



**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 on **7 June 2022 at 7.30 pm.**

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Despatched : 30 May 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.**

Membership of the Planning Committee will be appointed at the Annual Council meeting on 26 May 2021.

Quorum: 3 councillors

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

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

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

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

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

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

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

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2.	34 York Way (Jahn Court) 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1 - Listed Building Consent	287 - 300
3.	Times House and Laundry Buildings (4-6 Bravingtons Walk 8 Caledonia Street and part ground floor area of 3 Bravingtons Walk) Laundry Yard and part of Caledonia Street, Regent Quarter, Kings Cross, London N1	301 - 560
4.	Hostel and Premises, 38-44 Islington Park Street, London N1 1PX	561 - 642
5.	30 Bastwick Street, London EC1V 3 PS	643 - 740
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
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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, 19 July 2022

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

WEBCASTING NOTICE

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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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London Borough of Islington

Planning Committee - 4 April 2022

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 4 April 2022 at 7.30 pm.

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

Councillor Poyser in the Chair for Item B4. Councillor Klute in the Chair for Items B1-B3.

1 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Picknell, Ibrahim, Williamson and Kay.

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

Councillor Wayne substituted for Councillor Khondoker.

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

There were no declarations of interest.

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

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

6 **MINUTES OF PREVIOUS MEETING - 22 FEBRUARY 2022 (Item A6)**

RESOLVED:

That the minutes of the meeting held on 22 February 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

7 **MINUTES OF PREVIOUS MEETING - 8 MARCH 2022 (Item A7)**

RESOLVED:

That the minutes of the meeting held on 8 March 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

8 **158-160 PENTOVILLE ROAD N19LJ (Item B1)**

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 (Planning application number: P2022/0547/FUL)

Councillor Wayne was not involved in the consideration of this item as he left after item B4.

In the discussion the following points were made:

- The presenting officer provided a committee update to the members with specific regard to an additional consultation response submitted after the publication of the committee report and some proposed changes to the planning conditions.
- Following publication of the committee report, a consultation response was received from the Islington Swift Group welcoming the inclusion of a green roof and a request for this to be a biodiverse roof as they identify that the development is in an area where swifts are currently nesting and potentially nest. The Islington Swift Group also requested a significant number of swift nest box bricks be installed near roof level.
- Officers have taken this consultation response into consideration, noting that condition 16 requires that details of the green roof are submitted to and approved in writing by the LPA. This will ensure that a biodiverse roof is used in accordance with the Islington Biodiversity Action Plan. Condition 26 is to be added requiring details of bird and bat boxes/bricks are submitted to and approved in writing by the Local Planning Authority.
- Other updates have been made including the triggers of conditions 4 and 8 to make trigger prior to commencement with exception of demolition works.
- Condition 14 has been updated requiring that the obscure glazing strategy is agreed in writing by the Local Planning Authority.
- Condition 2 has been updated to reflect the submission of revised Proposed Section AA and West Elevation.
- Meeting was informed that condition 27 is proposed to retain office use on site. This is to safeguard the vitality and viability of the Central Activities Zone.
- The development site had been occupied by a homeless charity called Rhythms of Life which used the site to store contributed food before distribution, however they were served with a Hygiene Emergency Prohibition Order in October 2021 which prohibited the site from being used to store food with the result that the Rhythms of Life charity vacated the site.
- Meeting was informed that Officers support the loss of social infrastructure in place of CAZ appropriate office floorspace as the accessibility and standard of provision of social infrastructure on the site is poor.
- It was noted that the existing structures are not appropriate for a social infrastructure use and that the former training use does not represent a flexible use.
- Site lies within the Central Activities Zone, which prioritises office floorspace and that when application (P2019/2290/FUL) was presented to the meeting

on April 2020, Committee resolved to approve the loss of social infrastructure at this site to be replaced by office floorspace.

- Policy DM5.1 supports the delivery of a mix of office and residential uses within the Central Activities Zone.
- Members were advised that the proposed 9 residential units will make a positive contribution to borough housing stock and this use is appropriate within a strong residential context.
- Therefore, a mixed-use office and residential scheme is supported
- The Planning Officer acknowledged that the proposal, by reason of the number of units being delivered, is minor development and in light of the small site size and limit in terms of height that can be delivered and the required delivery of Central Activities Zone appropriate office space – 9 is the maximum number of units deliverable
- A housing contribution of £450k has been secured via S106.
- In terms of design and appearance, the meeting was advised that the proposal had benefitted from prior to submission engagement with design and planning officers. Design officers had reviewed the submitted proposal and had no objections. The proposal will be delivering an additional storey to the front part of site compared to previous committee approval for the redevelopment of the site in 2020
- It was noted that the height is considered appropriate in design terms, especially with the adjoining 5 storey height at No. 156 Pentonville Road which maintains the same height across the full depth of its plot.
- Advice from design officer states that the proposal represents a successful insertion of additional height and mass in this location.
- Members were also advised of the transition down to four storeys, which is considered to be an appropriate transition between the 5 storey built form of adjoining property, No. 156 Pentonville Road, and the adjacent 2 storeys of the Cumming Street terrace
- High quality materials such as London Stock brick, stone cladding, profiled terracotta spandrels and powder coated aluminium framed glazing will be used, and this is in keeping with the character of the area and is supported by the Council's design officer. It was noted that a condition requiring samples of these materials to be approved by the LPA has been attached.
- In terms of the impact of the scheme on listed buildings, the Planning Officer advised that the separation distance of the site from the locally listed building and the appropriate scale, height, quality of design and materiality of the development, would not detrimentally harm the significance of this locally listed heritage asset.
- The proposed ground floor will also be occupied by office floorspace and there will be two accesses off Pentonville Road, one for the office space and one for the residential units.
- The four residential floors will accommodate 9 units, comprising of 4 x 1 beds, 4 x 2 beds and 1 x 3 bed unit and as the 2 bed units are the size of the highest identified need for market housing, this is considered to represent a good mix of units.
- The Planning Officer acknowledged that in terms of the scheme's impact on neighbouring amenity, the proposal does present additional massing, that it

was important to note its context , noting the under-developed nature of the existing site which consists of a single storey building in a part of Pentonville Road which in general is characterised by buildings of up to five storeys. The proposed height/massing is comparative with the built form of Pentonville Road

- Members were informed that both the front and rear elevations of the proposed building are in line with the front elevations of Pentonville Road and Cumming Street properties which maintains outlook to properties with windows on these elevations.
- The proposal does have a lightwell which provides some relief as the building is set back from the western boundary to accommodate this lightwell and that the fifth floor is confined to the front part of building which presents a more sympathetic relationship to the lower built form of Cumming Street
- The Planning Officer reiterated that the balconies on the rear elevation have been designed to maintain privacy to the properties of Lambras House.
- Conditions have been attached securing obscure glazing to windows on the side elevation and restricting use of the roof space to maintain privacy to neighbouring properties to the west of the site.
- In comparison to social infrastructure, office and residential uses are considered to be more sympathetic to an area largely consisting of residential uses.
- The proposal was accompanied by a daylight and sunlight assessment which assesses the impact of proposal against British Research Establishment Guidelines.
- The Planning Officer acknowledged that assessment identifies that there are VSC/NSL transgressions to 162, 164C Pentonville Road and 3 Cumming Street. The level of transgression and number of windows effected is limited and therefore this impact is not unacceptable.
- The Daylight and Sunlight assessment confirms that no neighbouring windows would fail the BRE guidance criteria for sunlight, however it does identify notable overshadowing transgressions on gardens of 3 and 5 Cumming Street which will have a negative impact
- Members were advised that it is important, 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 and that due consideration must be given to the dense, urban character of the local surroundings and for the fact that 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.
- Members were advised that 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, this does not outweigh the benefits of effectively redeveloping this underdeveloped site to provide much needed additional office space within the CAZ and 9 residential units.

Councillor North proposed a motion to grant planning permission. This was seconded by Councillor Poyser and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, 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.

9 250 CITY ROAD, LONDON EC1V 2PU (Item B2)

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).

(Planning application number: P2021/3078/FUL)

Councillor Wayne was not involved in the consideration of this item as he had left after item B4.

In the discussion the following points were made:

- The Planning Officer advised the Committee that no physical changes are being proposed to the existing building.
- That Office use will be retained but consented uses to be widened to include healthcare and education uses.
- Meeting was advised that for over 24 months, marketing was carried out without success.
- The remaining uses in the wider City Forum development, including affordable workspace, to be retained.
- The potential loss of office floorspace is not considered to unduly compromise the operation of the wider area.
- Meeting was advised that no neighbour objections were received.

Councillor Poyser proposed a motion to grant planning permission. This was seconded by Councillor North 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 received at the 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.

At the end of this item, Councillor Klute moved a motion on whether the Committee were minded to delegate to a Sub Committee scheduled for 19 April especially as there is no Planning Committee meeting scheduled till June 2022. This is in relation

to item - **P2021/3255/FUL** - William Martin Court, 65 Margery Street, London, WC1X 0JH. Members voted in favour of item being delegated.

10 **30 BASTWICK STREET, LONDON EC1V 3PS (Item B3)**

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)

Councillor Wayne did not participate in this item as he left after the consideration of item B4.

In the discussion the following points were made:

- The Chair reminded the meeting that item was deferred at the meeting on 22 February following concerns raised regarding daylight and sunlight transgressions to neighbouring properties and also objectors request for a site visit to understand the impact of the scheme. The Chair noted that he was able to visit the site.
- Also Members had requested that the applicants review the massing of the building and seek betterments to the daylight and sunlight reductions.
- The Planning Officer advised that since the last meeting further representations had been received bringing the new total to 35, noting that no new material considerations had been raised from those which had been addressed within the 22 February Committee report.
- Further, the meeting was advised that the Applicant submitted amended plans and an updated daylight sunlight report since the 22 February meeting and that revisions to the proposal include the stepping back of part of the upper most floor and the introduction of a pitched roof to the rear of the This has led to a 20sqm reduction in floor area (GIA floor space has reduced from 1,788sqm to 1,758sqm).
- The Planning Officer acknowledged that amendments to the mass of the proposed development has led to betterments, albeit marginal to daylight and sunlight reductions to neighbouring properties.
- The Planning Officer highlighted a number of amended conditions that were recommended in the 22nd February 2022 Committee Report, that Condition 2 has been amended to include the revised drawings, condition 11 has been amended to include restricted hours for deliveries and servicing of the building so that they do not disturb standard nighttime/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).
- An objector requested that the application be deferred, as the minimal reductions to the massing makes a mockery of the committee's reasons for deferral, as it would not address the issues raised by the neighbouring residents, stating that the scheme would need to be reduced in line with the residential properties on each side so as to preserve the open spaces and mitigate light loss. He was concerned with the terraces, roof gardens and balconies as it would result in privacy loss and overlooking, noting that the main roof should be a green roof. The objector acknowledged a potential

light loss to his property but not a 100% light loss as it would be detrimental to his amenity.

