 9.154 and 9.177 – 9.180]*

Construction

- Construction would bring noise and disturbance; *[See paragraph 9.120]*

External Consultees

- 7.3 **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.
- 7.4 **Transport for London (Spatial Planning)** – No comments to make on the application by TfL's Spatial Planning Team. It is reminded that the proposal should be in accordance with transport policies set out in the London Plan 2021.
- 7.5 **Thames Water** – No objection subject to conditions and informatives.

Internal Consultees

- 7.6 **Access Officer** – Step-free access by way of platform lift to the basement of the unit is supported and the double doors to the 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.
- 7.7 **Building Control Officer** – A Fire Safety Strategy document has been prepared in which the Applicant's Fire Safety Engineer has put forward an engineered solution to meet relevant Building Regulations for Fire Safety. Some concern raised over the provision of lobbies within the sub-basement and the suppression systems and the evacuation lift.
[Officer Response: Noted, paragraphs 9.146-147 within the assessment of the proposal below.]
- 7.8 **Design & Conservation Officer** – The proposed development has incorporated the design comments given by the Council at pre-application stage. The proposed building is substantial in appearance but it is considered to have a contextual form, height and materiality when compared to its immediate context within Bastwick Street and does not cause harm to the wider streetscape. When the proposed development is compared to the existing site in design and townscape terms it offers a better resolution of the streetscape than the existing condition, by screening more of the blank return elevations of adjacent buildings and by following the predominant three storey plus set-back configuration of most of the buildings on this street.
- 7.9 **Highways and Transport Officer** – The original submission only provides for 20 long-stay cycle parking spaces and no short stay spaces.

[Officer Response: Revisions to the scheme now include 24x long-stay cycle spaces in the sub-basement in accordance with London Plan requirements. Short-stay spaces are not proposed given the constraints of the site, and as such a contribution is sought towards short-stay cycle provision within the locality of the Site.]

The application includes a Delivery and Servicing Plan. The proposals suggest that the Highway can accommodate additional servicing vehicles however the Highway is narrow and the capacity of the Highway to accommodate servicing has not been established.

[Officer Response: No on-site servicing of the building is proposed given the constraints of the site as an on-site loading bay at ground floor area is not considered to best optimise the

site. The removal of the dropped kerbs and crossover would be of benefit to pedestrian safety along the narrow footway to the northern side of Bastwick Street. Neighbouring buildings along Bastwick Street are serviced on the highway. The Street is one way and the southern side of the highway provides for sufficient loading/unloading through either the existing bays or double yellow lines. Paragraphs 9.143 – 9.145 consider this in further detail.]

- 7.10 **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.
- 7.11 **Environmental Health (Acoustic Officer)** – No objection is raised. The proposal includes new plant to be installed on the roof. The accompanying noise report has only background sound survey and advised noise criterion, with no confirmation of the plant or assessment of the impact as yet. As such, a condition should be attached to an approval of permission in order to minimise noise impacts, with control on overall noise levels and a subsequent verification report.
- 7.12 **Environmental Health (Contamination)** – The application includes a desktop contaminated land study which advises on further investigation into pollution linkage here, given the historic use of the site for vehicular repair and maintenance. No objection subject to condition.
- 7.13 **Sustainability Officer** – The drainage design, proposed discharge rate and blue roof attenuation storage are welcomed and policy compliant. The details provided in the Drainage Report should be secured via condition.

Further, they are proposing to achieve the required Urban Greening Factor of 0.3 through the proposed green roof which is welcomed. The UGF score should be secured via condition.

A condition should be used to ensure a suitable number of bird and bat bricks/boxes are installed in suitable locations, as advised by an ecologist and in accordance with best practice guidance (CIEEM), including specific reference to swift bricks.

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.);
- 8.2 National Planning Policy Framework (NPPF) 2021, Paragraph 11(c) 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 three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: *"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.”

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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

- 8.9 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 new Islington Local Plan

- 8.10 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 Draft of the new Local Plan. Submission took place on 12 February 2020. As

part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October 2021.

8.11 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).

8.12 The following policies are considered relevant to the site and this application:

- | | |
|---|---|
| - SP1 Bunhill and Clerkenwell | - S5 Energy infrastructure |
| - B1 Delivering a range of affordable business floorspace | - S6 Managing heat risk |
| - B2 New business floorspace | - S7 Improving air quality |
| - B3 Existing business floorspace | - S8 Flood risk management |
| - B4 Affordable workspace | - S9 Integrated water management and sustainable design |
| - B5 Jobs and training opportunities | - T1 Enhancing the public realm and sustainable transport |
| - G4 Biodiversity, landscape design and trees | - T2 Sustainable transport choices |
| - G5 Green roofs and vertical greening | - T3 Car-free development |
| - S1 Delivering sustainable design | - T4 Public realm |
| - S2 Sustainable design and construction | - T5 Delivery, servicing and construction |
| - S3 Sustainable design standards | - DH1 Fostering innovation while protecting heritage |
| - S4 Minimising greenhouse gas emissions | - DH2 Heritage assets |
| | - DH3 Building heights |
| | - DH4 Basement development |

Draft Site Allocations

8.13 The Site Allocations document includes Bunhill and Clerkenwell, however the subject site has not been allocated to this specific site.

Designations

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

- Central Activities Zone ('CAZ')
- Bunhill & Clerkenwell Core Strategy Key Area
- Employment Priority Area ('EPA') – Great Sutton Street
- Article 4 Direction B1c to C3 (CAZ)
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment (EIA)

- 8.16 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;
- Energy & Sustainability; and
- Overall Planning Balance.

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') (2021) 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 Bunhill & Clerkenwell 'Key Area' as defined within Islington Core Strategy ('ICS') 2011 policies CS7 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3.
- 9.8 Islington's Core Strategy ('ICS') policy CS7 'Bunhill and Clerkenwell' is spatial strategy that highlights the specific spatial policies for managing growth and change for this key area within the Borough. The Bunhill and Clerkenwell are is considered as Islington's most important employment location with the Core Strategy, with the area expected to accommodate an addition of 14,000 business use jobs by 2025. Creative industries

Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and 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 previously fell within the "B" use class (i.e. offices, industry, or warehousing), and now fall within Use Class E.
- 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 or 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.
- 9.14 Further, Finsbury Local Plan policy BC8 'Achieving a balanced mix of uses' designates an area within for Employment Priority Areas ('EPA') for General or Offices employment. Within the EPA, not net loss business floorspace is to be permitted and proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 9.15 The site is located within an EPA for General (Great Sutton Street). Part B of policy BC8 states that Development should not be unfettered commercial office use, but where appropriate, must include retail or leisure uses at ground floor alongside i) a proportion of non-office business floorspace or business related floorspace (e.g. light industrial workshops, galleries and exhibition space) and/or; ii) office or retail floorspace suitable for micro and small enterprises ('SME') and/or; iii) affordable workspace, to be managed for the occupant whose needs are not met by the market.

Assessment

Existing Use

- 9.16 As highlighted in para.6.2 the building is currently and has been used temporarily for the past several years as a photography studio and prop storage (Sui Generis) following the temporary change of use from a workshop for the housing and repair of motor vehicles (Sui

Generis). The current temporary permission for the photography studio and prop storage expires in December 2022, where it would revert back to the pre-existing use as a vehicle repair workshop.

Proposed Office Use

- 9.17 The proposal seeks the uplift in business floorspace (GIA) of 1,778qm. Office use is proposed at basement, ground, first, second and third floors.
- 9.18 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.
- 9.19 Officers consider that due to the narrowness of the site, a mixed use development consisting of both office and residential would require separate cores (stairs and lifts etc.) which would not optimise the site sufficiently, reducing the net internal floorspace. As such, a building in use solely for single business use (office) floorspace is supported. Notwithstanding this and in accordance with Finsbury Local Plan Policy BC8, a contribution to the provision of off-site housing has been agreed with the applicant and is recommended to be secured as part of a legal agreement.
- 9.20 Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, office floorspace would support higher employment densities and thus create additional employment opportunities within the borough and in particular the CAZ and EGA.

Affordable workspace

- 9.21 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).
- 9.22 The proposal includes dedicated SME floorspace through provision of 4x units at basement level, measuring a total of 281sqm (66sqm, 66sqm, 72sqm and 77sqm respectively). This equates to 15.8% of the GIA or 19% in NIA. The proposed SME floorspace therefore exceeds the Local Plan policy requirement.
- 9.23 The units are accessed from the main core of the building and as such would share the entrance and reception area at ground floor level. The units would all have access to sufficient natural light, outlook and good floor to ceiling heights (at 4.00m), it is therefore considered that the proposed affordable workspace units by way of being for SME would comprise a good working environment for occupiers.

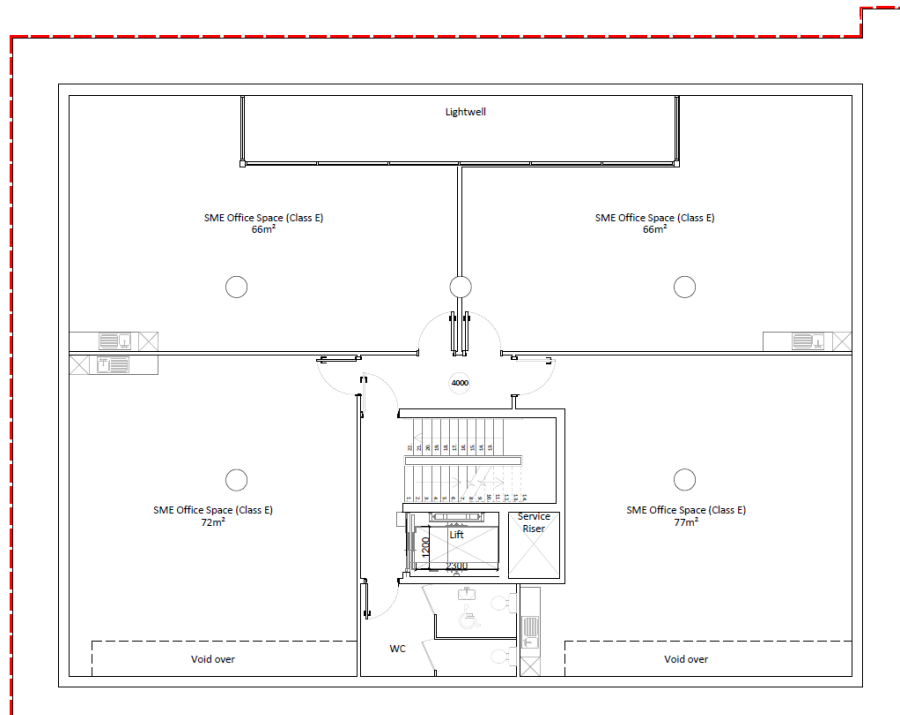


Figure 6: Proposed SME units at Basement Level.

Land Use Summary

- 9.24 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 EPA and CAZ, in accordance with London Plan (2021) policies SD4, SD5 and E3, Islington Core Strategy (2011) policies CS7 and CS13, Finsbury Local Plan Policy BC8 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.
- 9.25 It should be noted that 'Condition 22 and 23 are recommended to ensure that the floorspace of the new building can only be used for 'office' purposes and should be changed to other uses within Use Class E (e.g. light industrial or retail etc.) via permitted development rights.

Design, appearance and impact upon heritage

Policy Context

- 9.26 Paragraph 126 of the NPPF 2021 highlights that the creation of high quality, beautiful and sustainable 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.
- 9.27 Paragraph 132 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 133 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.

- 9.28 Paragraph 134 states that Permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance, taking into account any local design guidance and supplementary planning documents such as design guides and codes. 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.
- 9.29 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).
- 9.30 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.
- 9.31 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.
- 9.32 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.
- 9.33 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.
- 9.34 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.
- 9.35 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.

- 9.36 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

- 9.37 The site lies on the northern side of Bastwick Street, close to its junction with Central Street. It is occupied in its entirety by a large single storey building dating from the C20th which has an industrial appearance and is used as a vehicle repair garage. Previously, the site had a terrace of houses (from c.1870s-1940s). The site is surrounded by both residential and commercial buildings that are typically 4-6 storeys in height.
- 9.38 A four-storey building with a set-back fourth storey is not inherently harmful to the coherence of the streetscape and is considered to offer some townscape benefit in the sense that it screens the large flank walls of the adjacent development at 29 Bastwick Street without introducing an equivalent degree of blank return into the streetscape.
- 9.39 Bastwick Street is already of a greater height/scale than the neighbouring conservation area and the proposed new building has some advantages in creating a somewhat more resolved streetscape than the present arrangement. The character of Bastwick Street is largely commercial/office and the proposed development would be of an equivalent appearance and use.

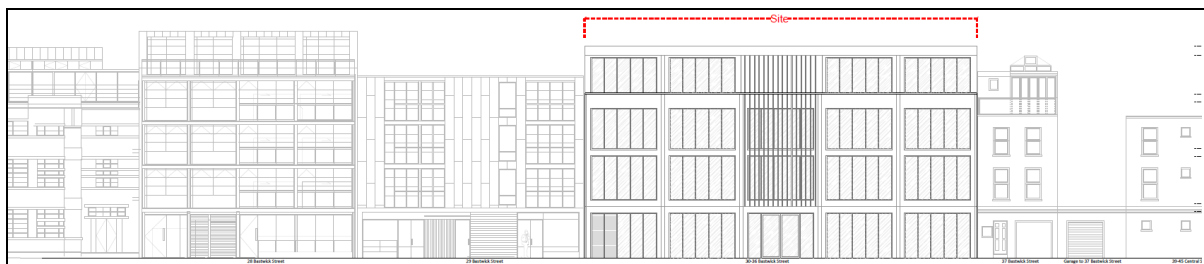


Figure 7: Drawing 1927.PP.14 showing the front elevation in the wider Bastwick Street context

- 9.40 As such, officers (including the Council's Design & Conservation Officer) consider 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

- 9.41 The predominant material of the proposal is grey/black brickwork. In regards to the main elevation, the façade achieves articulation of the glazing to the bays with a horizontal emphasis when dividing between the first and second floors, enabling the building to sit comfortably with the rhythm and proportions of its neighbours.
- 9.42 The top (third) floor of the building is to be zinc-clad and set back from the principle elevation of Bastwick Street. This setback top storey successfully results in a coherent parapet and silhouette to the building. The materiality of the building is considered acceptable and would not cause harm to the wider streetscape. Nonetheless, Condition 3 required the submission of details regarding to materials (such as: facing brickwork/render, windows, doors and access points etc.) to ensure that the resulting appearance and construction of the development is of a high standard.

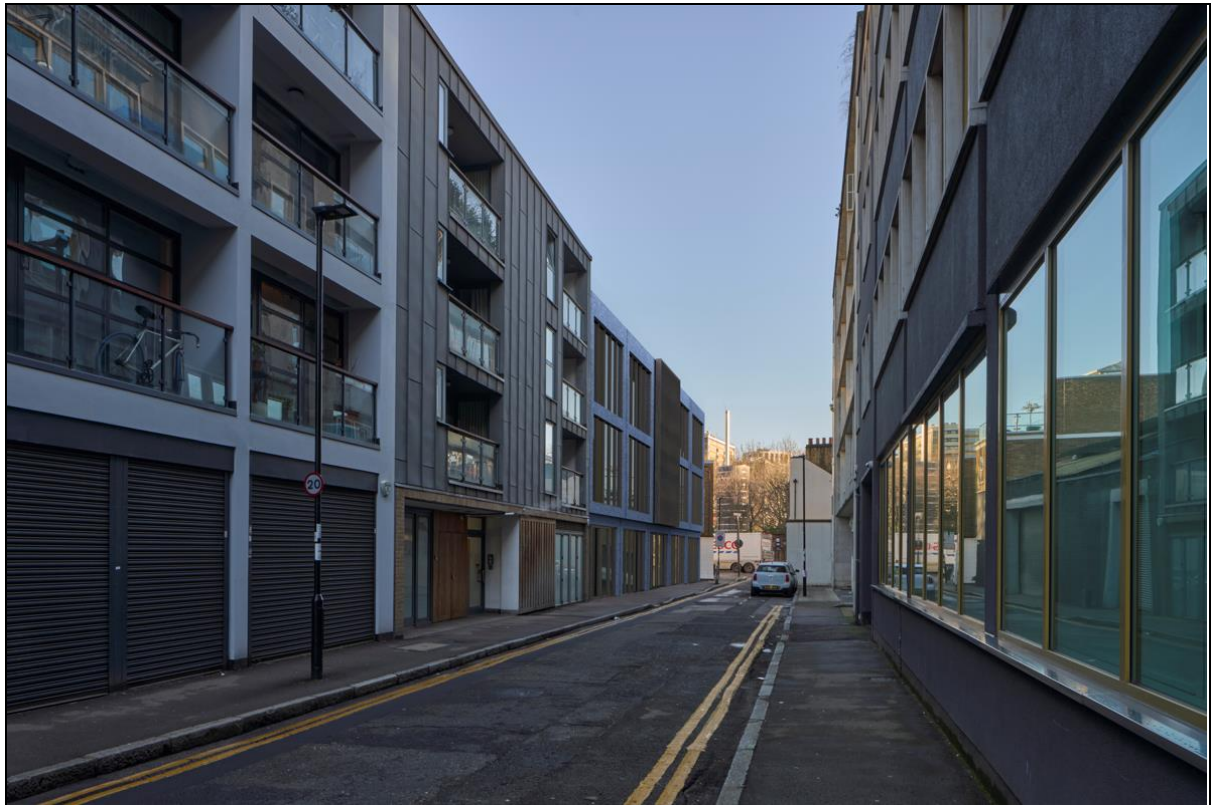


Figure 8: CGI View of proposal when looking east on Bastwick Street

Impact upon neighbouring Heritage Assets

- 9.43 The site is not located within a conservation area, nor adjacent to a statutory listed building. However, the site is adjacent to and shares its eastern boundary with the St Luke's Conservation Area.

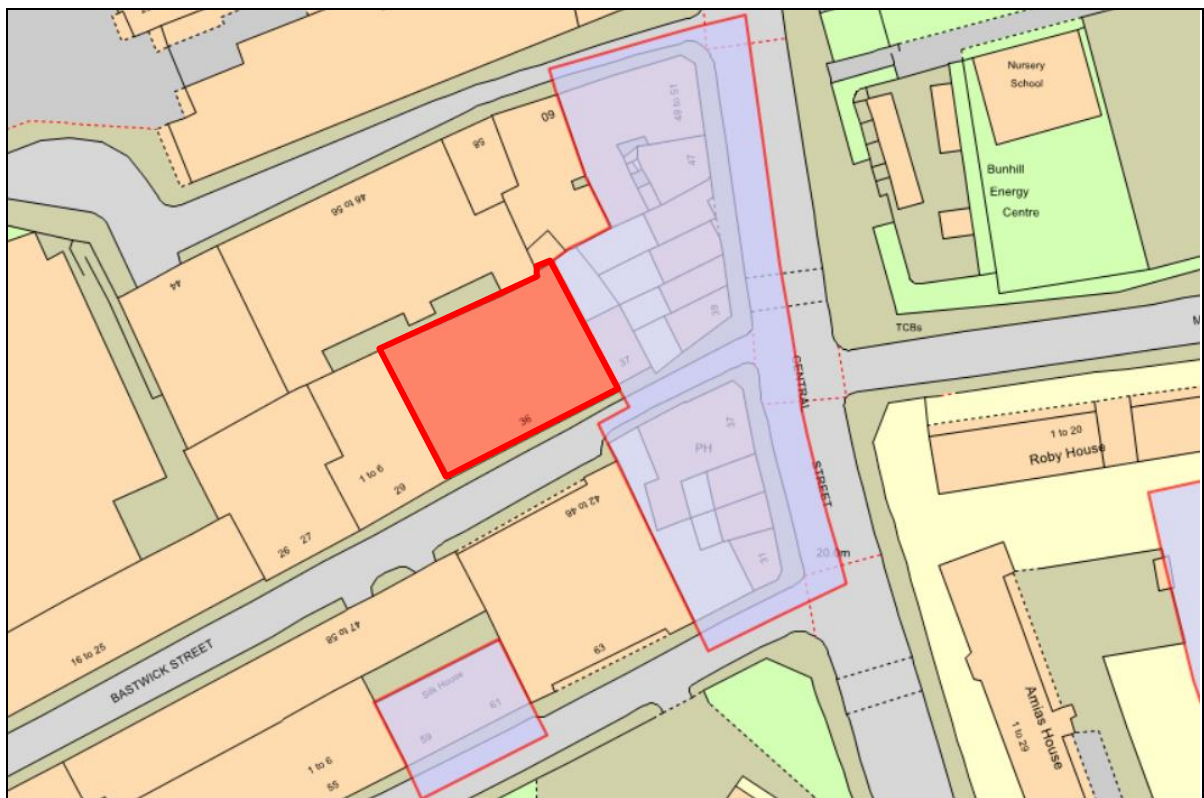


Figure 9: Site (identified in red) in relation to the St Luke's CA boundary.

- 9.44 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”.
- 9.45 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).
- 9.46 ‘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, at paragraph 194, 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.
- 9.47 Paragraph 195 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.
- 9.48 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.



Figure 10: CGI View of the proposal from Central Street

- 9.49 Although the site adjoins part of a Conservation Area, there is no objection to the proposal in regard to heritage impacts given the distance to the main body of the Conservation Area, and acceptability of the scale, height and design of the proposal.

- 9.50 Further, it is noted that the proposal seeks excavation to increase the below ground level floorspace provision of the existing basement. The site is however not within an Archaeological Priority Area.

Summary

- 9.51 The proposed building is substantial in appearance but it is considered to have a contextual form, height and materiality when compared to its immediate context within Bastwick Street and does not cause harm to the wider streetscape.
- 9.52 In regards to design and townscape, the proposal offers a better resolution of the streetscape than the existing condition, due to screening the blank return (side elevations) of adjoining neighbouring buildings (29 and 37 Bastwick Street), and by following the predominant three storey plus set-back configuration of the rest of Bastwick Street.
- 9.53 No objection is raised to the proposal in regard to scale, detailed design or heritage impacts by Council's Design and Conservation Officer.

Accessibility and Inclusive Design

- 9.54 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies 2013, 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.
- 9.55 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.
- 9.56 Policy D5 of the London Plan requires a minimum of at least one lift per core to be a suitably sized fire safety lift so that all people can evacuate in the event of a fire.
- 9.57 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 in employees on the site of 146 and as such 4x 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 £8,000 would be secured through a section 106 agreement.
- 9.58 The proposal is considered acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies, subject to condition 18 is recommended for further details in relation to a Personal Emergency Evacuation Plan.

Neighbouring Amenity

- 9.59 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 D4, 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.
- 9.60 There are immediate and adjoining residential occupiers to the subject site. Residential properties adjoin the site to the north, east and west on Pear Tree Street (north), Central Street (east) and Bastwick Street (east and west).
- 9.61 Neighbouring 46-56 Pear Tree Street (Pietra Lara building) which adjoins the northern boundary of the site is within mixed use. This building gained planning permission (see para.6.8) in 2000 for office floorspace at basement and ground floor levels, and 14x residential units at first floor and above.

Overlooking and Privacy

- 9.62 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.
- 9.63 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 office building to adversely affect the privacy of neighbouring buildings.
- 9.64 At second floor level, the distance between the windows of the development and neighbouring 46-56 Pear Tree Street (Pietra Lara Building) to the rear is between 11.4m and 9.88m. At third floor level, the distance between the windows are at least 13m. As such, in order to mitigate potential loss of privacy, Condition 9 is proposed to secure these windows as obscured glazed to ensure that occupiers of the office cannot directly overlook into residential windows/rooms.
- 9.65 Further, there are number of flat roofs of the first and second floors of the building, as well as the main roof atop of the third floor. These are identified as 'green roofs' and the plans indicate that these would not be in use for occupiers of the office building for external use as amenity areas. Condition 7 ensures that these flat roofs shall not be made available for external amenity as terraces and shall only be accessed for maintenance when required.
- 9.66 As such, it is not considered that that neighbouring residents would suffer from an unacceptable loss to privacy.

Outlook and Sense of Enclosure

- 9.67 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 context of the Central London location.