- A further objector was concerned with the format of the meeting especially as residents don't have the right to reply during Council and Planning meetings, with the result of the risk of council being misled by the Applicant.
- The objector highlighted a number of inconsistencies for example in discussions about the Daylight/Sunlight report, the Planning agent comments describing the 'isolated violations of BRE criteria' when in fact, 50% of Pietra Lara's south facing windows on floors 1 & 2 suffer daylight experience losses in excess of BRE criteria.
- Another correction was highlighted by the objector, with regards to a statement that the "majority of window failures at Pietra Lara were only just over the 20% threshold", noting that this is true of windows (VSC), but not of rooms (DD/NSL), that the failures for rooms are 29, 24, 34, 39, 49 and 53%.
- The objector was also concerned with the Planning Agent's statement that "there were no losses larger than 30%", when in fact the largest loss for a window is 32% (window 243) and the largest room is 53% (room 240)
- The objector was further concerned with another assertion by the Planning Agent that the room uses listed, noting that this was wrong for example in Pietra Lara every room described was described as a kitchen when it was actually a living room kitchen diner, and every residential flat in 26/27 Bastwick described as 'unknown or non-domestic' were in fact all living room kitchen diner or bedrooms.
- The objector stated that the assertion that all windows was tested is disingenuous, which creates a false impression that the transgressions is not as bad for residents than it really is.
- The objector noted that all these misleading inaccuracies quoted in the report and representations would have become apparent if a planned site visit had gone ahead.
- The Meeting was informed that in light of concerns about the highlighted errors in the applicant's submitted Daylight/Sunlight report, objectors commissioned their own experts which concluded that with regard to the sunlight analysis of neighbouring properties that only 62% of windows assessed will comply with both the annual and winter assessment criteria. Many of these reductions are substantial and well in excess of the BRE Guideline.
- In addition the assessment noted that the reductions recorded were in breach of the BRE Guidelines and could therefore be considered to present an overly dominant obstruction to the access of light to the residential properties at 37 Bastwick Street and 39 to 45 Central Street.
- In conclusion, the objector advised members that information in the Applicant's submitted Daylight/Sunlight report is unsound, urging the committee to reject the proposal, stating that if the proposal is to progress further, any design must be restricted to Class E(g) use only, as is the case with 44 Pear Tree Street.
- Councillor Graham requested that the item be deferred as resident's concerns had not been sufficiently addressed. He acknowledged an expected light loss

but not a total loss of light, and requesting that developers go back and allow residents to participate in the whole process. Councillor Graham queried the suggestion that there is a demand for additional office space in the area.

- In his response, the Applicant's architect informed the meeting that the team carried out an exercise on how to reduce and mitigate any sunlight and daylight loss in conjunction with council officers, noting that suggestions about a cutback to the rear was not correct as this was where it had the greatest impact reminding members that for the building to be BRE compliant, the top floor would have to be removed, noting that the scheme provided office space which is policy compliant.
- Green roofs have been provided in various areas across the site, extensive consultation was carried out with residents and their feedback have been taken on board for example the refuse storage has now been incorporated into the ground level space
- On the issue of daylight/sunlight assessment, the Applicant's consultant responded to the objectors comments that room uses had not been correctly identified, stating that an extensive online search of room uses of neighbouring properties was undertaken and where impossible, it took a prudent approach by treating the rooms as either habitable or unknown.
- The daylight and sunlight consultant reiterated the submitted daylight/sunlight assessment noting that in terms of daylight tests, of all the windows tested of the neighbouring properties for VSC only 5 habitable rooms fell short of the recommended guidelines. Similarly for daylight distribution tests only 8 rooms fell short of the recommendation of which 5 were marginal.
- With regards to concerns about the loss of light to the garden of 45 Central Street, the meeting was advised that prior to the proposal, the garden already exhibited a 30% loss, so was poorly lit, however officer noted that assessment carried out on 21st March which is the average of light for the year, it is believed that in the summer months it will receive more direct sunlight which is rare given its urban setting and it being surrounded by taller buildings.
- In response to the residents assertion that different base line surveys were carried out in comparison to other developments in the area, the consultant informed the meeting that base line surveys changes with different scenarios, that this is based on the amount of light that a neighbouring property receives prior to the development being built and when it is built so it is never the same base line.
- The Chair indicated that during his site visit, whilst standing on the roof terrace and looking out onto the site he could see the roof line of the existing building as this is not clear from the revised diagram submitted as it appears that the extension is higher. He stated that the amendments being put forward by the applicant did not appear to make any progress on the reasons why the committee requested for deferment.
- A member felt that having asked for the item to be deferred initially he was not agreeable to it being deferred once again unless the applicant is specifically advised on what changes the committee requires , noting that applicant had already made some amendments albeit marginal.

- Chair suggested item be deferred in order for the first floor rear extensions to be pulled back from the boundary, as he felt these would lead to an unacceptable sense of enclosure. Chair also requested the applicant provide better drawings, as this could help clarify the configuration of the rear wall and its relationship to the existing roof terraces as the submitted drawings are not clear.
- Members agreed for application to be deferred for the betterment of the sunlight impact and to see the possibility of the first floor extension be pushed back
- Councillor Klute moved a motion to defer the item. This was seconded by Councillor North.

RESOLVED:

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

11 **FORMER HOLLOWAY PRISON PARKHURST ROAD, LONDON N7 0NU (Item B4)**

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 of 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.

(Planning application number: P2021/3273/FUL)

Councillor Klute was not in the meeting room nor involved in the consideration of this item. Councillor Poyser chaired the Committee for this item.

In the discussion the following points were made:

- This application has been brought back to the Committee in order to comply with a resolution by the Committee on 8 March 2022 to secure a mid-stage viability review mechanism and a further resolution requiring that details of that mechanism be brought back for approval.
- Planning permission has been granted subject to any direction by the Mayor of London to refuse the application or for it to be called in and conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990.
- In addition, the resolution to grant planning permission imposed an additional obligation on the developer to appoint a fundraiser with regards the Women's building and a further requirement on the developer to secure a £2.9 million contribution to the fit out of the Women's Building.
- The Service Director, Planning and Development informed the meeting that the reason for the item being brought back before Members is to approve the wording of the Head of Terms in relation to the mid stage review mechanism as set out in paragraph 3.60 of the Case Officer's report and the associated details as set out in Appendices One and Two of the report.

- Members were reminded that Peabody has agreed that upon commencement of Phase 3 of the Development, it would conduct a bespoke mid-stage viability review to be secured in accordance with Appendix Two of the Case Officer's report and if the review was to indicate a surplus, this will be used to convert some of the proposed shared ownership homes in Phase Three to London Living Rent homes.
- The conversion of shared ownership homes to London Living Rent homes, would be capped at 50% of the total shared ownership floorspace. The officer noted that if this conversion could be achieved through grant funding the requirement for a mid - stage review mechanism would fall away.
- Members were advised that the proposed 985-home development provides 60% affordable housing, which exceeds the 50% strategic affordable housing target of both GLA and Council policies, that it 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.
- The Service Director of Planning and Development informed the meeting that as set out in the report, it is clear that the scheme faces viability challenges and would not be able to afford to deliver any London Living Rent housing at present, however they noted that an early stage viability review mechanism has been secured in line with GLA policy.
- Members were informed that following the Committee's request for the mid stage review mechanism to comply with the GLA formula, discussions with GLA officers have indicated that there is no precedent for a mid stage review mechanism for a scheme that delivers a policy complaint level of affordable housing because mid-stage review mechanisms are reserved only for schemes where the developer is failing to meet the affordable housing targets when planning permission is granted
- Members were advised that Policy H3 of the Council's Emerging Local Plan which states that the majority of intermediate tenure housing should be London Living Rent can be given moderate weight in securing the Mid-Stage Review Mechanism.
- The Mid Stage Review Mechanism would be triggered upon the commencement of Phase 3 of the development which includes the delivery of 321 homes of which 108 are shared ownership
- Meeting was advised that in line with the standard GLA formula, the proposed mid-stage review formula includes a deficit of £38.5 million. This is not the full deficit put forward by the applicants.
- Members were advised that the above obligation falls away if grant or other funding is secured to meet the same objective.
- The Service Director advised the Committee that because the current proposal is policy compliant in terms of social rented housing, the formula does not incorporate the ability to convert homes to social rented homes if there is a surplus.
- With regard to the Women's building, the Committee was advised that on the 24th of March 2022, the Executive agreed to underwrite the £2.9 million Cat B fit out costs.

Planning Committee - 4 April 2022

- The s106 Heads of Terms agreed by the Planning Committee on the 8 March 2022 included an additional obligation on the applicant to employ a fund raiser to secure funding for the fit out/operating costs of the Women's Building and that the applicant must also demonstrate to the council's satisfaction that it has done everything that it practically can to secure this funding by other means before the funding is paid to Peabody.
- Meeting was advised that the proposed mid stage review mechanism will not therefore provide a contribution towards the fit out costs of the Women's Building if a surplus can be demonstrated as this would be duplicating an existing obligation.
- The Council received 3 further representations on the application since the Committee met on the 8th March 2022. Camden Council raised no concerns. Another representation expressed significant disappointment at the Committee's resolution to grant planning permission on 8 March 2022 specifically in relation to the proposals for the Women's Building. Community Plan for Holloway requested that the s106 agreement should secure: equitable access to the resident's space; commercial spaces to be made available to young people at a peppercorn rent; conversion of shared ownership homes to London Living Rent; fit out costs for the Women's Building and a mid-stage review mechanism to be secured.
- Nikki Gibbs, representing CPH4 Women's Building Working Group, Reclaim Holloway was concerned that the needs of women were still not been addressed, suggesting that both the Council and Peabody must consider CPH4's alternative proposal as it will deliver social housing for the council, provide ground-breaking facilities for the youth, surplus for Peabody and a building for women. Nikki Gibbs suggested that as Block E2 is entirely private, CPH4 would want to raise money to buy private block E2.
- Nikki Gibbs reminded members of earlier representations at previous meetings concerning the need to provide a befitting women's building, reiterating that the current proposal will not deliver a building for traumatised women, however noting that CPH4 are willing to work with all parties to ensure the building is delivered.
- Linda Clarke reminded the meeting that Peabody received a huge amount of grant and public money so should fund the fit out of the women's building, supporting the Council's deficit assessment statement rather than the applicants.
- In response to questions regarding profit, surpluses and viability, the Peabody project manager reminded the meeting that the figures put forward have been agreed by both the Council and the applicants viability experts.
- On whether Peabody had made any further concessions beyond the heads of terms, the Peabody project manager indicated that in addition to securing the mid stage review mechanism which is unprecedented considering that the scheme is policy compliant, Peabody has agreed to employ a fund raiser in relation to the women's building.
- Meeting was advised that for the scheme to generate a surplus, the value of the private homes will have to increase and/or the construction costs will have to fall below their current levels.