- 9.68 The height and mass of the proposed building will be in keeping with the rest of the buildings along Bastwick Street, whilst sufficient separation distance is considered between the site and neighbouring properties of Central Street and Pear Tree Street.

Noise and Disturbance

- 9.69 A 'Noise Report' dated May 2021 and prepared by Michael Sugiura Acoustics Consultant 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 Report highlights the noise limits for the proposed mechanical plant within the development for the daytime, evening and night-time. The air conditioning units would operate to a level of at least 10 dB below the lowest measured background noise. The noise level of all mechanical plant and equipment will be restricted as per condition 4.
- 9.70 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.
- 9.71 Although there would be flat roofs to the building at second and third floor levels, these are not proposed to be used as external amenity roof terraces. These flat roofs will be green roofs and would not allow for external space for occupiers. Condition 7 secures the restriction of these roofs for green roofs only and not to be used for external amenity.
- 9.72 Given the proposed number and proximity of new glazing at first, second and third floors facing the adjoining buildings along Pear Tree Street to the rear, objections from neighbouring properties raised concerns that the amount of light emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should office staff need to work outside normal office hours. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds. Condition 8 requires details to be submitted in relation to internal lighting measures, such as automatic blinds and lighting strategies.

Daylight, Sunlight and Overshadowing

- 9.73 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.
- 9.74 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]'.
- 9.75 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.76 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.

- 9.77 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

- 9.78 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).*
- 9.79 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.”*
- 9.80 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.81 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”.*
- 9.82 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.
- 9.83 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

- 9.84 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.”*

9.85 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.”*

9.86 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”.*

9.87 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

9.88 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’.

9.89 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

9.90 The proposed development has been revised through lowering the heights of the upper most floor since the original submission and the Applicant has submitted a revised Daylight and Sunlight report dated November 2021 has been submitted. The report and annexes consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

9.91 In modelling the assessment, ‘Right to Light Consulting’ have attempted to obtain the floor plans of the nearest neighbouring properties identified, outlining that various online

resources have been searched, including Local Planning Authority planning records, online real estate agencies, and council tax/valuation office agency records. It should be noted that a number of windows/rooms are designated as 'domestic', as although the Applicant acknowledges that these properties are within domestic residential use, the room use could not be established.

- 9.92 The report concludes that a number of neighbouring properties relevant for assessment fail the relevant BRE daylight, sunlight and overshadowing tests.
- 9.93 The report has been prepared with regard to the neighbouring 44 Pear Tree Street planning application (P2020/3206/FUL). As para.6.6 above states, a resolution to grant planning permission by 'Sub Committee A' on 14 December 2021, and the application awaits completion of a legal agreement. A comprehensive daylight and sunlight assessment was submitted in support of this neighbouring planning application. Figure 11 below shows 44 Pear Tree Street (if the proposal under P2020/3206/FUL was built) and the application site in relation to neighbouring sites.



Figure 11: Location of neighbouring properties (including the proposed future building at 44 Pear Tree Street) in relation to the application site.

Impacts to Daylight

- 9.94 The submitted report indicates that a total of 298 windows and 267 rooms facing the Site were assessed in regards to Vertical Sky Component (VSC). However, 136 of these windows are for residential habitable rooms. The report indicates that 8 (5.9% of the 136 habitable room windows) would transgress BRE criteria relating to VSC and 13 of the rooms assessed would transgress BRE criteria relating to NSL.
- 9.95 Transgressions are reported to neighbouring 26 & 27 Bastwick Street, 37 Bastwick Street, 41 Central Street and 46-56 Pear Street. These are outlined further below.

46 - 56 Pear Tree Street

- 9.96 46 to 56 Pear Tree Street (Pietra Lara Building) is located to and adjoins the north western boundary of the site. It comprises a four storey building (above ground) and basement level, with a curved rear elevation. The building contains 14x flats at first, second, third and fourth floor levels. In regard to residential units, 30 windows and 25 rooms were assessed at first floor level and above. The transgressions to these are reported for reference in Table 1 below:

Table 1: 46-56 Pear Tree St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
240	LKD	28.3	22.9	19%	55.9	19.3	13	53%
241		2.6	2.6	0				
242	LKD	21.3	14.4	32%	27.4	17.2	8.7	49%
243	Bedroom	28.1	21.4	24%	9.3	8.9	7	10%
244	Bedroom	21.8	16	27%	13.8	9.5	6.1	34%
245	Bedroom	20.4	16.4	20%	19.5	13.9	8.9	29%
Second Floor								
248	LKD	33.5	29.7	11%	55.9	42.5	28	36%
249		22.6	22.6	0				
250	Kitchen	32.8	27.9	15%	27.4	25.5	15.6	39%

- 9.97 As shown in the table above, there are 6 rooms which would see reductions in NSL daylight distribution. One room is considered low adverse impact, three rooms are considered medium adverse impact, and one room is considered high adverse impact. However, only 3 of these rooms would also suffer reductions in VSC to corresponding windows. The worst affected room at first floor level (with a reduction of 53% in DD) serves an open plan Living/Kitchen/Diner, which is dual aspect with windows facing north onto Pear Tree Street.
- 9.98 Two second floor rooms would see reductions of 36% and 39%, however the windows that serve these rooms would not see reductions in VSC. Although the reductions to this building are regrettable, it must be highlighted the proposal would be directly south of these windows and rooms.
- 9.99 Officers consider that given the reductions are limited to either VSC or DD, and not both, in most instances, the proposal is of minor adverse impact to this neighbouring building.
- 9.100 Objections raised in representations have raised concern regarding the cumulative impact to this building as a result of the current proposal and a planning application at 44 Pear Tree Street, which adjoins 46-56 Pear Tree Street to the west, and to the north west of the application site. The representations indicate that the cumulative impact of both proposed developments would cause severe reduction in daylight to occupiers of 46-56 Pear Tree Street. The neighbouring proposal for 44 Pear Tree Street would impact this building with minimal (22% and 23%) reductions to 2 windows (window 246 at first floor and window 255 at second floor level, understood to be Flats 10 and 14 by Officers). These windows/rooms are located close to 44 Pear Tree Street, whilst this proposed development would not impact these window/rooms cumulatively beyond BRE guidance.

26 & 27 Bastwick Street

- 9.101 26 & 27 Bastwick Street is located to the west of the site, with no.29 separating this building and the site. It comprises a four storey building and contains 12x flats. There are a number of windows (to the east elevation) facing the site (over neighbouring no.29's first floor roof). The transgressions to these properties are reported for reference in Table 2 below:

Table 2: 26 & 27 Bastwick St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
45	Unknown	3.3	1.9	42%	67.8	26.4	26.4	0%

- 9.102 One window (to the side elevation at first floor) of 26 Bastwick Street would see a medium adverse impact reduction in VSC of 42%. This window is believed to serve an open plan LKD within this first floor flat. The window has a low existing value % due to being set back and under a balcony overhang, and as such is considered highly susceptible to reductions beyond BRE guidance. However, it should be noted that the DD of the room would not be beyond BRE guidance. As such, Officers consider this is very minor adverse impact given the reduction being restricted to only one window with no impact to the daylight distribution of the room.

29 Bastwick Street

- 9.103 29 Bastwick is located to and adjoins the west boundary of the site. It comprises a four storey building and contains 6x flats. 37 windows and 15 rooms were assessed by the Applicant. The transgressions to these properties are reported for reference in Table 3 below:

Table 3: 29 Bastwick St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
11	LKD	0	0	0	27.2	6.9	6.6	3%
12		24.5	18.7	24%				
13	Staircase	20.7	19.7	5%	1.3	0.35	0.2	50%

- 9.104 As shown in Table above, only one window in this property would see a reduction in VSC. This window is a secondary window to a Living/Kitchen/Diner, and would be minimally over the BRE guidance of 20%. The corresponding Daylight Distribution for this LKD room is well below BRE Guidance, with only a 3% reduction. There is a reduction in Daylight Distribution of 50%, however this relates to a communal staircase of the building, and not a habitable room. The transgressions to this property are therefore considered minor adverse impact by officers.

37 Bastwick Street

- 9.105 37 Bastwick Street ('The Barbican Townhouses') is located to and adjoins the eastern boundary of the site. The building is registered with the Valuation Office Agency for Council Tax as a single dwelling. The transgressions to this property are reported for reference in Table 4 below:

Table 4: 37 Bastwick St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
122	Living	25.5	19.1	25%	4.7	4.6	4.5	3%
Second Floor								
126	Bathroom	31.6	22.7	28%	4.7	4.6	4.5	3%
Third Floor								
130	Conservatory	34.6	18.4	47%	21.8	10.7	10.7	0

- 9.106 The affected windows at first and second floor are located to the rear elevation of the building (north facing). At first floor, a living room window would see a reduction marginally over the BRE Guidance with a 25% reduction, however the Daylight Distribution of only 3% would not be a transgression. The second floor window serving a bathroom would see a 28% reduction. The one window at third floor which sees a reduction of 47% serves as one of 6 windows of a conservatory type roof structure. The corresponding Daylight Distribution to this room would see no reduction given it is a roof light type structure with 6x windows.
- 9.107 Given the reductions in VSC to habitable room windows at first and second floors are minor at less than 30%, and the reduction to only one of six windows to a roof light type conservatory structure at roof level, with no reductions (beyond BRE) to DD, the overall impact to this property by the development is considered minor adverse impact by officers.

41 Central Street

- 9.108 41 Central Street is located to the east of the site. It comprises a three storey mid-terrace building and contains 1x residential unit. 4 windows and 3 rooms at this property were assessed by the Applicant. The transgressions to this property are reported for reference in Table 5 below:

Table 5: 41 Central St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Ground Floor								
145	Domestic	12.5	11.3	10%	18	12	8.6	28%

- 9.109 One room to 41 Central Street would see a reduction in DD of 28%, a moderate adverse impact, however the window which serves this room would not see a reduction beyond BRE

guidance. Given no other room or window in this dual aspect three storey property would see reductions, this reduction is considered minor adverse impact to this property by officers.

Other Properties

- 9.110 There are a number of other transgressions reported within the Applicant's submitted Daylight and Sunlight Report. These have not been reported within tables as per above by Officers as these transgressions relate to non-domestic or communal areas (e.g. stairs, reception, commercial offices etc.) and as such do not impact on residential amenity. These include the basement and ground floors of 46-56 Pear Tree Street (Pietra Lara building) and the ground floor of 37 Central Street, which are in use as offices according to the Valuation Office A.

Impacts to Sunlight

- 9.111 The submitted report indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. Transgressions are reported to neighbouring residential properties of 29 Bastwick Street, 43 and 45 Central Street and 46-56 Pear Street as outlined in Table 6 below.

<u>Table 6: Sunlight Transgressions</u>		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
29 Bastwick								
<i>First Floor</i>								
3	Domestic	27	20	7	26%	0	0	0
4	Domestic	36	25	11	31%	0	0	0
5	Domestic	25	18	7	28%	0	0	0
8	Domestic	32	23	9	28%	0	0	0
10	Domestic	30	21	9	30%	0	0	0
43 Central Street								
<i>Ground Floor</i>								
150	LKD	19	13	6	32%	1	1	0
151	LKD	31	24	7	23%	5	3	40%
45 Central Street								
<i>Ground Floor</i>								
157	Conservatory	26	20	6	23%	6	4	33%

- 9.112 29 Bastwick Street would see transgressions to 5 windows, all of which are roof lights serving the first floor level. The majority of these reductions are between 20-30%, which are considered marginally beyond the BRE guidance, whilst still retaining good levels of sunlight. The corresponding daylight distribution to this room would not be beyond BRE guidance, and as such the reduction in sunlight is considered minor adverse impact.
- 9.113 43 Central Street would see 2 transgressions to windows to the ground floor level (believed to be living/kitchen/diner by the Case Officer) to the rear of the property. Given the

transgressions are limited to 2 windows at ground floor level only of this three storey dual aspect property, this is considered minor adverse impact.

- 9.114 45 Central Street would see only 1 transgression to a ground floor patio door type window to the rear of the property (believed to be living/kitchen/diner by the Case Officer). Given there is a reduction in sunlight to only a single window of this three storey dual aspect property, this is considered minor adverse impact.
- 9.115 46-56 Pear Tree Street would see transgressions to 3 windows at ground floor level. However, the lawful use of the basement and ground floor level of this building is for office use and as such is not reported in the above table.