Planning Committee - 4 April 2022

- Member queried the omission of the £2.9m fit out costs for the women's building from the draft s106 and had concerns that the employment of the fund raiser was specifically targeted towards the running costs rather than the capital cost which is contrary to what was agreed by the Committee at the previous meeting. The Service Director noted that the fundraiser would be tasked to raise funds for both.
- With regards to the provision of affordable broadband cost for all residents, the Peabody project manager advised that free public wifi will be available in the public park and the residents facility and that discussions were underway to ensure that residents on low incomes and universal credit will have access to low cost wifi.
- During deliberations, a member noted that although not perfect he welcomed the head of terms, that any further delay to the commencement of the scheme would not be beneficial to Islington residents who require genuinely affordable homes.
- Another member noted that although it is clear that Peabody's approach to the scheme has not been encouraging especially in terms of its relationship with residents, its provision of social housing and the scheme being policy complaint in terms of affordable housing holds it in good stead.
- A member expressed his disappointment, that the scheme fell short of expectations. He acknowledged residents' objections regarding loss of light, pollution concerns for residents facing the busy road and the excessive heights of the tall buildings in an area of high density which is contrary to the council policy on Tall buildings and stated that he would not be supporting the proposed Head of Terms.
- Councillor Wayne moved a motion to support the approval of the Head of Terms. This was seconded by Councillor North

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, that both the wording of the Head of Terms in relation to the mid stage review mechanism as set out in paragraph 3.60 of the report and the associated details as set out in Appendices One and Two of the report be approved.

The meeting ended at 11.00 pm

CHAIR

Law and Governance
Town Hall, Upper Street, London N1 2UD

Report of: Director of Law and Governance

Meeting of: Planning Committee

Date: 7 June 2022

Ward(s): N/A

Subject: APPOINTMENT OF PLANNING SUB-COMMITTEES

1. **Synopsis**

- 1.1. The purpose of this report is to appoint the Planning Sub-Committees and note its terms of reference.

2. **Recommendations**

- 2.1. To confirm the size of the sub-committees and note their terms of reference in Appendix B.
- 2.2. To determine the allocation of seats on the sub-committees in accordance with the advice set out in this report.
- 2.3. To appoint members and substitute members of the Planning Committee to serve on each of the Planning Sub-Committees until their successors are appointed.
- 2.4. To appoint members and substitute members of the Planning Committee as substitute members of the Planning Sub-Committees to which they have not been appointed.
- 2.5. To appoint members of the Planning Committee as chairs of the Planning Sub-Committees until their successors are appointed.
- 2.6. To appoint members of the Planning Committee as vice chairs of the Planning Sub-Committees until their successors are appointed.

3.1 **Background**

The Council is required to allocate committee places to political groups according to the "political balance rules" under the Local Government and Housing Act 1989. These are designed to ensure that the political composition of the Council's decision making and deliberative committees as far as possible replicates the political composition of the full Council.

- 3.2 The current membership of the authority is 48 Labour Group members and 3 Green Group members. Political balance arrangements and the membership of the Council's committees was determined at the Annual Council meeting on 26 May 2022.
- 3.3 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington and is asked to appoint two Planning Sub-Committees. It is recommended that the Planning Committee appoints remaining members and substitute members of the Planning Committee as substitute members on the Planning Sub-Committees. The quorum of the Planning Sub-Committees is three Councillors.
- 3.4 The terms of reference for the Sub-Committee are set out in Appendix B. The terms of reference of this Committee are set out in Appendix A.

4. Implications

4.1. Financial implications

The costs associated with Planning Committees are met through the council's budget.

4.2. Legal Implications

These are set out in the body of the report.

4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:

There are no environmental implications directly associated with the recommendations.

4.4. Equalities Impact Assessment

- 4.4.1. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.
- 4.4.2. An Equalities Impact Assessment is not required in relation to this report.

5. Conclusion and reasons for recommendations

The Committee should approve this report in order for the Planning Sub-Committees to be properly constituted.

Background papers: None

Appendices: Appendix A – Planning Committee Terms of Reference
Appendix B – Planning Sub-Committees Terms of Reference

Final Report Clearance

Signed by



XXXX 2022

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Director of Law and Governance

Date

Report author: Ola Adeoye, Senior Democratic Services Officer

Tel: 020 7527 3044

E-mail: olayiwola.adeoye@islington.gov.uk

PLANNING COMMITTEE

Quorum

The quorum shall be three members.

Terms of Reference

1. To determine any application for planning permission, consent or approval recommended for approval in respect of all major* developments other than an application under section 73 of the Town and Country Planning Act 1990 covered by paragraph 6.
2. To determine any other applications for planning permission, consent or approval falling within the terms of reference of the Planning Sub-Committees which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any other application for planning permission, consent or approval referred to it by a planning sub-committee or the Service Director, Development and Planning/Head of Service, Development Management.
4. To determine any other application for planning permission, consent or approval recommended for approval (including any falling within the terms of reference of the Planning Sub-Committees), which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Committee.
5. To make traffic management and stopping-up orders which are consequent upon the grant of planning permission by the committee.
6. A Section 73 application need not be referred to the committee where the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the Vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

*As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 namely development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

PLANNING SUB-COMMITTEES

Quorum

The quorum shall be three members.

Terms of Reference

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

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

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

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PLANNING COMMITTEE REPORT
ADDENDUM

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	7 June 2022	NON-EXEMPT

Application number	P2021/2270/FUL
Application type	Full Application
Ward	Caledonian
Listed building	34B York Way - Grade II Adj. 5-35 Balfe Street - Grade II
Conservation area	Kings Cross Conservation Area (CA21) Adj. Keystone Crescent Conservation Area (CA14) Adj Kings Cross Conservation Area (LB Camden)
Development Plan Context	Core Strategy Key Area – Kings Cross and Pentonville Road Central Activities Zone Employment Growth Areas (Kings Cross) Protected vistas - Parliament Hill summit to St Pauls Cathedral Protected vistas - Kenwood viewing gazebo to St Pauls Cathedral Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Article 4 Direction Flexible uses Article 4 Direction Office to residential
Licensing Implications	None
Site Address	34 York Way (Jahn Court), 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1
Proposal	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.

Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

1. RECOMMENDATION

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

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

2. BACKGROUND OF DEFERRAL

2.1 Planning application P2021/2270/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, Members expressed concerns 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. Members also commented that an improved affordable workspace, possibly with an extended lease from 10 to 20 years would be welcomed. The views of committee members are captured in the agreed minutes from this meeting. The minutes are appended to this report (see **Appendix 3**).

2.3 As such, the item was deferred in order for the applicant to review the massing of the building in order for betterments to the daylight and sunlight transgressions, in order to reduce perceived harm to neighbouring amenity and to reduce the heritage impacts. Clarification on the provision of cycle parking was also requested.

2.4 Since the 22 February 2022 Committee Meeting, the Applicant has submitted revised documents as follows:

- 13601-A-L00-02-100-Rev P1 – Demolition
- 13601-A-L00-07-050-RevP2 – Proposed Site Plan
- 13601-A-L00-07-100-RevP2 - Proposed Ground Floor Plan
- 13601-A-L00-07-104-RevP3 – Proposed Fourth Floor Plan
- 13601-A-L00-07-105-RevP3 – Proposed Fifth Floor Plan
- 13601-A-L00-07-106-RevP3 – Proposed Fifth Floor Gallery Plan
- 13601-A-L00-07-107-RevP3 – Proposed Roof Plan
- 13601-A-LXX-02-200-RevP1 – West Elevation Demolition
- 13601-A-Z3-LXX-07-020-RevP2 – Proposed Site Plan
- 13601-A-LXX-07-150-RevP2 – Proposed West Site Elevation
- 13601-A-LXX-07-151-RevP3 – Proposed East Site Elevation
- 13601-A-LXX-07-160-RevP2 – Proposed Site Section AA
- 13601-A-LXX-07-161-RevP2 – Proposed Site Section DD
- 13601-A-LXX-07-200-RevP2 – Proposed West Elevation
- 13601-A-LXX-07-201-RevP4 – Proposed East Elevation
- 13601-A-LXX-07-202-RevP3 – Proposed South Elevation
- 13601-A-LXX-07-203-RevP3 – Proposed North Elevation
- 13601-A-LXX-07-300-RevP3 – Proposed Section AA
- 13601-A-LXX-07-301-RevP2 – Proposed Section BB
- 13601-A-LXX-07-302-RevP3 – Proposed Section CC

- 13601-A-LXX-07-303-RevP2 – Proposed Section DD
- 0182c_PR2-P-DT-AY-02_RevC – Albion Yard Proposed Services Plan
- 0182c_PR2-P-GA-AY-01_RevC – Albion Yard Proposed Plan
- 0182c_PR2-P-GA-JCAY-01_RevC – Jahn Court/Albion Yard Threshold Proposed Plan + Sections
- Design & Access Statement Addendum B – May 2022
- Heritage and Townscape Statement Addendum May 2022
- Daylight, Sunlight and Overshadowing Report – May 2022 Version V1 – Ref: P2593
- Letter from Savills dated 5 May 2022

2.5 This addendum report addresses the reasons for the committee’s deferral of this application and the consequential amendments to the proposal to address these. As such, the areas of assessment in regards to this application which have not been directly addressed in the addendum report still stand. The February Committee report has been appended. A period of approximately 4 months has passed since this application was last presented to members on 22nd February 2022. Officers have had due consideration to the most up-to-date Development Plan, as well as the Draft Local Plan which currently going through the Examination process. There have been no changes to the Development Plan or Draft Local Plan which would alter Officers’ assessment of material planning considerations as outlined in the February Committee Report. There have also been no other material changes to the site nor its surroundings which was alter the Council’s assessment.

3. FURTHER CONSULTATION UNDERTAKEN

Public Consultation Responses

- 3.1 The Council has chosen to re-consult on the applications following receipt of amendments to the proposals. Given the previous consultation where the applications have previously been subject to statutory consultation including site and press notices, the Council has exceeded its statutory requirements for consultation through re-consulting at this stage.
- 3.2 The amendments to the applications amount to reductions to the proposals and therefore are not considered to be significant in the overall context of the applications. As such the 14-day re-consultation period is in line with the Council’s Statement of Community Involvement. The 14-day re-consultation on the application began on 6 May 2022 until 20 May 2022.
- 3.3 Notwithstanding this, it is the Council’s practice to continue to consider representations made up until the date of a decision. 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 Officer’s presentation.
- 3.4 Objections were received from 29 residents during this latest re-consultation period.
- 3.5 Representations have been received from a total of 40 residents submitting objections to the proposal during the course of the application. Further correspondence has been received by the Case Officer from a number of these objectors. Officers consider as the amendments amount to reductions, no new

material planning considerations have been raised, which haven't already been addressed in the appended 22 February 2022 Committee Report on section 8.9 (e.g. relating to building heights, impact on heritage assets, reductions to daylight and sunlight etc.). However, given that the scheme has been revised, officers have responded to the planning considerations that have been raised during the latest period of reconsultation. The main issues raised relate to:

- Impact on heritage assets of the height and massing (**Officer comment:** In the committee report dated 22 February 2022 officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. The scheme has been reduced in height and massing and officers note the reductions in the visibility as indicated in the images indicating the view from York Way and Albion Yard and the overall reductions in height and massing. The Council's Design and Conservation Officers and Historic England raised no objections to the previous scheme and have continued to raise no objections to the revised scheme. Officers consider the amendments to the scheme reduce the impact on heritage assets and provide an increased level of public benefits with increases in the percentage and lease terms of the proposed affordable workspace. Therefore the scheme is acceptable in accordance with the requirements of the NPPF and the development plan);
- Loss of daylight (**Officer comment:** In the committee report dated 22 February 2022 officers have considered the impacts of the proposals on the daylight, sunlight and overshadowing to the neighbouring residential properties. The amendments to the scheme result in a significant reduction in the impact of the proposals on the levels of daylight and sunlight to the neighbouring residential properties. Officers consider the impacts are acceptable. This is considered in detail below, in the reductions in impacts to Daylight section of this report).
- Applicant's consultation with residents; (**Officer comment:** The Council notes the comments made by the applicant and has undertaken its own reconsultation to obtain the views of residents which have been considered in this latest assessment of the application.);
- Reduced cycle parking for residents from 65 to 10 secure spaces (**Officer comment:** Given that the lack of any formal consent or allocation for residential cycle parking, the provision of 10 dedicated cycle parking spaces for residents is considered to amount to an improvement on the existing situation and an overall benefit. This is considered in more detail in the assessment of this report and would be secured by condition in relation to the corresponding application ref: P2021/2269FUL).
- Forfeiting the existing social value being delivered by Impact Hub. (**Officer comment:** Officers have noted the comments made by the Impact Hub. The Impact Hub is not a Council run provider of affordable workspace and does not provide a policy compliant provision of affordable workspace. Whilst the operation of the Impact Hub may provide a degree of social value, officers consider that minimal weight should be given to these benefits in the overall assessment of the application. Officers have considered the increase in the percentage of Affordable Workspace now provided as part of the uplift and the increase in the length of the lease to 20 years. This is considered to provide a greater benefit than the

previous scheme, exceeds the adopted policy requirements and complies with the emerging policy requirements.)

- Claims that the proposed awnings on 34 York Way are not in character with the frontage. (**Officer comment:** Officers have considered the proposals in accordance with the Council's policies and guidance and in consultation with the Council's Design and Conservation Team and have not raised any objection to the proposals.)
- Claims there are accessibility issues from the proposed tables and chairs on York Way. (**Officer comment:** The placement of tables and chairs on the highway is a highways matter rather than a planning matter, and is therefore subject to separate legislation).
- Requests additional elements are added to the wording of the CEMP condition to include construction across the site should be restricted to 0900-16.00 only on weekdays and no Saturday working in addition to no working on Sundays and Bank Holidays. (**Officer comment:** The details of the Construction Environmental Management Plan are required to be submitted by condition (5) and will be discharged in consultation with the Council's Environmental Health Officer and Highways officers.)
- Requests that a Santander Cycle Station be situated on Caledonia Street in order to reduce crime. (**Officer comment:** The scheme includes the provision of 9no. on-street cycle parking stands on Caledonia Street adjacent to the gated entrance to Block B.)
- Has undertaken research to suggest there is a lack of demand for office accommodation in this area. (**Officer comment:** The adopted and emerging planning policy basis for the land use for the site has been considered in detail in the committee report dated 22 February 2022. There has been no material change to the Council's land use policies relevant to the scheme, since the publication of this report.)
- Requests a viability assessment to justify the scheme. (**Officer comment:** There is no planning policy requirement for the submission of financial viability information for the submitted application. No financial viability information has been provided within the applicant's submission and officers have not requested any such information.)
- Notes the daylight and sunlight report indicates that on 21 June, Albion Yard will lose 1-2 hours of sunlight in front of their windows. (**Officer comment:** The Council has assessed the results of the Daylight and Sunlight assessment against the requirements of the BRE guidance. At paragraph 3.3.17 of the (BRE Site Layout Planning for Daylight and Sunlight 2011) 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." For the avoidance of doubt officers have applied the test to the publicly accessible yards. Whilst officers note that there would be some reduction in sunlight to part of Albion

Yard, during 1-2 hours on 21 June, there would be no loss of sunlight on 21 March and the scheme continues to comply with the BRE test for overshadowing. The scheme remains compliant and is acceptable in this regard.)

Islington Society:

- 3.6 In response to the further re-consultation and the revised description of the two planning applications P2021/2269 and P2021/2270 The Islington Society wishes to resubmit its objections to these schemes. The society believes that the revised submissions by the applicant do not address its concerns about the application's contraventions of the Conservation Area Guidelines, in particular the additional height and mass above the roof line of the surrounding historic locally listed buildings. The society accepts that the developer has made some effort to reduce the height of the new developments but these are insufficient to address its concerns. For example, while the developer has reduced the number of floors in the redeveloped "Times House" by one, the height of the proposed new building is only cut by a single metre. The society is also concerned that the application still does not retain the spirit of the highly successful early 2000s redevelopment of the area, particularly around Albion Yard and behind the Laundry Building. (**Officer comment:** In the committee report dated 22 February 2022 officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. Officers consider the amendments to the scheme reduce the impact on heritage assets. The impact on the conservation area is considered in the assessment below, in the reductions to roof extensions section).

UPDATED ASSESSMENT

- 3.7 Following the deferral, the Applicant submitted revised elevation/floorplan/section drawings, revised landscape drawings, revised 'Daylight & Sunlight' reports, a Design & Access Statement Addendum, a Heritage and Townscape Statement Addendum and a cover letter setting out the extent of the amendments.
- 3.8 It should be noted that the scheme has not been amended beyond the following revisions outlined in this addendum report.
- 3.9 A summary of the amendments are as follows:

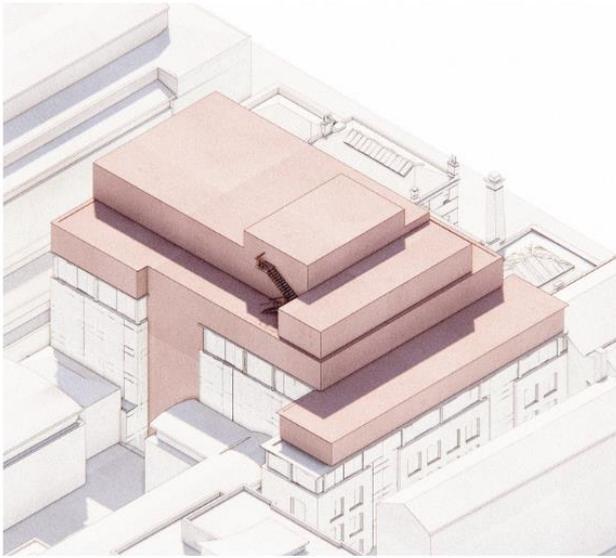
- The overall height of the proposed development has been reduced by 1.3 metres.
- The massing of the proposed roof extensions has been reduced at various levels as follows:
 - Fourth floor extension recessed by 2.8 metres from the northern elevation;
 - Fifth floor east infill extension recessed by 1.5 metres from the eastern elevation;
 - Fifth floor gallery and plant level recessed by 3.7 metres from the north and recessed by 1.1m to the east; and
 - Upper roof plant level recessed by 3.4 metres to the north and recessed by 3 metres to the east, as well as reduced in height by 1.3 metres.
- As a result of the amendments to the application, the proposed uplift in GIA floorspace has been reduced from 2,404sqm to 2,251sqm which equates to a reduction of 153sqm of floorspace from the previous scheme. This is not considered to raise conflict with the Council's land use policies.
- The affordable workspace is to be provided within Jahn Court on the ground floor. The proposed offer has increased to in excess of 10% of the floor area for 20 years on a peppercorn rent (increased from the previous offer of 10 years)
- A new more active frontage is to be provided to increase the vitality and interest to streetscene, including the introduction of glazed doors and retail canopies, to further improve the activation of York Way.
- Removal of the proposed flattening of the cobbles from east to west in Albion Yard. The scheme does retain the proposed flattening of the cobbles from the gated entrance to Ironworks Yard running north-south into Albion Yard to the rear entrance of Jahn Court.
- Provision of 10 dedicated secure cycle spaces within the basement of Times House for the residents of Regents Quarter to be secured by condition on the corresponding application.

3.10 These amendments are assessed in the following sections of this report.

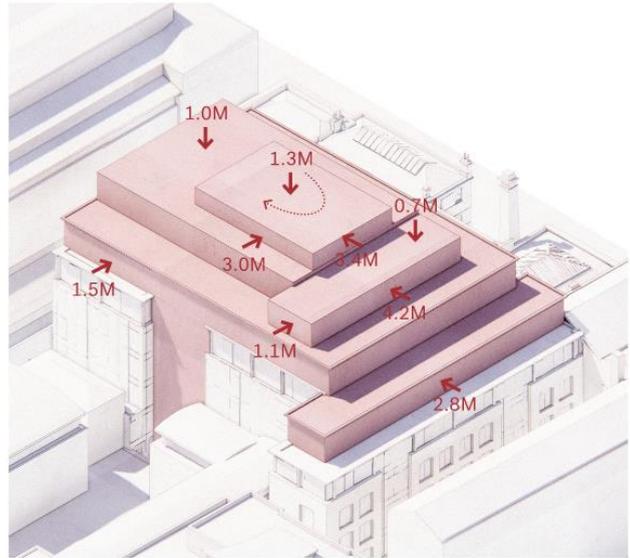
Reductions to Roof Extensions

3.11 The reductions made to the height and massing are considered to respond to the concerns raised at Planning Committee:

- The height of the proposed roof extension would be reduced in the limited views of the building on York Way.
- The proposed roof extension and associated plant has been set back so that it is no longer visible in Albion Yard, save for the associated stair core.
- The proposed fourth floor extension to the north of the building has been set back so that it is no longer visible from Ironworks Yard.