Overshadowing

- 9.116 The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time).
- 9.117 20 neighbouring external amenity areas were assessed by the Applicant. The submitted report indicates that only one external amenity space, a rear garden to 45 Central Street, would see a reduction in sunlight on the ground beyond BRE guidance. 31% (8.39sqm) of the garden (which has a total area of 27.16sqm) receives at least two hours of sunlight on 21st March as existing. The proposal would result in no part of the rear garden receiving at least two hours of sunlight on 21st March, therefore a 100% reduction.
- 9.118 It is noted by Officers that this garden has had its area reduced historically through development of a single storey extension to the rear of the property. The main bulk of the proposed building would be located due south of this neighbouring garden, as shown in Figure 10 below. However, given the prevailing urban context surrounding the site, the reduction of sunlight on the ground being limited to only one neighbouring amenity space is considered minor adverse impact, made more significant due to the garden having been reduced through a single storey extension.

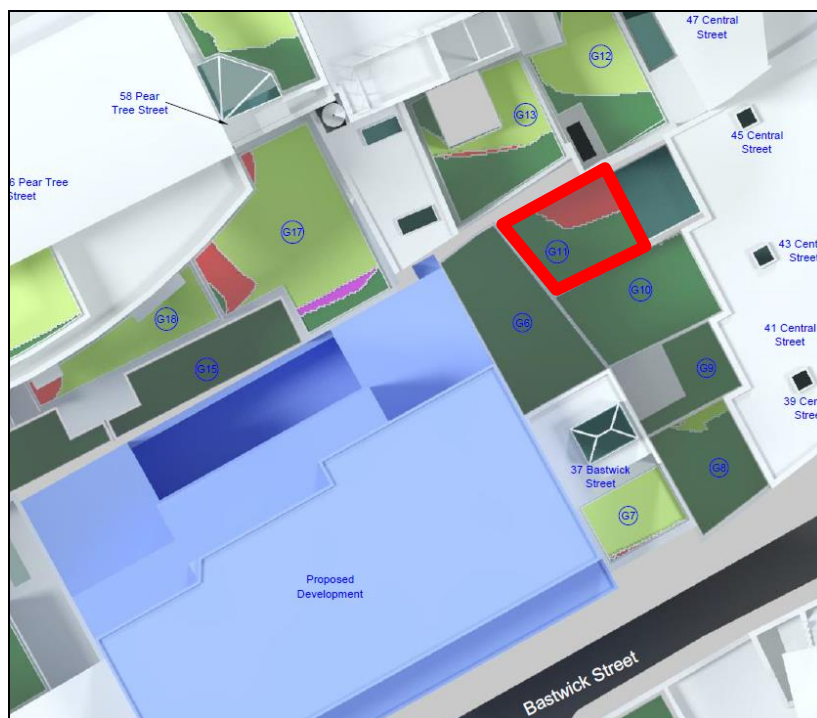


Figure 12: The location of Garden 11 to 45 Central Street shown outlined in red.

- 9.119 ***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. While a number of transgressions occur with regard to daylight and sunlight (to windows/rooms), the overall quantum is considered low whilst the reductions themselves are considered to be minor adverse impact given the circumstances and site context (e.g. impacting only one room in a dual aspect property). Transgressions weigh against the scheme but the weight given is low by officers following inspection of the results and context of the neighbouring properties affected. The BRE guidelines must be viewed flexibly and considered with regard to the prevailing Central London urban context.

Construction Impacts

- 9.120 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. A number of objections to the proposals include concern over construction disrupting both residential amenity and businesses. 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 12 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

- 9.121 In summary, the proposed development is considered to result in low adverse impacts to neighbouring properties in regards to daylight and sunlight reductions. However, it is not considered that there would be a loss of outlook, sense of enclosure, increased noise and disturbance, or loss of privacy. A number of conditions are recommended to mitigate potential concerns, such as overlooking from office windows, the use of flat roofs as amenity areas and noise/disturbance during the construction of the development.
- 9.122 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduly or unacceptably harmful. Officers consider the overall planning balance of the proposal at paragraphs 9.190 – 9.195.

Highways and Transportation

- 9.123 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, developments proposals should not increase road danger.
- 9.124 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.
- 9.125 The application site has a PTAL of 6a, which is considered 'excellent', due to its proximity to Old Street and Barbican stations, and numerous bus routes along Goswell Road and Central Street.

- 9.126 Bastwick Street is for one-way traffic only, with vehicles entering from Goswell Road and/or Ludlow Street from the west and exiting by Central Street to the east.

Trip Generation

- 9.127 The submitted Transport Statement includes an analysis into the amount of additional trips to and from the site would be undertaken following the development. Similar developments for offices within London, with a PTAL Score of 6, have been assessed and compared. It indicates that the proposed development would have significantly less vehicular (car) trips than the historic (and lawful use) as a vehicle repair and maintenance workshop.
- 9.128 Circa 99% of all trips to and from the site would be taken via public transport such as tube/underground, trains and buses. The proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones.
- 9.129 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.
- 9.130 A Local Level Travel Plan is required for this development as the proposal is for less than 2,500sqm. The Travel Plan would need to be monitored for a period of five years. This would be secured through a planning obligation as part of a section 106 agreement.

Cycles and Pedestrian Movements

- 9.131 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.
- 9.132 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is considered accessible for pedestrians given its entrance onto Bastwick Street, which is accessed from either Goswell Road or Central Street.
- 9.133 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. The store(s) need to be secure, covered, conveniently located and step free.
- 9.134 As such, the following provision of long-stay cycle space is required:

Use	Proposed sqm (GIA)	Required Cycles	Proposed Cycle Storage Spaces
Office	1778sqm	24	24

- 9.135 24 long-stay cycle parking spaces are located in the basement of the proposed building. This would include sufficient space for accessible cycle parking space. The cycle storage area could be accessed via the lift of the core allowing for step-free access.
- 9.136 As such, a sufficient quantum of long-stay cycle parking spaces are proposed. Further, lockers, shower and changing facilities are proposed next to the cycle storage area so that they can be easily accessed.
- 9.137 For short-stay cycle spaces, the new London Plan (2021) requires a total of 4x spaces. Given the narrowness of the pedestrian footway along either side of the highway on Bastwick Street, on-street short stay cycle provision is unachievable. Given the site constraints in providing short-stay cycle provision within the site or adjoining footway, a

contribution towards short-stay cycle provision within the surrounding public realm should be sought. A figure of £3,000 is required and this is included within the planning obligations recommended.

Vehicle parking

- 9.138 The site does not include on-site formal parking arrangements as existing, however does allow for vehicles to enter the site and building via crossovers to the street/pavement. The subject site is located within a Controlled Parking Area (CPZ) 'Zone A', 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.
- 9.139 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.
- 9.140 The proposal would see an uplift in approximately 146 employees and therefore at least 4x accessible parking bay is required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of £8,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.
- 9.141 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

- 9.142 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.
- 9.143 The existing buildings on site are serviced off-site and on-street given the site constraints. It is proposed to service from Bastwick Street. 7x 360 litre waste containers are provided at ground floor of the building.
- 9.144 It has been shown that the proposed office would generate demand of two delivery/servicing trips daily. Servicing from/along Bastwick Street is common to neighbouring development along Bastwick Street.

Summary on transport and highways

- 9.145 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 collection, accessibility, cycling, and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. 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.

Fire Safety

- 9.146 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement which is an independent fire strategy produced by a suitably qualified assessor.
- 9.147 A Fire Safety Strategy document has been prepared in which the Applicant's Fire Safety Engineer has put forward an engineered solution to meet relevant Building Regulations for Fire Safety. The Council's Building Control Officer has raised concerns over the provision of lobbies within the sub-basement; the suppression systems and the evacuation lift. However, for the purposes of compliance with Policy D12(b), it is considered that sufficient information has been provided to demonstrate that the fire safety of the development has been considered at planning stage. Should there be a need for further alterations of the building to meet building regulations (such as internal re-arrangements to accommodate lobbies or the installation of suppression systems) the applicant would need to make further applications or amend this current proposal. Should permission be granted, Condition 25 ensures that the development should only be occupied and managed in accordance with the submitted fire strategy.

Air Quality

- 9.148 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.
- 9.149 The whole of the borough has been designated by the council as an Air Quality Management Area. 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

- 9.150 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.
- 9.151 There are no trees on the site as existing, whilst there are no street trees near to the site on Bastwick Street. 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.
- 9.152 The proposal includes green roofs, to the flat roofs at second and third floors, and also to the main roof beneath the solar PV array. Further details of the final requirements in regards

to substrate depth and a focus on wildflower planting has been recommended by the Council's Sustainability Officer.

Urban Green Factor

- 9.153 London Plan Policy G5 requires major development proposals to 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 to increase the overall urban greening factor of sites.
- 9.154 The whole curtilage of the site is covered by a building as existing. The site has no ecological activity including soft landscaping as existing. The numerous flat roofs of the proposed building offer an opportunity to enhance the biodiversity by providing green roofs. The submission highlights that the proposal will achieve an Urban Green Factor of 0.3 due to the inclusion of the green roofs, which is welcomed, and shall be secured through Condition 16.

Energy & Sustainability

- 9.155 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 152, 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.
- 9.156 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.
- 9.157 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.
- 9.158 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.
- 9.159 The applicant has submitted the relevant detail within a 'Sustainable Design and Construction Statement' dated July 2019 ('SDCS').
- 9.160 Following initial comments on the submitted energy statement by the Council's Energy Officer, revised information was submitted (Energy Statement Addendum).

Carbon emissions

- 9.161 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted SDCS indicates a 53% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.162 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 SDCS shows a 34% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington's Core Strategy policy CS10.
- 9.163 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 SDC includes a correctly calculated Carbon Offset contribution of £25,806 for the 28 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation.

Sustainable Design Standards

- 9.164 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*".
- 9.165 A BREEAM Pre-Assessment has been submitted for the development achieving an 'excellent' rating with an overall score of 71% as required by Islington DM 7.4A, which shall be secured through Condition 13.

Energy Demand Reduction (Be Lean)

- 9.166 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".
- 9.167 An air permeability of 3m³/hr/m² is specified. As mechanical ventilation with heat recovery is proposed, this is considered to be an appropriate value.
- 9.168 Lighting controls include absence detection and sensors in circulation spaces and daylight dimming in workspace areas. The luminous efficacies shown in the BRUKL document are relatively good, but we would suggest investigating further improvements to these, as the development falls short against the Council's emissions target.

- 9.169 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”.
- 9.170 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. 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”. Based on the thermal modelling results, the Council’s Energy Officer accepts the approach to the cooling hierarchy and active cooling.

Low Carbon Energy Supply (Be Clean)

- 9.171 The development is identified as being within 60m of the Bunhill Heat Network – and therefore, it is proposed that the development will connect to the network. This is welcomed and strongly supported by the Council’s Energy Officer.
- 9.172 Space heating and hot water will be provided via the Bunhill connection, with heating served predominantly via a fan coil system. Electric panel heating is also proposed in some smaller areas.
- 9.173 Potential for a Shared Heat Network with neighbouring sites/developments or a Combined Heat and Power system on-site has not been assessed, as an immediate connection to the Bunhill network is sought. Therefore, no further assessment of this is required and is supported by the Council’s Energy Officer.

Renewable Energy Supply (Be Green)

- 9.174 The use of renewable energy should be maximised to enable the achievement of CO2 targets. An array of Solar PV of ~98sqm is proposed at roof level and there is limited scope to increasing this further.

Green Performance Plan (GPP)

- 9.175 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.
- 9.176 A Draft Green Performance Plan has been submitted as Appendix H to the SDCS 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. A finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

Sustainable Urban Drainage System (SUDS)

- 9.177 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.

- 9.178 The submitted 'FRA & SuDS Strategy Report' indicates that the site as existing and proposed is 100% impermeable and there are no attenuation system for rainwater and hence all rainwater on the site flows into the existing combined sewer. The strategy seeks to provide for source control technique to the aforementioned green roofs. Additional surface water from the roof will be discharged to the front of the building to existing sewer networks.
- 9.179 An attenuation tank would discharge into the existing public combined sewer at a restricted 3.9 l/s, this would be designed for all storm events up to and including the 1 in 100 year event plus 40% climate change attenuation of 23m³. This is a significant saving on existing brownfield rates and is considered policy compliant by the Council's Sustainability Officer.
- 9.180 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage subject to informatives. The Sustainable Urban Drainage measures are to be secured through condition 20.

Basement Works

- 9.181 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 (MStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 9.182 Policy D10 of the London Plan (2021) states that Boroughs should establish within their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.
- 9.183 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.
- 9.184 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.
- 9.185 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.
- 9.186 The site currently does not benefit from existing basement levels and the proposal seeks the inclusion of two levels of basement. The first basement level would have an NIA equivalent area and envelope to the ground floor above (of sqm), whilst the sub-basement level has a lesser area than the building above.
- 9.187 A Structural Method Statement ('SMS') prepared by Braemar Structural Design dated 07 May 2021, 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 proposed sub-basement is wholly within the footprint of the proposed site and is of sufficient distance from the boundary to not undermine any adjacent structures;
- The site geology is capable of supporting the loads;
- The subterranean development has no adverse impact on drainage, sewage, surface water and ground water flows and levels nor on any LUL assets;
- The site is not considered to be in an area with raised ground water level or in a significant flood risk zone;
- The report describes the engineering details of the scheme, including proposals for the excavation and construction; and
- The proposed subterranean development has no adverse impact on existing trees.

9.188 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 (21) in the event of permission being granted.

Planning Balance

9.189 Paragraph 47 of the NPPF dictates that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

9.190 There is a degree of conflict with Local Plan policy DM2.1 relating to amenity, specifically in relation to sunlight/daylight impacts. This has been carefully examined and while impacts weigh against the scheme, they are considered to have a low adverse impact overall, and therefore at the lower end of the spectrum and would not cause undue or unacceptable harm. The overall conclusion is that the scheme accords with the development plan as a whole.

9.191 The proposed land uses on site are acceptable in principle and the scheme is considered compliant with policies DM5.1 and DM5.4 which sets out requirements for new business floor space and development in the CAZ.

9.192 The scheme would comply with policies relating to energy, sustainability, accessibility and highways, whilst no objection is raised to the scale, mass, appearance and detailed design of the proposal.

9.193 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report where relevant, and include:

- Uplift in high quality and modern employment business (E Class) floorspace within the CAZ and EGA;
- Redevelopment and intensification of an underutilised brownfield site;
- Contribution to the Council's affordable housing provision (see obligation (a) at paragraph 9.196 below); and
- Sustainable transport thrust, a car-free development;

9.194 In summary, Officers consider that the aforementioned public benefits are significant and therefore outweigh the harm caused from the development to neighbouring amenity, in the overall planning balance.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.195 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.
- 9.196 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 **£312,480** 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 281sqm small / micro workspace units at basement level which includes:
 - o a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
 - o flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
 - o good standards of internal sound insulation;
 - o a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading; and
 - o demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.
 - c. Contribution towards 4x bays or other accessible transport initiatives of: **£8,000**;
 - d. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of **£3,000**;
 - e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). 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;
 - f. Facilitation, during the construction phase of the development, of the following number of work placements: 2x. 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**;

- g. A contribution of **£25,806** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- i. 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;
- j. Compliance with the Code of Employment and Training;
- k. Compliance with the Code of Local Procurement;
- l. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,778** 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;
- m. Payment towards employment and training for local residents of a commuted sum of: **£22,239**; and
- n. 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.

9.197 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 1,778sqm (GIA) of high quality office floorspace (an uplift of 1,778sqm), of which 281sqm would be suitable for micro or small enterprises (secured through condition / a legal agreement). A contribution towards the provision of affordable housing would also be provided due to it's location within the CAZ. The proposal would contribute to the stock of office floorspace within the Borough, the Central Activities Zone, the Bunhill & Clerkenwell Core Strategy Key Area and the Employment Priority Area (Great Sutton Street). The proposal is therefore supported in regards to land use principle.
- 10.2 Significant provision for 4x Small and Medium Enterprise units (totalling 15% of the overall GIA) is proposed within the basement level of the building, with sufficient quality in regards to floor to ceiling height, natural light and access to communal facilities.
- 10.3 The proposed development is considered to be well-designed, responding successfully to its immediate and surrounding context and maintaining the setting of nearby heritage assets.
- 10.4 It is recommended that conditions are attached to minimise the impact of the development upon neighbouring amenity, such as privacy and overlooking, noise and/or light disturbance to an acceptable level.
- 10.5 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduly or unacceptably harmful. Officers consider that the proposal complies with the Development Plan when considered as a whole.

- 10.6 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.
- 10.7 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

- 10.8 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:

- o. Contribution of **£312,480** 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;
- p. Provision of 281sqm small / micro workspace units at basement level which includes -
 - o a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
 - o flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
 - o good standards of internal sound insulation;
 - o a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading; and
 - o demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.
- q. Contribution towards 4x bays or other accessible transport initiatives of: **£8,000**;
- r. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of **£3,000**;
- s. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by the LBI Highway). 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;
- t. Facilitation, during the construction phase of the development, of the following number of work placements: 2x. 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**;
- u. A contribution of **£25,806** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);

- v. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- w. 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;
- x. Compliance with the Code of Employment and Training;
- y. Compliance with the Code of Local Procurement;
- z. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,778** 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;
- aa. Payment towards employment and training for local residents of a commuted sum of: **£22,239**; and
- bb. 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.

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

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	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>1927.PP.01 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.02 - Proposed Basement Floor Plan – Rev. H; 1927.PP.03 - Proposed Ground Floor Plan – Rev. F; 1927.PP.04 - Proposed First Floor Plan – Rev. E; 1927.PP.05 - Proposed Second Floor Plan - Rev. F; 1927.PP.06 - Proposed Third Floor Plan - Rev. G; 1927.PP.07 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.08 - Proposed Basement Floor Plan - Rev. E; 1927.PP.09 - Proposed Ground Floor Plan - Rev. E; 1927.PP.10 - Proposed First Floor Plan - Rev. D; 1927.PP.11 - Proposed Second Floor Plan - Rev. D; 1927.PP.12 - Proposed Third Floor Plan - Rev. E; 1927.PP.13 - Proposed Roof Plan - Rev. D; 1927.PP.14 - Proposed Rear & Front Elevations - Rev. F; 1927.PP.15 - Proposed Side Elevations - Rev. F;</p> <p>Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21; Delivery & Service Plan prepared by Paul Mew Associates dated June 2021; Final Noise Report (ref: 557/21) prepared by Michael Sugiura Acoustic Consultant dated May 2021; FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021; Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021; Transport Statement prepare by Paul Mew Associates dated May 2021; Highways Response prepared by Paul Mews Associates dated September 2021;</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>Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) brickwork, bond and mortar courses for all facing bricks; b) render (including colour, texture and method of application); c) windows and doors (including sections and reveals); d) roofing materials (including facing materials);</p>

	<p>e) any balustrading treatment (including sections); and f) any other materials to be used. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	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 the amenity of neighbouring residents is not adversely affected.</p>
5	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans (1927.PP.03 Rev G - Proposed Ground Floor Plan) 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>
6	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans (1927.PP.01 Rev. I - Proposed Sub Basement Floor Plan) 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>
7	Flat Roofs (Compliance)
	<p>CONDITION: The flat roofs of the development hereby approved, including the identified green roofs, 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>
8	Internal 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 surrounding 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 (but not limited to):</p> <ul style="list-style-type: none"> - Automated roller blinds;

	<ul style="list-style-type: none"> - 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 neighbouring adjacent residential dwellings.</p>
9	Obscured Glazing (Compliance)
	<p>CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the development hereby approved, all windows at second floor and third floor levels of the rear (north-western) elevation of the building shall be obscure glazed and permanently fixed shut, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of preventing direct overlooking and in addition to prevent undue noise disturbance to the residential properties in immediate proximity to the development site. This condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.</p>
10	External 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>
11	Delivery and Servicing Plan (Compliance)
	<p>CONDITION: The development shall be constructed and operated strictly in accordance with the hereby approved Delivery and Servicing Plan dated June 2021 and the Highways Response dated September 2021, 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, Construction and Environmental Management Plan (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</p>

Sites and shall include details and arrangements regarding:

- 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 debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
- 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) 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.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.

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

	<p>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	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>
14	Energy Efficiency (Compliance)
	<p>CONDITION: The energy efficiency measures as outlined within the hereby approved Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021 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>
15	Green Roofs (Details and Compliance)
	<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>
16	Urban Greening Factor (Compliance)
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green</p>

	infrastructure is maximised on the site.
17	Bird and Bat Boxes (Details and Compliance)
	<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>
18	Inclusive Design
	<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> <ul style="list-style-type: none"> a) All entrances to the building must be level, step free and Part M compliant; b) Confirmation that all doors are to be automated; c) Confirmation that all accessible WCs on ground, first and second floors achieve Part M4 compliance; d) All WCs to allow for right hand and left hand transfer on alternating floors; and e) 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>
19	Sustainable Urban Drainage (Compliance)
	<p>CONDITION: The development shall be carried out strictly in accordance with the details so approved within the FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021 and shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
20	Piling Method Statement – Thames Water (Details)
	<p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</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>
21	Basement Excavation (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21, unless otherwise agreed in writing. The certifying professional that</p>

	<p>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>
22	Restriction of Office Use and Removal of Permitted Development Rights (Compliance)
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) 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 (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place 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 Central Activities Zone, Employment Growth Area and wider Borough. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
23	Amalgamation of Units (Compliance)
	<p>The dedicated 4x SME office units at Basement level shall not be amalgamated with one another into a single unit nor amalgamated with the office floorspace above.</p> <p>REASON: To ensure that the dedicated SME units are secured in perpetuity for the provision of premises suitable for small businesses.</p>
24	Contaminated Land (Details)
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> d) A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site: e) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried

	<p>out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>f) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
25	<p>Fire Safety Strategy (Compliance)</p> <p>CONDITION: The details and measures set out in the Fire Statement ref: 611272 by Salus Building Control and Fire Safety Consultants dated 15/01/2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent cP20hange(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>

List of Informatives:

5	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. 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>
6	Community Infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>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>
7	The Building Acts and Building Regulations
	<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</p> <p>E: building.control@islington.gov.uk</p>
8	Street Naming and Numbering
	<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</p> <p>E: address.management@islington.gov.uk</p>
5	Thames Water
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577</p>

	<p>9483 or by emailing trade.effluent@thameswater.co.uk</p> <p>Application forms should be completed on line via www.thameswater.co.uk Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
6	Thames Water
	<p>In regards to Condition 20, Thames Water advise on referring to their guide 'working near our assets' to ensure your workings will be 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/Developinga-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>

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 2021 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 2021, 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	
1. Planning London's Future - Good Growth Policy GG2 Making the best use of land Policy GG5 Growing a good economy 2. Spatial Development Patterns Policy SD4 The Central Activities Zone Policy SD5 Offices, other strategic functions and residential development in the CAZ 3. Design Policy D1 London's form, character and capacity for growth Policy D3 Optimising site capacity through the design led approach 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 6. Economy Policy E1 Offices Policy E2 Providing suitable business space Policy E3 Affordable Workspace Policy E11 Skills and opportunities for all	7. Heritage and Culture Policy HC1 Heritage conservation and growth 8. Green Infrastructure and Natural Environment Policy G5 Urban Greening Policy G6 Biodiversity and access to nature Policy G7 Trees and woodlands 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 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 T7 Deliveries, servicing and construction
B) Islington Core Strategy 2011	
Spatial Strategy Policy CS7 Bunhill and Clerkenwell Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment Policy CS10 Sustainable Design	Policy CS11 Waste Policy CS13 Employment Space Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013	
2. Design and Heritage Policy DM2.1 Design Policy DM2.2 Inclusive Design Policy DM2.3 Heritage Policy DM2.4 Protected views 5. Employment Policy DM5.1 New business floorspace Policy DM5.2 Loss of existing business floorspace Policy DM5.4 Size and affordability of workspace 6. Health and open space Policy DM6.1 Healthy development Policy DM6.5 Landscaping, trees and biodiversity Policy DM6.6 Flood prevention	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 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 9. Infrastructure Policy DM9.1 Infrastructure Policy DM9.2 Planning obligations Policy DM9.3 Implementation