PLANNING COMMITTEE SCHEME FEBRUARY 2022



REVISED PLANNING SCHEME MAY 2022

Image 1 – Proposed and Revised changes to massing

3.12 Image 1 shows a comparison between the height and massing of the proposed roof extensions on the previous scheme and those now proposed as part of the revised scheme. The image includes the dimensions of the reductions that have been made in height and massing.



PLANNING PROPOSAL



REVISED PROPOSAL

Image 2 – Proposed and Revised – View from York Way

3.13 Image 2 shows a comparison between the visibility and scale of the massing as proposed by the previous scheme and the latest scheme, as seen from York Way. Officers consider that when viewed from York Way, the height and massing that has been removed from the scheme responds to the reasons for the deferral of the application and is acceptable in accordance with policy and guidance.



Image 3 – Proposed and Revised View from Albion Yard

- 3.14 Image 3 shows a comparison between the visibility and scale of the massing as proposed by the previous scheme and the latest scheme, as seen from Albion Yard. Officers consider that when viewed from Albion Yard, the height and scale of the massing that has been removed from the scheme, responds to the reasons for the deferral of the application and is acceptable in accordance with policy and guidance.
- 3.15 The proposed total height of the building following the proposed roof extensions has been reduced, and will therefore rise from 17.6m to 24.9m to the new top floor roof. This has been reduced from 25.9m as previously proposed. The proposed total height to the top of the plant has been reduced to 27.1m, down from 28.4m as previously proposed. This is an overall reduction in height of 1.3m, which amounts to 12% of the extension height, and a reduction in the volume of the extension by 1,300 cubic metres, which amounts to a 13% reduction in volume.
- 3.16 While there were no design or heritage objections from officers to the earlier iteration that was considered at committee, given the proposed reductions to height and mass, and the resulting beneficial impact to the amenity of the adjacent properties, together with the high quality of architecture demonstrated within the detailed designs, including innovative materiality, there are no design objections to the amended scheme design.
- 3.17 The combined impact of these reductions to height, bulk and mass reduces the visual impact of the extensions from multiple vantage points, which benefits the setting of the heritage assets thereby reducing the impact of the proposed changes on the historic environment.
- 3.18 The proposed fourth floor roof extension has been recessed from the northern elevation, which has reduced the visibility of this element from views within Ironworks Yard while the reductions to the fifth floor roof extension, reduces the visibility of the additional massing from views within Albion Yard save for the stair core.
- 3.19 Overall, the height and massing of the proposed extensions have been sufficiently reduced in scale resulting in the building being less prominent or no longer visible from the public realm. It is worth reiterating that no objections have been raised by the Council’s Design and Conservation Officers, the Design Review Panel and Historic England. The revised proposals remain acceptable in heritage terms in line with the NPPF, London Plan Policy D3 and Policy HC1, and adopted Development

Management policies DM2.1 and DM2.3, and Emerging Local Plan policies, PLAN1, SP2, DH1, DH2, and DH3.

Reductions in impacts to Daylight

3.20 The reduction in mass to the fourth storey has led to betterments, in the reductions to daylight and sunlight to neighbouring properties.

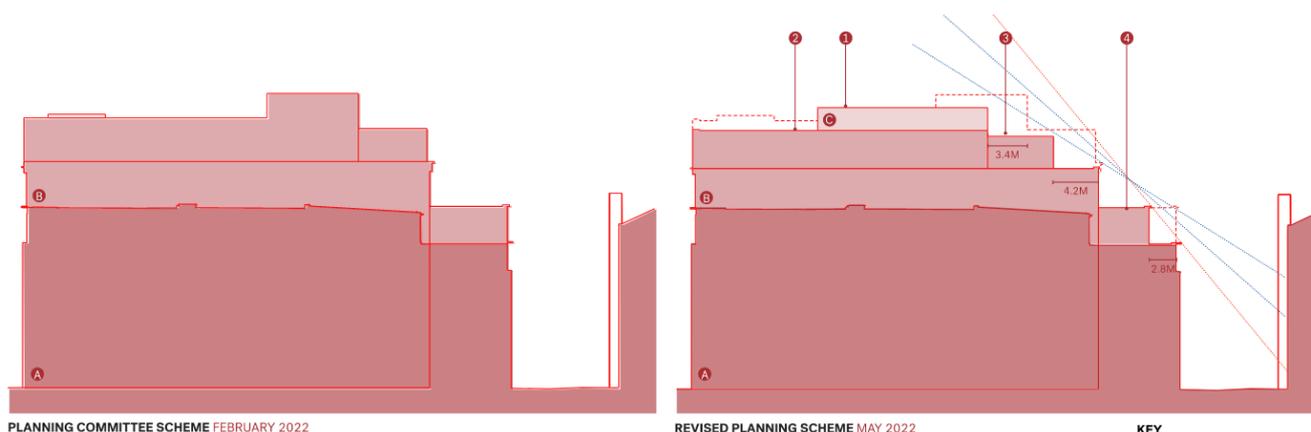


Image 4 – Proposed and Revised North South Section

3.21 In image 4, part A indicates existing massing, and part B indicates the proposed additional massing, and part C indicates the proposed massing recessed.

3.22 In the scheme presented to the planning committee on 22 February 2022, a total of 278 windows and 149 rooms to neighbouring properties were assessed, 42 (15.1%) of the windows and 12 (8.1%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).

3.23 Following the latest amendments to the scheme, the revised Daylight, Sunlight and Overshadowing Assessment confirms that of the same windows and rooms tested, now only 27 (9.7%) of the windows and 7 (4.7%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).

3.24 It is important to note that a number of windows and rooms would see a betterment to the reductions to neighbouring properties, albeit the reductions would remain beyond the BRE guidance. The reduced transgressions are reported to neighbouring properties at the Ironworks, the Copperworks, Albion Buildings, Albion Walk and Balfe Street. These are outlined further below with a comparison between the impacts of the previous scheme and the revised scheme:

Table 1 – The Ironworks

		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
Flat 4 (Lower & Upper Ground Floor)										
R1/10 - W1	LKD	10.9	10.76	27.9%	1.37%	37.5	14.9	14.8	19.6%	1.1%
R1/10 - W18	LKD	14.1	14.1	0						
R1/10 - W19	LKD	12.4	12.4	0						
Flat 3 (Lower & Upper Ground Floor)										
R2/10 - W4	LKD	11.8	11.8	27.7%	0	28.3	12.7	12.5	17.2%	1.4%
R2/10 - W16	LKD	12.1	12.1	0						
R2/10 - W17	LKD	12	12	0						
Flat 2 (Lower & Upper Ground Floor)										
R3/10 - W5	LKD	12.3	12.2	27.1%	0.24%	27.2	10.4	10.2	20.7%	1.9%
R3/10 - W14	LKD	12.3	12.3	0						
R3/10 - W15	LKD	12.1	12.1	0						
Flat 8 (First Floor)										
R1/11 - W1	Bedroom	14	12.4	34.5%	11.1%	13.7	13.2	10.1	43.3%	23.6%
R1/11 - W2	LKD	19.1	17.3	28.7%	9.6%					
Flat 7 (First Floor)										
R5/11 - W6	Bedroom	21	18.9	30.6%	10.2%	10.3	10.3	9.8	26.6%	5.3%
Flat 6 (First Floor)										
R6/11 - W7	Bedroom	20.5	18.6	30%	9.4%	9.3	8.8	6.8	45.8%	23.3%
Flat 12 (Second & Third Floor)										
R1/12 - W1	Bedroom	28.8	28.8	28.7%	17.2%	13.6	12	12	9.8%	0
R1/13 - W1	LKD	34.5	28.9	23.9%	16.3%	52.7	51.5	51.1	1%	0.7%
R1/13 - W2	LKD	19.8	14.3	39.9%	28.1%					
R1/13 - W3	LKD	23.6	17.8	35.7%	24.6%					
R1/13 - W45	LKD	14	14	0						
R1/13 - W46	LKD	13.4	13.4	0						
R1/13 - W47	LKD	11.1	11.1	0						
R1/13 - W48	LKD	24.8	24.8	0						
R1/13 - W49	LKD	24.7	24.7	0						
Flat 11 (Second & Third Floor)										
R5/12 - W5	Bedroom	30.4	24.6	31.8%	19%	76.7	75.5	75.5	0	0

R2/13 - W4	LKD	24	18	35.8%	24.6%	37.1	36.1	36	1.1	0.3
R2/13 - W5	LKD	24	18	36.3%	24.8%					
R2/13 - W6	LKD	24	18	36.7%	25%					
R2/13 - W7	LKD	24	18	37.3%	25.2%					
R2/13 - W8	LKD	24	18	37.4%	25.3%					
R2/13 - W9	LKD	24.1	18	37.6%	25.5%					
R2/13 - W10	LKD	24.1	18	37.7%	25.3%					
R2/13 - W11	LKD	24.2	18	37.6%	25.2%					
R2/13 - W12	LKD	24.2	18.2	37.4%	25%					
R2/13 - W38	LKD	4.5	4.5	0						
R2/13 - W39	LKD	0.5	0.5	0						
R2/13 - W40	LKD	1.3	1.3	0						
R2/13 - W41	LKD	14.8	14.8	0						
R2/13 - W42	LKD	14.6	14.6	0						
R2/13 - W43	LKD	14.5	14.5	0						
R2/13 - W44	LKD	14.3	14.3	0						
Flat 10 (Second & Third Floor)										
R6/12 - W6	Bedroom	29.9	24.5	31.4%	18.3%	6.1	5.7	5.7	0	0
R3/13 - W13	LKD	24.3	18.3	37.1%	24.8%	37.6	36.6	36.4	1.1	0.6
R3/13 - W14	LKD	24.3	18.4	36.8%	24.5%					
R3/13 - W15	LKD	24.4	18.5	36.5%	24.2%					
R3/13 - W16	LKD	24.5	18.7	35.7%	23.5%					
R3/13 - W17	LKD	24.6	18.9	35.1%	23.1%					
R3/13 - W18	LKD	24.7	19.1	34.2%	22.4%					
R3/13 - W19	LKD	24.8	19.4	33.4%	21.7%					
R3/13 - W20	LKD	24.9	19.7	32%	20.9%					
R3/13 - W21	LKD	24.9	19.9	30.9%	20.1%					
R3/13 - W31	LKD	17.2	17.2	0						
R3/13 - W32	LKD	16.9	16.9	0						
R3/13 - W33	LKD	16.6	16.6	0						
R3/13 - W34	LKD	16.4	16.4	0						