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)
- Bunhill & Clerkenwell Core Strategy Key Area
- Employment Priority Area 14 (Great Sutton Street)
- 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

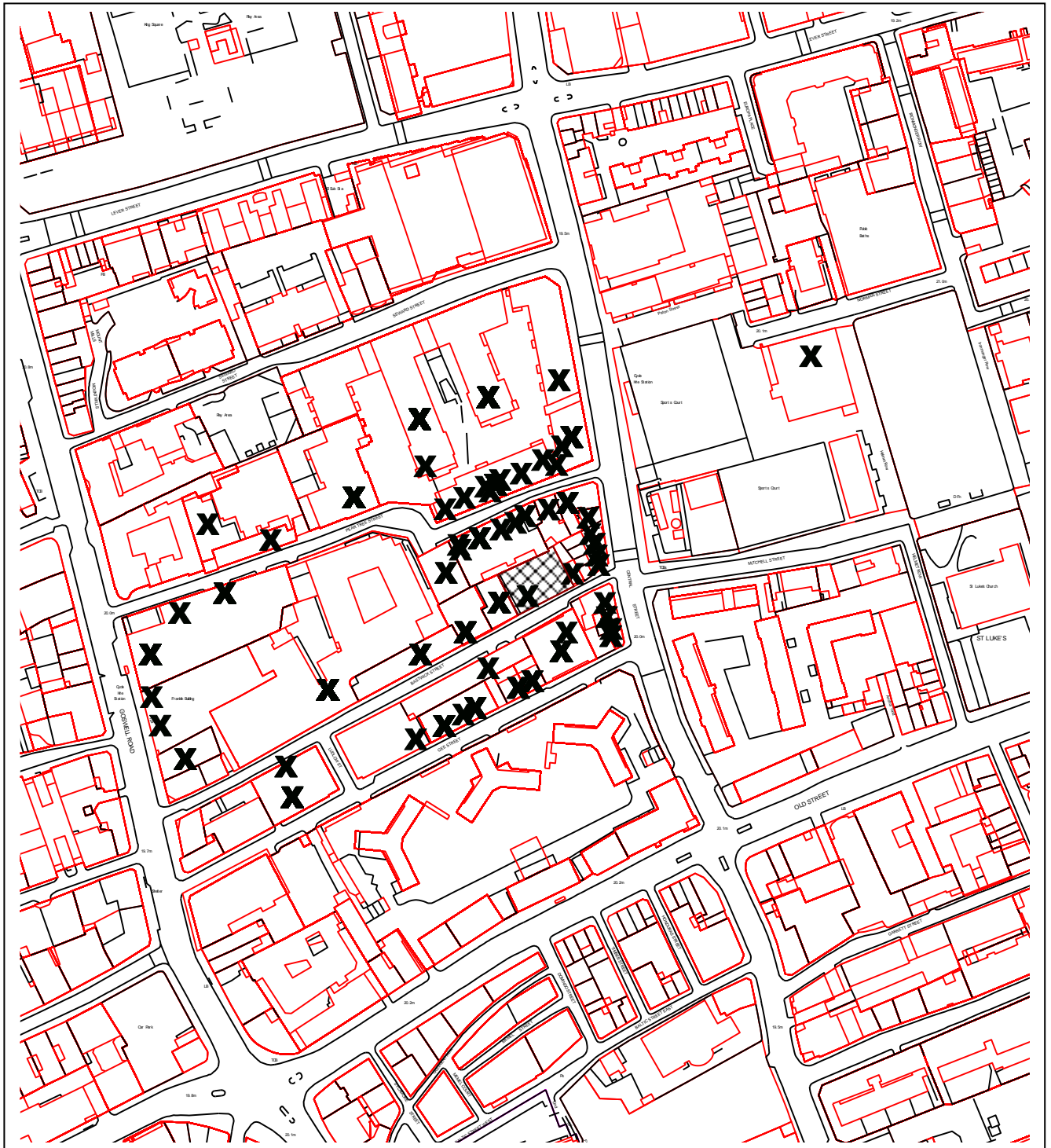
Basement Development (2016)
Environmental Design
Planning Obligations and S106 (2016)
Urban Design Guide (2017)

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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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

ADDENDUM

PLANNING COMMITTEE		AGENDA ITEM	B4
Date:	4 April 2022	NON-EXEMPT	

Application Number	P2021/3273/FUL
Application Type	Full Planning Application, with Environmental Impact Assessment
Site Address	Site of the former HM Prison Holloway, Parkhurst Road, London N7 0NU
Proposal	Phased comprehensive redevelopment including demolition of existing structures; site preparation and enabling works; and the construction of 985 residential homes including 60 extra care homes (Use Class C3), a Women's Building (Use Class F.2) and flexible commercial floorspace (Use Class E) in buildings of up to 14 storeys in height; highways/access works; landscaping; pedestrian and cycle connection, publically accessible park; car (blue badge) and cycle parking; and other associated works.
Ward	St George's
Listed Building	No
Conservation Area	Within 50m of Tufnell Park Conservation Area Within 50m of Hillmarton Conservation Area
Development Plan Context	Designated Brownfield Site Holloway Prison Site (HPS) SPD Emerging Site Allocation NH7 (November 2018) Local view corridor from Archway Road (LV4) Local view form Archway Bridge (LV5) Not in a location identified as suitable for tall buildings (>30m) LL4 Local Landmark Camden Road New Church tower and Spire Within 100m of Strategic Road Network and Transport for London Road Network Major cycle route
Licensing Implications	None

Case Officer	Matthew Woodhead
Applicant	Peabody
Agent	Avison Young

1. RECOMMENDATION

- 1.1 This planning application was considered by the Planning Committee at its meeting on 8 March 2022.
- 1.2 Following consideration of the case officer's reports, the presentations to the Committee, the submitted representations, and the objections provided verbally at the meeting, the Planning Committee resolved that planning permission be granted for the reasons set out in Sections 22.1 to 22.26 of the Committee Report of 10 February 2022. This resolution was made:
- Subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London (Recommendation A as set out in Appendix 1 of the Addendum Report).
 - 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 Recommendation B in Appendix 1 of the Addendum Report with an additional obligation to secure a fundraiser included in the Section 106 agreement.
 - Subject to the Conditions as set out in Recommendation C (as set out in Appendix 1 of the Addendum Report).
 - Conditional upon a £2.9 million contribution to the fit out of the Women's Building being secured.
 - Prior to Implementation of Phase 3 of the Development, the Developer will conduct a voluntary mid-stage viability review to be secured in accordance with the GLA standard formula. If the review shows a surplus, this will be used (in the following order of priority) to: (i) convert proposed shared ownership units to London Living Rent units; (ii) towards the fit-out and/or running costs of the Women's Building; and/or (iii) conversion of additional market housing units to social rent.
 - Subject to the mid stage review mechanism to be set out in the Section 106 agreement being brought back to committee and approved.
- 1.3 The purpose of this report is to ask the Planning Committee to **approve**:
- A. the wording of the Head of Term in relation to the mid-stage review mechanism as set out in paragraph 3.60 of this report; and
- B. the associated details as set out in Appendices One and Two of this report.

2. SUMMARY

- 2.1 This planning application and the heads of terms of the associated legal agreement have been the subject of detailed consideration during the prior meetings of the Planning Committee with extensive representations made both by objectors and the applicants. The heads of terms of the legal agreement are set out in recommendation B, in Appendix 1 of the Addendum report of the 10 February 2022 Committee and again in the report submitted to the 8th March 2022 meeting of the Committee.
- 2.2 During the Committee meeting of the 8th March 2022, the applicants agreed an additional S106 obligation to employ a fund raiser who would work to secure funding for the fit-out of the Women's Building. Further, the applicants proposed a mid-stage financial review mechanism to be secured in the s106 agreement. The Committee resolved that the details

of the mid- stage review mechanism should be brought back to a future meeting of the Planning Committee for its approval. Members were otherwise content with the terms of the S106 agreement.

3. S106 AGREEMENT

Affordable Housing provision within the development

- 3.1 This 985-home development will provide 60% affordable housing, which exceeds the 50% strategic affordable housing target set by Policy H4 of the London Plan and Policy CS12 Part G of the Core Strategy, and delivers the affordable housing provision at a policy compliant affordable housing tenure split of 70% social rent and 30% London Shared Ownership in accordance with Policy CS12 Part G.
- 3.2 As recorded in the previous Planning Committee reports, the development's 60% affordable housing provision is therefore compliant with the policies of the adopted Development Plan.
- 3.3 Paragraph 19.1.85 of the 10th February 2022 Committee Report states that the scheme is eligible to follow the Fast Track Route set out in Policy H5 of the London Plan, subject to the 60% affordable housing provision at a tenure split of 70% social rent and 30% intermediate housing (London Shared Ownership or shared ownership) and an early stage viability review mechanism being secured in the Section 106 Agreement.
- 3.4 The Committee has raised concerns about the affordability of shared ownership homes on this site to low and middle income groups. In line with the council's emerging policy H3, part H the Committee considered whether some of the shared ownership homes could be converted to London Living Rent homes. The emerging policy H3 states:

Where affordable housing is provided on-site, the Council will require an affordable housing tenure split of 70% social rented housing and 30% intermediate housing. The majority of intermediate units should be London Living Rent, and regard will be given to the priorities set out in the Council's Housing Strategy and other agreed evidence of housing need.

Following extensive consultation and the Examination in Public process, this policy will move forward for adoption later this year without amendments. In the Committee Report dated 10th February it was stated that:

19.1.36. Part H of Draft Policy H3 requires an affordable housing tenure split of 70% social rent and 30% intermediate housing. Part H of Draft Policy H3 sets out that the majority of intermediate units should be London Living Rent, and regard will be given to the priorities set out in the Council's Housing Strategy and other agreed evidence of housing need.

19.1.38. The affordable housing tenure split of the 60% affordable housing consists of 70% social rent and 30% London Shared Ownership housing. Whilst this complies with adopted policy in the Core Strategy and the London Plan, it is acknowledged that there is a conflict in relation to the emerging Local Plan in terms of Part H of Draft Policy H3 which is clear that the majority of intermediate units should be London Living Rent – this element of the policy is considered to have moderate weight at this time.

Para. 19.1.33 stated that the policies in the emerging local plan can be afforded limited to moderate weight.

- 3.5 Given the financial viability challenges outlined in section 19 of the of the Committee Report, and section 3.34 of the Addendum report both dated 10th February and sections 3 and 4 of the Committee report dated 8th March 2022, it is clear that the proposals cannot afford to fund any London Living Rent Homes at present. However, some weight may be given to draft policy H3 to secure a mid-stage review mechanism that could potentially convert shared ownership homes to London Living Rent homes if a surplus is identified.

Purpose of a viability review mechanism

- 3.6 Viability review mechanisms for planning purposes differ from commercial overage agreements. Viability review mechanisms for planning purposes are used in circumstances where full compliance with planning policies cannot be achieved at the planning application stage due to viability constraints.
- 3.7 In these circumstances it is necessary to impose viability review mechanisms, secured within a S106 Agreement, to re-appraise the viability of a scheme at a point in the future to ascertain whether greater policy compliance can be achieved. The purpose of viability review mechanisms is to effectively 'chase up' any shortfall in policy compliance that existed at the planning application stage.
- 3.8 Viability review mechanisms are not open ended and any achievable surplus generated by a review is subject to a cap. The Mayor's Affordable Housing and Viability SPG (2017) states in paragraph 3.65 point 5, that review mechanisms should set a cap on the additional provision that will be sought from the review which should be 50% affordable housing. Footnote 30 on page 45 of the Mayor of London's Affordable Housing and Viability SPG (2017) states that the cap can alternatively be set at the Local Plan strategic target. The Mayor's Guidance states that schemes should deliver a tenure split of at least 30% low-cost rent (i.e. social rent), 30% intermediate rents, and the remaining 40% to be determined by the LPA taking account of the relevant Local Plan Policy.
- 3.9 The cap for a review mechanism would therefore be based upon any shortfall in affordable housing provision taking account of the strategic affordable housing targets as set out in the Development Plan.
- 3.10 London Plan Policy H5 Part E sets out that schemes (such as this one) that are progressing down the Fast Track Route should be subject to an Early Stage Review which would be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough).
- 3.11 The Mayor of London's Affordable Housing and Viability SPG (2017) assists in the implementation of the London Plan's threshold approach to affordable housing and sets out suggested review formulas in Annex A.

Early Stage Review Mechanism

- 3.12 The Early Stage Review will be triggered in the event that an agreed level of progress on implementation is not made within two years of the permission being granted. The Early-Stage Review will measure changes in the Gross Development Value (GDV) and Build Costs between the date of the application stage financial viability assessment and the point of review to assess whether a surplus is generated. The Early Stage Review calculation includes a Developer Profit allowance which is deducted before a surplus is produced.
- 3.13 An Early Stage review has been secured within the Section 106 Agreement in line with London Plan Policy H5 Part E.

- 3.14 In the event that the Early Stage Review is triggered, any surplus will be used to improve the affordability of the intermediate homes by converting London Shared Ownership homes to London Living Rent. This approach was previously outlined at paragraph 19.1.91 in the 8th February 2022 Committee Report, and accords with the GLA's strategic planning application stage 1 referral report which at paragraph 52 stated that:

“Given the scheme exceeds planning policy requirements and tenure mix, the purpose of the review would be to consider if the affordability of the proposed intermediate homes can be improved.”

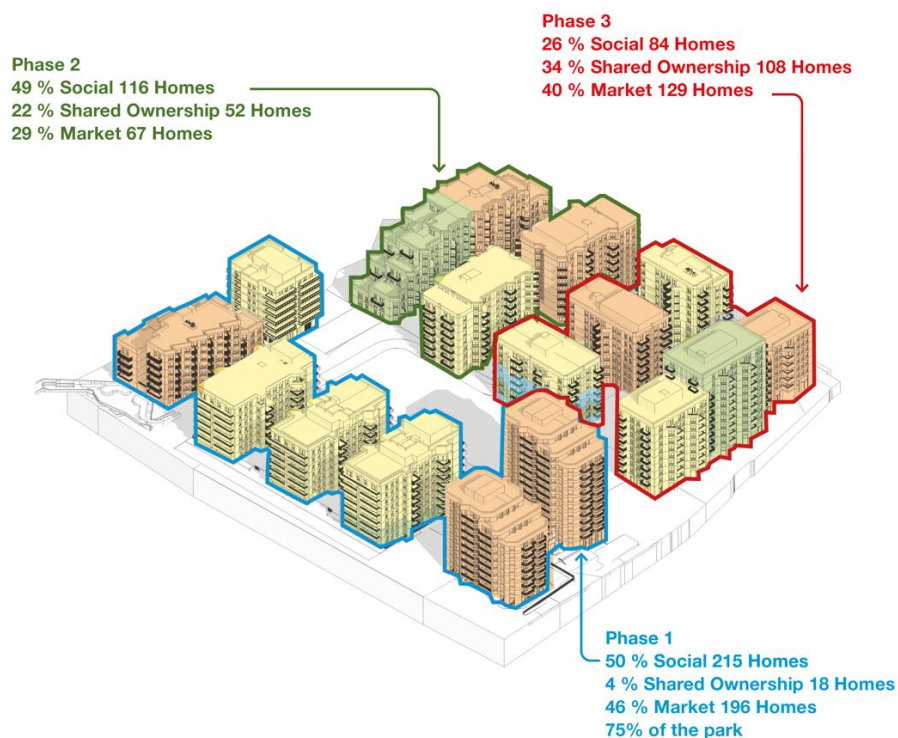
- 3.15 The Early-Stage Review will be based upon ‘Formula 1b’ as set out in Annex 1 of the Mayor of London's Affordable Housing and Viability SPG (2017), and in Appendix 1 of this report.
- 3.16 In circumstances where a surplus is produced by the Early Stage Review formula, a second formula is then required to take the surplus and use it to convert London Shared Ownership homes to London Living Rent homes. This is achieved by assessing the cost of converting London Shared Ownership to London Living Rent – the cost being the value differential that exists between London Shared Ownership and London Living Rent homes. The formula to convert Shared Ownership floorspace to London Living Rent floorspace is set out in Appendix One of this report.
- 3.17 As set out in the Mayor of London's Affordable Housing and Viability SPG (2017), the Early Stage review will be subject to a cap. The Early Stage Review cap will be based upon the London Shared Ownership floorspace in phases 1 and 2 of the development, and the value differential for this floorspace between its value as London Shared Ownership and its value as London Living Rent. London Shared Ownership has a higher value than London Living Rent and the value differential would represent the cost of conversion from London Shared Ownership to London Living Rent. The Early Stage Review Cap is set out in appendix one.
- 3.18 The London Shared Ownership homes in phases 1 and 2 targeted for conversion to London Living Rent would be outlined within a schedule and appended to the S106 Agreement.
- 3.19 In the event that the Early Stage Review is triggered and a surplus is achieved which allows for the conversion of London Shared Ownership floorspace to London Living Rent, the amount of floorspace capable of being converted can be assessed against the floorspace figures outlined in the schedule to ascertain how many homes could be converted.
- 3.20 If a surplus is generated, but it is insufficient to enable the conversion of London Shared Ownership homes to London Living Rent homes, or a proportion of London Shared Ownership homes are converted to London Living Rent and a left-over surplus is insufficient to convert any further homes, the surplus would be paid to the Council and could be put towards off-site affordable housing including council homes.
- 3.21 It is important to note that should the applicant implement the planning permission within the two year period, the Early Stage Review will not take place.

Proposed Mid-Stage review

- 3.22 At the meeting of the Planning Committee held on 8 March 2022, the applicant made reference to a letter from Lord Kerslake, the Chair of the Peabody Board, addressed to the Council. This offered to review the economics of the proposed scheme prior to the commencement of phase 3 of the development with a view to converting London Shared Ownership homes to London Living Rent homes should sufficient improvement in the

economics of the scheme allow for this to occur. This letter however stated that Peabody would not enter into a legal agreement to secure this review.

- 3.23 The prospect of a re-appraisal of viability was considered by Members of the Planning Committee. During the meeting the applicants offered to enter into a legal agreement to secure a mid-stage review. This would be triggered upon commencement of phase 3 of the development.
- 3.24 Phase 3 of the development involves the construction of Plot B which comprises of 321 homes of which 129 homes will be for open market sale, 84 homes will be for social rent and 108 homes will be shared ownership homes, as illustrated below. Plot B also contains a total of 1,667 square metres (GIA) of Class E floorspace.



- 3.25 The Mid-Stage Review would represent an additional planning obligation which would be secured within the S106 Agreement.
- 3.26 Officers advised at the meeting that if a Mid Stage Review was to be included as a planning obligation within the s106 Agreement any obligation should reflect the GLA formula.
- 3.27 The Planning Committee resolved to grant planning permission conditional upon a S106 agreement which included (inter alia) the following obligation:

“Prior to Implementation of Phase 3 of the Development, the Developer will conduct a voluntary mid-stage viability review to be secured in accordance with the GLA standard formula. If the review shows a surplus, this will be used (in the following order of priority) to: (i) convert proposed shared ownership units to London Living Rent units; (ii) towards the fit-out and/or running costs of the Women’s Building; and/or (iii) conversion of additional market housing units to social rent.”

- 3.28 Consideration of Mid-stage review mechanism against Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

- 3.29 The provision of the Mid-Stage Review, as an additional planning obligation, should be assessed against the three legal tests that a planning obligation must meet. The three legal

tests are set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and are also outlined at paragraph 57 of the NPPF (2021).

3.30 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 provides that:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.”

3.31 It is considered that the Mid-Stage Review is necessary to make the development acceptable in planning terms as it provides a potential mechanism to improve the affordability of the intermediate homes by converting London Shared Ownership homes to London Living Rent in the event of a sufficient surplus.

3.32 Having regard to emerging planning policy in the form of Draft Policy H3 of the Council's Draft Local Plan which expresses a preference for the London Living Rent tenure as the intermediate affordable housing tenure, an obligation to assess the prospect of converting London Shared Ownership units to London Living Rent is considered to meet the Regulation 122 test of being necessary as set out above.

3.33 It is considered that the Mid-Stage Review as a planning obligation is directly related to the development because the review will assess the specific economic viability of the development and the tenure on the Affordable Housing provision is an issue which is directly related to the development.

3.34 It is considered that the Mid-Stage Review as a planning obligation is related in scale and kind to the development because any additional contribution to affordable housing will be based on the level that the scheme can viably support and will only be required in the event of a surplus which is further subject to an appropriately derived cap.

3.35 It is therefore considered that the Mid-Stage Review meets the three legal tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and should not therefore be considered to be voluntary.

3.36 As noted above, at the meeting of the Planning Committee on 8 March 2022 the applicants agreed that they would employ a fund raiser to secure funding for the fit out of the Women's Building. This commitment will be secured to the council's satisfaction as an obligation in the s106 agreement. For this reason the mid-stage review mechanism will not be required to contribute towards the fit - out costs of the Women's Building if a surplus is identified.

3.37 As noted above the proposals are policy compliant in terms of the delivery of social rented homes. For this reason, the mid-stage review mechanism will not be required to deliver any additional homes for social rent if a surplus is identified. Furthermore, this position is consistent with the views expressed by the GLA in relation to the early - stage review mechanism. The GLA has advised that if the scheme generates a financial surplus at this stage any surplus should be used to fund the conversions of shared ownership homes to London Living Rent.

3.38 In summary, having considered the Committee's resolution against the tests set out in Regulation 122 (2) and draft Policy H3, the mid stage review mechanism is considered to be necessary and not therefore voluntary. In addition, if the mid stage review indicates a

surplus the use of this surplus will be restricted to the conversion of shared ownership homes to London Living Rent.

Proposed Mid-Stage review mechanism formula

- 3.39 The Committee also resolved that the mid stage review mechanism should be in accordance with the relevant GLA policy. In subsequent discussions, senior GLA officers have advised that there is no precedent for a mid-stage review mechanism where a scheme is delivering a level of affordable housing that it is compliant with the adopted Development Plan. The reason for this being that the use of mid-stage review mechanisms is reserved for schemes that do not meet the adopted strategic housing targets.
- 3.40 However, as far as practical the proposed Mid-Stage Review mechanism has been aligned with the published guidance set out in the Mayor of London's Affordable Housing and Viability SPG (2017). The Mayor's 1b Early Stage review formula has been adapted to the specific circumstances of this scheme.
- 3.41 The Mid Stage Review would be triggered prior to the commencement of Phase 3 of the development.
- 3.42 The mid stage review formula is similar to the early stage review formula as it measures changes in Gross Development Value and Build Cost between the date of the application stage financial viability assessment and the point in time at which the review takes place. A developer profit allowance is also included in the formula.
- 3.43 If the Early Stage Review takes place, the Mid Stage Review would measure changes in Gross Development Value and Build Cost between the date of the Early Stage review and the point of the Mid Stage Review.
- 3.44 However, the Mid Stage Review differs from the Early Stage Review as it incorporates a deficit into the formula and includes a sharing of the surplus generated by the review.
- 3.45 Given the financial viability challenges outlined in Section 19 of the Committee Report of 10 February 2022 it was concluded that the proposals cannot afford to fund any London Living Rent Homes at present as required in emerging policy H3. The report further notes that the applicants contend that the scheme has a financial deficit of circa £44 million whereas the council's position (as set out in the Addenda Report) is that the financial deficit amounts to circa £3.375 million.
- 3.46 The GLA produced Practice Note 'Viability Review Mechanisms' published in April 2019 sets out how deficits can be included in the GLA's review mechanism formulas.
- 3.47 The applicants have proposed that a deficit of £38.5 million is included within the mid-stage review formula. The applicant has re-run their viability appraisal of the 985-unit development, but removed the developer profit on the sales value of affordable housing units which has increased their residual land value from circa £14 million to circa £19 million which compared to the applicant's benchmark land value of £58,380,000, shows a deficit of £38.5 million.
- 3.48 In respect to the deficit, it is considered that deficits should only be included in viability review mechanisms where it can be robustly demonstrated within a financial viability assessment that a deficit exists.
- 3.49 The principle concern with the inclusion of deficits within viability review mechanisms is that the inclusion of a deficit serves to restrict the full operation of the review mechanism

by limiting the prospect of a surplus being achieved as a surplus can only be realised once the deficit is overcome.