R3/13 – W35	LKD	0.3	0.3	0						
R3/13 – W36	LKD	0.3	0.3	0						
R3/13 – W37	LKD	5.5	5.5	0						
Flat 9 (Second & Third Floor)										
R4/12 – W22	LKD	24.5	19.8	29.6%	19.3%	59.7	59.1	59.1	0	0
R4/13 – W23	LKD	20.4	16	33.7%	21.8%					
R4/13 – W24	LKD	37.2	33.3	16.3%	10.3%					
R4/13 – W25	LKD	37.4	34.4	12.2%	8%					
R4/13 – W26	LKD	28.4	28.4	0						
R4/13 – W27	LKD	27.8	27.8	0						
R4/13 – W28	LKD	14.5	14.5	0						
R4/13 – W29	LKD	17.5	17.5	0						
R4/13 – W30	LKD	17.6	17.6	0						

Table 2 – The Copperworks

		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
Flat 3										
R1/21 – W1	LKD	7.9	7.3	9.4%	7.3%	23.6	4.2	3.2	28.2%	23.1%
Flat 9										
R1/22 – W1	LKD	16.2	13.8	19.8%	14.5%	23.6	6.2	4.5	28.8%	27%
Flat 14										
R2/23 – W3	LKD	36	33.9	7.7%	5.8%	28.9	28.8	28.7	1%	0.3%
R2/23 – W4	LKD	26.4	23.1	20.5%	12.6%					
R2/23 – W5	LKD	28.5	26.4	14.4%	7.5%					

Table 3 – Albion Buildings

		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
Flat 2										
R2/40 – W4	LKD	7.5	6.97	15.2%	6.44%	30.6	19.5	18.1	6.4%	7%
R2/40 – W5	LKD	9.1	6.8	31.4%	24.8%					
R2/40 – W6	LKD	21.1	20.3	4.6%	3.7%					
Flat 8										
R1/41 – W1	LKD	25.3	25.3	0	0	30.5	30.4	30.4	0.1%	0.2%
R1/41 – W2	LKD	16.8	15.36	13.7%	8.9%					
R1/41 – W3	LKD	14.5	12.5	20.7%	14.3%					
Flat 7										
R2/41 – W4	LKD	14.1	11.2	27%	20.4%	30.6	30.6	30.6	0	0
R2/41 – W5	LKD	14.1	10.5	32.2%	26%					
R2/41 – W6	LKD	27.1	25.4	7.2%	6.2%					
Flat 13										
R1/42 – W1	LKD	19.6	19.6	0	0	26.5	26.5	26.5	0	0
R1/42 – W2	LKD	19.7	19.7	0	0					
R1/42 – W3	LKD	20	20	0	0					
R1/42 – W4	LKD	21.4	21.4	0	0					
R1/42 – W5	LKD	22.2	19.8	16.4%	11.1%					
R1/42 – W6	LKD	20.7	17.3	23%	16.2%					
Flat 12										
R2/42 – W7	LKD	19.8	15.3	30.4%	22.9%	26.7	26.7	26.7	0	0
R2/42 – W8	LKD	19.5	14.1	35%	28%					
R2/42 – W9	LKD	23.3	20.8	12%	10.4%					
R2/42 – W10	LKD	22.4	20.7	9%	7.7%					
R2/42 – W11	LKD	22.8	21.1	8.4%	7.1%					
R2/42 – W12	LKD	23.1	21.6	8%	6.7%					

Table 4 – 2a Albion Walk

		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
R1 / 341 - W1	LKD	11	7.9	28.5%	28.2%	33.2	33.2	33.2	0	0
R1 / 341 - W2		20.6	18.6	9.9%	9.7%					
R1 / 341 - W3		21.7	21.4	1.8%	1.6%					
R1 / W4		7.9	7.9	0	0					
R1 / W5		6.4	6.4	0	0					
R1 / W8		51.4	49.8	7.9	3%					
R1 / W9		73.4	71.8	4.8%	2.2%					

Table 5 – Balfe Street

		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
19 Balfe Street										
R1/124 – W1		17.7	16.4	9.4%	7.3%	10.5	6.3	4.6	29%	26.2%
21 Balfe Street										
R1/134 – W1		19.8	18.5	8.3%	6.4%	9.5	5.6	4.3	31%	27%
23 Balfe Street										
R1/144 – W1		16.6	16	4.7%	3.7%	9.2	4.6	3.6	23.8%	21.8%

3.25 With regard to the 27 windows, the impacts are significantly reduced with most percentage reductions at 24% and 25% and no higher than 28%. In relation to the 7 rooms that do not meet the guidance in relation to No Sky Line test (NSL), the percentage reductions are no higher than 27%, which, when considered with the Vertical Sky Component Results, are considered to be acceptable give the site's central, dense and urban context.

Overhang

3.26 As set out in paragraph 10.256 of the 22 February committee report, there are overhangs/balconies which restrict the quantum of skylight to the windows at third floor level. The BRE Guidance recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. Within Appendix 2A of the Applicant's 'Response to Daylight, Sunlight and Overshadowing Objections' document dated May 2022, a 'without overhang/balconies' scenario has been modelled, in which additional calculations of the VSC for both existing and proposed situations have been carried out, without the overhang/balconies above in place.

3.27 The results of this exercise indicates that the balconies do cause some harm to the quantum of skylight that windows would achieve at third floor levels. The table below shows the ‘without overhangs/balconies’ results alongside a comparison with the standard ‘with overhangs/balconies’ results highlighted above.

Table 6 – The Ironworks - Without overhangs

		Vertical Sky Component – Assessment without overhang				Comparison with assessment including overhang
Room / Window	Room Use	Existing (%)	Proposed (%)	Previous Reduction – Overhang removed(%)	Revised Scheme Reduction – Overhang removed (%)	Revised scheme Reduction – Including Overhang (%)
Flat 12 (Second & Third Floor)						
R1/13 - W1	LKD	34.5	28.9	23.9%	16.3%	16.3%
R1/13 - W2	LKD	28.75	23.2	27.4%	19.4%	28.1%
R1/13 – W3	LKD	35.11	29.3	24%	16.5%	24.6%
R1/13 - W45	LKD	25.8	25.8	0	0	0
R1/13 - W46	LKD	24.7	24.7	0	0	0
R1/13 - W47	LKD	20	20	0	0	0
R1/13 - W48	LKD	24.8	24.8	0	0	0
R1/13 - W49	LKD	24.7	24.7	0	0	0
Flat 11 (Second & Third Floor)						
R2/13 - W4	LKD	36.1	30.2	23.8%	16.3%	24.6%
R2/13 - W5	LKD	36.1	30.2	24.1%	16.4%	24.8%
R2/13 - W6	LKD	36.1	30.2	24.3%	16.5%	25%
R2/13 - W7	LKD	36.3	30.2	24.7%	16.7%	25.2%
R2/13 - W8	LKD	36.3	30.2	24.8%	16.7%	25.3%
R2/13 - W9	LKD	36.3	30.2	24.9%	16.9%	25.5%
R2/13 - W10	LKD	36.4	30.3	25%	16.8%	25.3%
R2/13 - W11	LKD	36.4	30.3	25%	16.7%	25.2%
R2/13 - W12	LKD	36.5	30.4	24.8%	16.6%	25%
R2/13 - W38	LKD	9.4	9.4	0	0	0
R2/13 - W39	LKD	3.8	3.8	0	0	0
R2/13 - W40	LKD	3.9	3.9	0	0	0
R2/13 - W41	LKD	26.4	26.4	0	0	0
R2/13 - W42	LKD	26.3	26.3	0	0	0
R2/13 - W43	LKD	26.2	26.2	0	0	0
R2/13 - W44	LKD	26	26	0	0	0
Flat 10 (Second & Third Floor)						
R3/13 - W13	LKD	36.6	30.5	24.7%	16.5%	24.8%
R3/13 - W14	LKD	36.6	30.7	24.5%	16.3%	24.5%
R3/13 - W15	LKD	36.7	30.8	24.3%	16.1%	24.2%
R3/13 - W16	LKD	36.8	31	23.8%	15.7%	23.5%
R3/13 - W17	LKD	36.9	31.2	23.4%	15.4%	23.1%
R3/13 - W18	LKD	36.9	31.4	22.9%	15%	22.4%
R3/13 - W19	LKD	37	31.7	22.3%	14.6%	21.7%
R3/13 - W20	LKD	37	31.9	21.5%	14%	20.9%
R3/13 - W21	LKD	37	32	20.1%	13.5%	20.1%
Flat 9 (Second & Third Floor)						
R4/13 – W22	LKD	36.1	31.3	20.1%	13.2%	19.3%
R4/13 – W23	LKD	29.3	24.9	23.4%	15.2%	21.8%
R4/13 – W24	LKD	37.2	33.3	16.3%	10.3%	10.3%

R4/13 – W25	LKD	37.4	34.4	12.2%	8%	8%
R4/13 – W26	LKD	28.4	28.4	0	0	0
R4/13 – W27	LKD	27.8	27.8	0	0	0
R4/13 – W28	LKD	22.0	22.0	0	0	0
R4/13 - W29	LKD	27.1	27.1	0	0	0
R4/13 – W30	LKD	27.8	27.8	0	0	0

3.28 Taking into account the secondary assessment without the building overhang, all these windows would be compliant with the VSC criteria.

Impacts to Sunlight

3.29 In the scheme presented to the 22 February 2022, 214 windows have been assessed, of which 201 (93.9%) are BRE guidance compliant. Therefore only 13 (6.1%) neighbouring windows would have seen transgressions beyond the BRE guidelines.

3.30 Members are referred to paragraphs 10.212 to 10.233 of the original committee report for clarification on the BRE tests with regards to Daylight and Sunlight.

3.31 Following the revisions, all windows comply with the overall BRE guidance with regards to Sunlight to existing buildings.

3.32 This is shown in the table below:

Table 7: Sunlight Transgressions

Room / Window	Room Use	Annual (APSH)					Winter (WPSH) (between 21 September and 21 March)			
		Existing (%)	Proposed (%)	Loss (%)	Previous Scheme Reduction Ratio (%)	Revised Scheme Reduction Ratio (%)	Existing (%)	Proposed (%)	Previous Scheme Reduction Ratio (%)	Revised Scheme Reduction Ratio (%)
Ironworks										
<i>Flat 1</i>										
R4/W9	LKD	32	32	0	21.9%	0	0	0	0	0
<i>Flat 4</i>										
R1/W1	LKD	28	27	1	35.7%	3.6%	0	0	0	0
<i>Flat 3</i>										
R2/W4	LKD	33	33	0	30.3%	0	0	0	0	0
<i>Flat 2</i>										
R3/W5	LKD	35	35	0	31.4%	0	0	0	0	0
<i>Flat 8</i>										
R1/W1	Bedroom	36	32	4	33%	11.1%	0	0	0	0
<i>Flat 12</i>										
R1/W1	Bedroom	63	56	7	20.6%	11.1%	14	7	92.9%	50%
<i>Flat 11</i>										
R5/W5	Bedroom	73	63	10	20.5%	13.7%	17	7	88.2%	58.8%
<i>Flat 10</i>										
R6/W6	Bedroom	72	63	9	23.6%	12.5%	16	7	93.8%	56.3%

		The Copperworks								
		<i>Flat 14</i>								
R2/W4	LKD	40	32	8	27.5%	20%	12	10	33.3%	16.7%
R2/W5		33	30	3	30.3%	9.1%	5	4	60%	20%

Summary

- 3.33 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.
- 3.34 While transgressions occur beyond BRE guidance with regard to daylight and sunlight, the overall quantum is considered low whilst the reductions themselves are considered to be minor given the circumstances and site context.
- 3.35 Transgressions weigh against the scheme but the weight given by officers is low following inspection of the results and the level of impact, and the 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 the impacts on neighbouring residential properties are not considered unduly or unacceptably harmful.
- 3.36 Officers consider the overall planning balance of the proposal at paragraphs 10.458-10.464 of the 22 February 2022 Committee Report at **Appendix 2**.
- 3.37 Overall, there has been a significant reduction in the impacts on the daylight and sunlight levels to the surrounding residential properties as result of the amended scheme, particularly in relation to Ironworks and The Copperworks. The proposals are considered to be in line with BRE standards and guidelines and Policy DM2.1 and Emerging Local Plan Policy PLAN1.

Changes to Affordable Workspace

- 3.38 The scheme previously presented to committee, proposed to provide affordable workspace within the Hub Building at 34b York Way with an allocation of 388sqm (GIA) of floorspace, representing 10.4% of the combined uplift of office floorspace across both the Jahn Court application scheme and the Times House and Laundry Building application scheme under Ref: P2021/2269/FUL. It was proposed to provide this affordable workspace on a peppercorn rent for a period of 10 years.
- 3.39 Following amendments to both applications, the affordable workspace is now proposed to be provided separately for each application and is to be located on-site within each application scheme. It should be noted that cumulatively, should both schemes be approved, the total floorspace to be provided separately across each application amounts to 448.7sqm which when taken together would result in an uplift of (15%) in the total provision of affordable workspace from that proposed previously at 388sqm.
- 3.40 As a result of the revisions to the applications, the Hub Building at 34b York Way is intended to remain as market office accommodation.

3.41 For the current application, the affordable workspace is proposed to be located on the ground floor of the Jahn Court building. The area of this allocated space will be 241sqm and this represents 10.7% of the uplift in office floorspace proposed by the application. This is shown below (Image 5) on the revised ground floor plan.

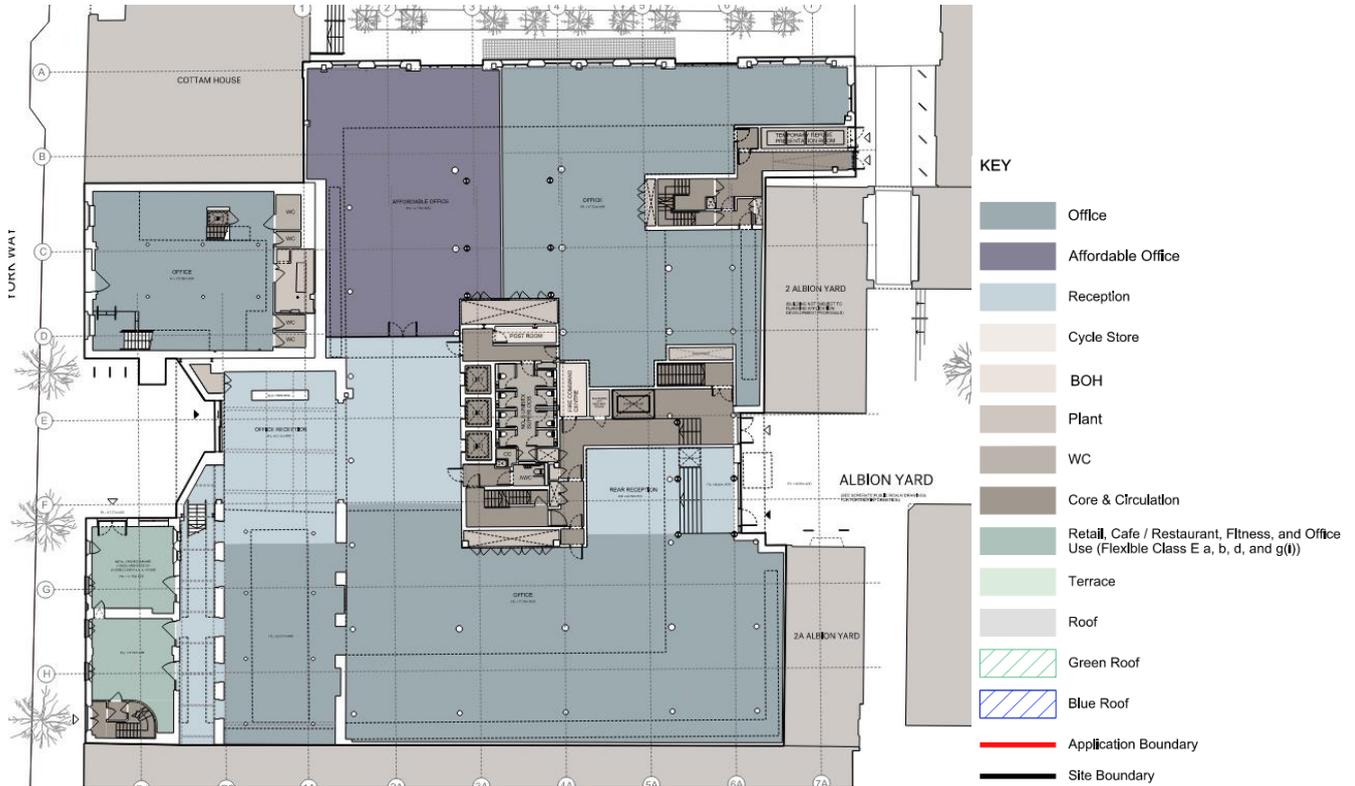


Image 5 – Revised proposed ground floor plan – Provision of Affordable Workspace

3.42 The space will be open plan and is proposed to be fitted out to a Category A standard. The location on the ground floor of the main building enables access to the basement cycle storage and ground floor WC's. The lease length of the proposed affordable workspace offer has been increased from 10 years to 20 years on a peppercorn rent.

3.43 LB Islington's adopted affordable workspace Policy DM5.4 requires 5% of employment floorspace to be provided on a peppercorn rent for 10 years. The emerging Policy B4 requires 10% of floorspace to be provided for 20 years.

3.44 The revised offer therefore exceeds the adopted planning policy requirements as set out by London Plan Policy E3 and Policy DM5.4 and will be compliant with emerging planning policy.

3.45 The Council's Inclusive Economy Team has been consulted on the revisions to the proposals and have met with the applicant to discuss the amendments. The Inclusive Economy Team accepts the revised provision of affordable workspace.

Further Activation of York Way

3.46 In order to further enhance the active frontage along York Way, it is proposed to open up the building façade of 34 York Way, by providing new door openings and awnings to this elevation, to provide greater prominence to this frontage and interface with York Way. The changes include lowering of the window cills and the introduction of glazed doors and retail canopies, and tables and chairs on the street. These amendments are shown in Image 6 below.



Image 6 – Revised York Way View - Further activation of York Way

3.47 These proposed changes to further activate York Way, will have a beneficial impact on the street through introducing urban qualities and activities associated more with the pedestrian and pedestrian needs rather than the car and its dominance. The elevational treatment, including the selection and use of materials, remains of a high quality and is therefore supported by design officers.

Flattening of Cobbles in Albion Yard

3.48 It is proposed to reduce the extent of proposed works to flatten the sets of cobbles which cover the east-west route within Albion Yard. This change has been made to the scheme to respond to resident’s concerns that the new pathway will adversely impact on their amenity by the external area becoming more used and busy in close proximity to their properties.

3.49 The application scheme will continue to provide treated sanded setts along the north-south route of Albion Yard to facilitate improvements to accessible access, as shown in Image 7 below.

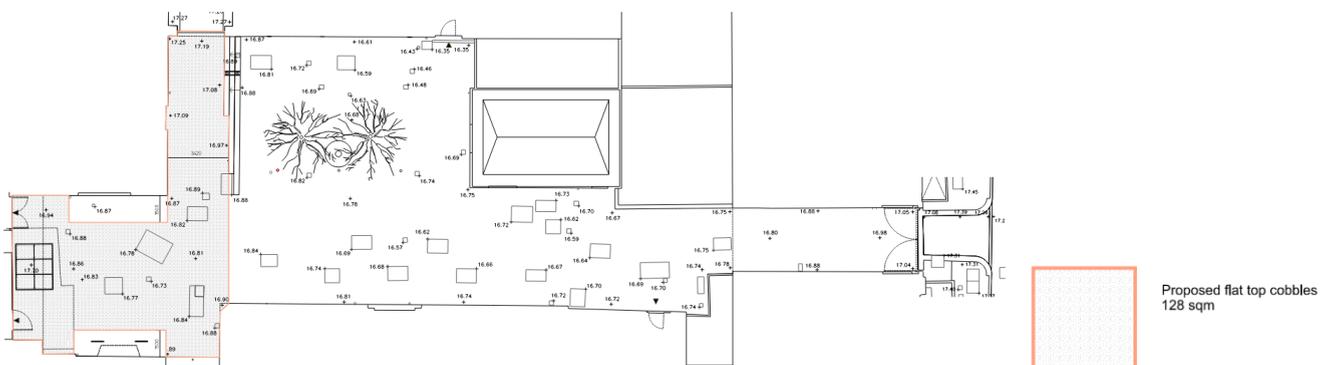


Image 7 – Reduced extent of proposed flattening of cobbles in Albion Yard

- 3.50 The Council's Inclusive Design Officer has been consulted on the revised proposals and they have noted that whilst it is regrettable that the works to the east-west route through Albion Yard have to be removed from the scheme, it is understood that this is in part due to the proposed route's proximity to residents' homes, particularly in terms of cyclists potentially using the route. Routing the east-west route of flattened cobbles away from the residential building has been explored, but it was considered to cause harm to Albion Yard, a heritage asset. Therefore there are no objections to the removal of this aspect of the proposals.