- 3.50 Where a deficit is included in a viability review, and the potential to achieve a surplus is inhibited, it reduces the prospect of meeting outstanding planning policy requirements and this could ultimately serve to endanger the delivery of Development Plan objectives.
- 3.51 However, it is considered that the circumstances of this case are unique as the development's delivery of affordable housing exceeds the 50% strategic affordable housing target set by the adopted Development Plan. The development's 60% affordable housing provision is further provided at policy compliant tenure split of 70% social rent and 30% shared ownership units.
- 3.52 It is therefore considered that the principle of the inclusion of a deficit within the Mid-Stage Review is acceptable with reference to the unique circumstances of this case. The inclusion of a deficit within the Mid Stage Review, will serve to reduce the prospect of a surplus being generated by the review, but full compliance with the adopted affordable housing policies of the adopted Development Plan has already been achieved by the scheme. The risk of a deficit inhibiting the delivery of the adopted Development Plan objectives does not therefore manifest in this case.
- 3.53 In the circumstances of the Mid Stage Review, a surplus share has been included in the formula which apportions any achievable surplus 50% to the Council and 50% to the Developer. The surplus achieved following the 50/50 apportionment would be subject to a Mid Stage Cap.
- 3.54 The surplus share included in the formula apportioned to the developer would be to ensure that there remains an incentive to maximise values and minimise costs prior to the review taking place.
- 3.55 Mid-Stage Review Cap
- 3.56 In line with GLA policy, the Mid Stage Review will be subject to a cap. The Mid Stage Review cap will be based upon the cost of converting 50% of the London Shared Ownership floorspace in Phase 3 of the development to London Living Rent. The developer would be required to calculate the Mid-Stage Review cap one month before the commencement of Phase 3 which is the trigger point for the Mid-Stage Review.
- 3.57 In the event that further grant funding is obtained and used to convert 50% of the London Shared Ownership floorspace in Phase 3 to London Living Rent, then the Mid Stage Review would not take place, and the obligation to convert 50% of the shared ownership floorspace to London Living Rent would be discharged.
- 3.58 **Conclusion and recommendation**
- 3.59 In coming to its decision on this application, the Planning Committee must consider the information set out in this report, the Committee Report of the 8th March, the Committee and Addendum Report of 10th February. The Planning Committee must also consider the verbal representations made to the Committee by both the applicants and the objectors at its meeting on 10 February 2022 and 8 March 2022 and during the course of this meeting, as well as any written representations received.
- 3.60 For the reasons set out in this report, the Planning Committee is asked to approve the following Head of Terms:

Upon commencement of Phase 3 of the Development, the Developer will conduct a bespoke mid-stage viability review to be secured in accordance with Appendix Two of this report. If the review shows a surplus, this will be used to convert proposed shared ownership homes to London Living Rent homes. To incentivise the developer to produce a surplus, 50% of any uplift will be used to convert shared ownership homes to London Living Rent. In addition, the obligation to convert shared ownership homes to London Living Rent homes will be capped at 50% of the total floorspace. If this conversion can be achieved through grant funding the requirement for a mid - stage review mechanism will fall away.

The Planning Committee is asked to have regard to the unique and unprecedented circumstances in relation to this obligation both for the local planning authority and the applicants. The current affordable housing offer is considered to comply with the affordable housing policies set out in the adopted Development Plan. However, having had regard to the emerging policy H3 (that can be accorded moderate weight), a mid-stage review mechanism that would potentially convert shared ownership homes to London Living Rent homes can be considered to be necessary. Whilst reflecting the relevant GLA formulae as far as reasonably possible in a unique set of circumstances, the formula set out in Appendix Two reflects the specific circumstances of this scheme particularly the delivery of policy compliant 60% affordable housing and an emerging policy context. This is therefore a bespoke arrangement that is not considered to set a precedent for future planning applications either for the Local Planning Authority or the applicants.

Appendix 1 – Early Stage Viability Review

Early Stage Review Formula

X = Surplus to convert London Shared Ownership to London Living Rent

$$X = (A - B) - (C - D) - P$$

Where:

A = Estimated GDV of development as determined at the time of review (£)

B = Estimated GDV of development as determined at the grant of planning permission (£)

C = Estimated build costs as determined at the time of review (£)

D = Estimated build costs as determined at grant of planning permission (£)

P = (A - B) * Y; Developer profit on change in GDV (£)

Y = Developer profit as a percentage of GDV as determined at the application stage (%)

Notes:

(A - B) = Change in GDV from the date of planning permission to the date of review (£)

(C - D) = Change in build costs from the date of planning permission to the date of review (£)

Notes

Whilst inputs 'A', 'C' and 'P' would be established at the time of the review. The application stage Gross Development of £399,795,219 has been agreed between the Council's viability consultants (BPS Chartered Surveyors) and the applicant's viability consultants (DS2) and would be included as 'B'.

In addition, the application stage total Build Cost (inclusive of a 5% contingency allowance) of £301,259,461 has been agreed between BPS Chartered Surveyors and DS2 and would be included as 'D'.

The Developer profit targets of 17.5% on private residential sales values, 6% on affordable housing sales values and 15% on commercial value have been agreed upon by agreed between BPS Chartered Surveyors and DS2. This gives rise to a blended profit on GDV of 14% which would be included as the 'Y' input within the wider calculation.

Conversion of shared ownership floorspace to London Living Rent floorspace formula

$X \div (S - L)$ = amount of London Shared Ownership floorspace which can be converted to London Living Rent

Where:

X = The surplus identified in Early Stage Review.

S = Average Shared Ownership sales values per square foot.

L = Average London Living Rent sales values per square foot.

Early Stage Review Cap Formula

$$\text{Early Stage Review Cap} = (F * (S - L))$$

Where:

F = Total Shared Ownership floorspace (NSA) per square foot in the Phase 1 and 2 of the development.

S = Average Shared Ownership sales values per square foot.

L = Average London Living Rent sales values per square foot.

Appendix 2 – Mid Stage Viability Review

Mid Stage Review Formula

$$(((A - B) - (C - D)) - P) - E) \times 0.5$$

Where:

A = Estimated GDV of development as determined at the time of review

B = Estimated GDV of development as determined at the grant of planning permission

C = Estimated build costs as determined at the time of review (including any S278 costs)

D = Estimated build costs as determined at grant of planning permission

P = (A - B) * Y; Developer profit on change in GDV

Y = Developer profit as a percentage of GDV as determined at the application stage (%)

E = Deficit

0.5 = any surplus will be shared between the Council and the developer with 50% used to convert proposed shared ownership units to London Living Rent units in phase 3 of the development

Notes

In the same manner as the Early Stage Review, inputs 'A', 'C' and 'P' would be established at the time of the review. The application stage Gross Development of £ £399,795,219 has been agreed between the Council's viability consultants (BPS Chartered Surveyors) and the applicant's viability consultants (DS2) and would be included as the 'B' input.

In addition, the application stage total Build Cost (inclusive of a 5% contingency allowance) of £ £301,259,461 has been agreed between BPS Chartered Surveyors and DS2 and would be included as the 'D' input.

In the event that the Early Stage Review does take place, the Mid-Stage Review would measure the change in GDV and Build Costs from that established as part of the Early Stage Review to the point of the triggering of the Mid-Stage Review upon commencement of phase 3 of the development.

As previously outlined, the Developer profit targets of 17.5% on private residential sales values, 6% on affordable housing sales values and 15% on commercial value have been agreed upon by agreed between BPS Chartered Surveyors and DS2. This gives rise to a blended profit on GDV of 14% which would be included as the 'Y' input within the wider calculation.

The deficit figure of £38.5 million is included as the 'E' input.

A 50/50 surplus share is included in the formula to apportion the surplus 50% to the Council and 50% to the Developer.

Mid-term review cap: Formula 1

$$\text{Mid-term review cap} = (F * (S - L))$$

Where:

F = 50% of the total shared ownership floorspace (NSA) in Phase 3 OR as amended following any previous conversion of London Shared Ownership floorspace to London Living Rent through use of further grant funding.

S = Average Shared Ownership sales values per square foot

L = Average London Living Rent sales values per square foot

Conversion of shared ownership floorspace to London Living Rent floorspace formula

$X \div (S - L)$ = amount of London Shared Ownership floorspace which can be converted to London Living Rent

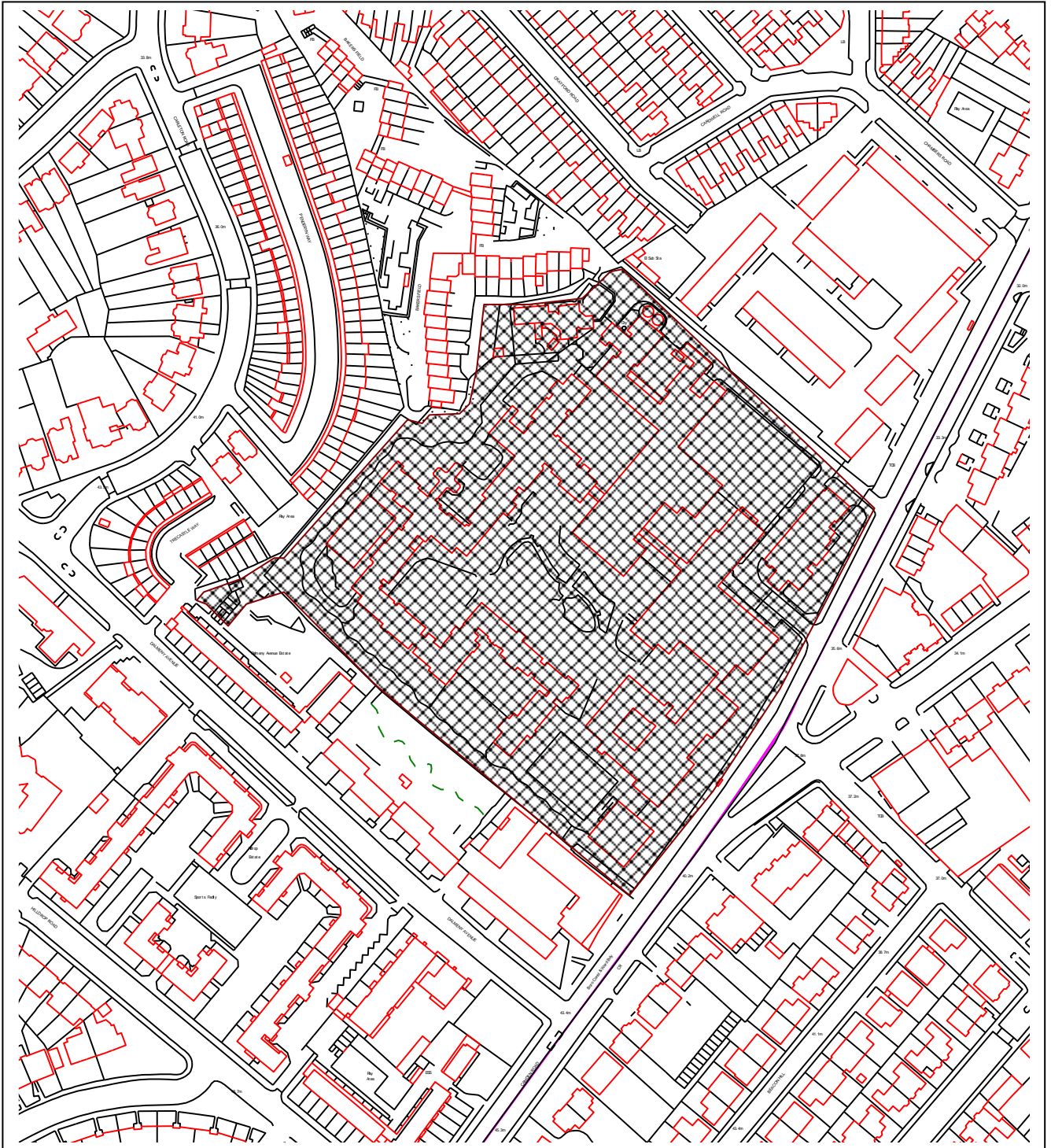
Where:

X = The surplus identified in Mid Stage Review.

S = Average Shared Ownership sales values per square foot.

L = Average London Living Rent sales values per square foot.

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