Cycle Parking

- 3.51 It is understood that some of the residents in the Regents Quarter have had access to the existing bike store within the courtyard in Block B which contains up to 65 spaces. However, there is no evidence of a formal allocation provided to residents as part of any previous planning consent and there is no evidence of a formal arrangement for residents.
- 3.52 In response to comments from residents, the applicant has provided the following statement (via email submitted by Nicola Forster dated 23 May 2022)

'The residents within Regent Quarter do not have a formal allocation or quantum of dedicated cycle parking spaces within the Estate or under their lease agreements. However, Endurance Land are aware that some residents have been using an external cycle store on an informal basis within Block B of the Estate which services the commercial units.

This facility is being removed as part of the proposals for the Times House and Laundry Building scheme and will be re-provided within the basement of the new development. Whilst this will not result in a loss of formally allocated cycle spaces for residents, Endurance Land are proposing to formally allocate 10 of these new cycle spaces for residents. These spaces will be provided within a secure location for the benefit of the residents.

Other locations for the residents cycle parking were considered, including the basement of The Copperworks and the car park of Joiners Yard. However, these options were not considered to be appropriate by residents. Other options in the courtyards were also explored which were constrained in design and heritage terms.

Endurance Land has confirmed that if there is additional demand for residents cycle spaces, they will continue to work with the residents to consider where additional provision can be provided within the Estate.'

- 3.53 It is now proposed that the scheme provide 10 secure cycle parking spaces for residents which will be located within the basement of Times House to be secured by condition. Based on the revised scheme, the secure cycle parking provision remains at a total of 105 spaces to be provided for office workers, retail workers and now 10 of the spaces are to be allocated to the residents of the Regents Quarter.

- 3.54 As a result this would reduce the provision for the office and retail floorspace to 95 spaces. A London Plan policy compliant provision would require 103 spaces and therefore the scheme would provide 8 spaces less than this policy requirement. However, given the restrictions on the site and the attempts to find an alternative provision for residents, the minor shortfall for office and retail staff is not considered to harmfully undermine the sustainable transportation measures of the scheme. As such the scheme remains acceptable in this regard.
- 3.55 Given that the lack of formal allocation for residential cycle parking, and the lack of any policy requirement for such a provision, the provision of 10 dedicated cycle parking spaces for residents, is considered to amount to an improvement on the existing situation and an overall benefit of the scheme beyond the requirements of the development plan.

4. CONSULTATION

- 4.1 The applicant's submission provides details of further engagement with residents. It is understood that Endurance Land has held four further meetings with the Regent Quarter Residents Group since the 22 February Planning Committee meeting. It is understood that these meetings took place on:
- 29 March 2022
 - 21 April 2022
 - 28 April 2022
 - 4 May 2022.
- 4.2 The applicant states that the purpose of the meetings was to further consider resident's concerns relating to the development and to review whether any additional changes could be made to the scheme. The discussions have led to various changes being made to the scheme including:
- Reductions to the height and massing of the proposed roof extensions
 - Improvements to the Daylight and Sunlight impacts on the neighbouring residential properties from the previous scheme
 - Provision of new dedicated secure cycle parking spaces for residents
 - Removing the proposals to sand down the heritage setts adjoining the residential buildings in order to protect the resident's privacy and amenity; and
 - A commitment by Endurance Land to consider further management arrangements to improve the residential amenity of residents.
- 4.3 The Council notes the comments made by the applicant and has undertaken its own reconsultation to obtain the views of residents. These are set out in paragraphs 3.1-3.6 of this report.

5. CONCLUSION

- 5.1 Following the deferral of the application at 22 February 2022 Committee Meeting, the applicant has revised the proposal by making reductions to the height and massing of the proposed roof extensions. This has led to betterments in the reductions in both the number and level of impacts to daylight and sunlight and reductions in the visibility of the roof extensions, reducing the impacts on the surrounding heritage assets.

- 5.2 The scheme has been amended to relocate the position of the proposed affordable workspace from The Impact Hub at 34b York Way to the Jahn Court building. The provision of affordable workspace is policy compliant with the adopted and emerging local plan including an increase to the length of the lease from 10 to 20 years.
- 5.3 In light of the amendments, officers have revisited the planning balance, noting the reduced impact on heritage assets as a result of the reduced height and massing which has reduced the visibility of the extensions, the reduced impacts on neighbouring amenity, the additional public benefits of an increase in the percentage of affordable workspace and the extension to the length of the lease. Overall, there is less conflict with policy DM2.1, and the increase public benefits outweigh the limited harm to heritage assets caused by the development. As a result, the proposals are considered to be acceptable in accordance with the requirements of the NPPF and the development plan.
- 5.4 Overall the amendments to the scheme are considered to have addressed the reasons for the deferral of the application at the planning committee on 22 February 2022.
- 5.5 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**.
- 5.6 These replicate the original conditions, save for amended wording to some conditions as follows:
- Condition 2 has been amended to include the revised drawings and documents received since the 22 February 2022 Committee Meeting (those in **bold** are the revised drawings)
 - Condition 4 – Cycle parking compliance has been amended to include the revised drawings
 - Condition 13 – Noise Management Plan - has been amended to include the revised drawings
 - Condition 18 – Accessible Showers/WC has been amended to include the revised plan drawings
 - Condition 29 - Flat roofs (Compliance) has been amended to include the revised plan drawings
- 5.7 It is proposed to attach an additional condition (41) in the event that planning permission is not granted for the proposals submitted under application P2021/2269/FUL, to ensure that prior to the first occupation of the development hereby approved, details of the location of 10 no. secure cycle parking spaces are provided within Block C of the Regents Quarter for use by the residents of the Regents Quarter estate.

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 in relation to application P2021/2270/FUL 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 (those in **bold** have been revised from the previous committee report):

- A contribution towards provision of off-site affordable housing of: **£300,067.00**.
- **Provision of 241sqm of Affordable Workspace within Jahn Court for 20 years at peppercorn rent.**
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of **£26,237** to improve the prospects of local people accessing new jobs created in the proposed development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount for this application is £172,025.00, although further efficiencies via condition 23 may see this contribution reduced.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £10,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of **£4,501** 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.
- The provision of 5 accessible parking bays or a contribution of £10,000 towards accessible transport measures.
- Costs associated with delivering 9 short stay cycle parking stands within the public realm.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Engagement Plan with named local schools.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 4 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

LIST OF CONDITIONS:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Site location Plan - 13601-A-Z3-LXX-00-001; Existing Site Plan (1:500) - 13601-A-Z3-L00-01-020; Existing Site Plan (1:200) - 13601-A-L00-01-050; Existing Ground Floor Plan - 13601-A-L00-01-100; Existing First Floor Plan - 13601-A-01-01-101; Existing Second Floor Plan - 13601-A-02-01-102; Existing Third Floor Plan - 13601-A-03-01-103; Existing Fourth Floor Plan - 13601-A-04-01-104; Existing Roof Plan - 13601-A-05-01-105; Existing Basement Floor plan - 13601-A-LB1-01-099; Existing West Site Elevation - 13601-A-LXX-01-150; Existing East Site Elevation - 13601-A-LXX-01-151; Existing Site Section AA - 13601-A-LXX-01-160; Existing Site Section DD - 13601-A-LXX-01-161; Existing West Elevation - 13601-A-LXX-01-200; Existing East Elevation - 13601-A-LXX-01-201; Existing South Elevation - 13601-A-LXX-01-202; Existing North Elevation - 13601-A-LXX-01-203; Existing Section AA - 13601-A-LXX-01-300; Existing Section BB - 13601-A-LXX-01-301; Existing Section CC - 13601-A-LXX-01-302; Existing Section DD - 13601-A-LXX-01-303;</p> <p>L00- Demolition - 13601-A-L00-02-099; <u>L00 - Demolition - 13601-A-L00-02-100 P1;</u> L01 - Demolition - 13601-A-L00-02-101; L02 - Demolition - 13601-A-L00-02-102; L03 - Demolition - 13601-A-L00-02-103; L04 - Demolition - 13601-A-L00-02-104; L05 - Demolition - 13601-A-L00-02-105; LB1 - Demolition - 13601-A-L00-02-099; <u>West Elevation - Demolition - 13601-A-LXX-02-200 P1;</u> East Elevation - Demolition - 13601-A-LXX-02-201; South Elevation - Demolition - 13601-A-LXX-02-202; North Elevation - Demolition - 13601-A-LXX-02-203; Section CC - Demolition - 13601-A-LXX-02-204; Section DD - Demolition - 13601-A-LXX-02-205;</p> <p><u>Proposed Site Plan (1:500) - 13601-A-Z3-LXX-07-020 P2; Proposed Site Plan (1:200) - 13601-A-L00-07-050 P2; Proposed Ground Floor Plan - 13601-A-L00-07-100 P2;</u> Proposed First Floor Plan - 13601-A-L01-07-101 P1; Proposed Second Floor Plan - 13601-A-L02-07-102 P1; Proposed Third Floor Plan - 13601-A-L03-07-103; <u>Proposed Fourth Floor Plan - 13601-A-04-07-104 P3; Proposed Fifth Floor Plan - 13601-A-L05-07-105 P3; Proposed Fifth Floor Gallery Plan - 13601-A-L06-07-106 P3; Proposed Roof Plan - 13601-A-RF-07-107 P3;</u> Proposed Basement Plan - 13601-A-L00-07-100; <u>Proposed West Site Elevation - 13601-A-LXX-07-150 P2; Proposed East Site Elevation - 13601-A-LXX-07-151 P3; Proposed Site Section AA - 13601-A-LXX-07-160 P2; Proposed Site Section CC - 13601-A-LXX-07-161 P2; Proposed West Elevation - 13601-A-LXX-07-200 P2; Proposed East Elevation - 13601-A-LXX-07-201 P4; Proposed South Elevation - 13601-A-LXX-07-202 P3; Proposed North Elevation - 13601-A-LXX-07-203 P3; Proposed Section AA - 13601-A-LXX-07-300 P3; Proposed Section BB - 13601-A-LXX-07-301 P2; Proposed Section CC - 13601-A-LXX-07-302 P3; Proposed Section DD - 13601-A-LXX-07-303 P2;</u></p>

	<p>Albion Yard Existing Plan 0182c_PR2-P-X-AY-01 rev B; 0182C-PR2-P-X-AY-02 Rev B; 0182C-PR2-P-X-JCAY-01 Rev B; 0182C-PR2-P-X-JCYW-01 Rev B; 0182C-PR2-P-X-IY-01 Rev B; 0182C-PR2-P-X-IY-02 Rev B; 0182C-PR2-P-X-IY-03 Rev B; <u>0182C-PR2-P-GA-AY-01 Rev C</u>; 0182C-PR2-P-GA-AY-02 Rev B; <u>0182C-PR2-P-DT-AY-02 Rev C</u>; <u>0182C-PR2-P-GA-JCAY-01 Rev C</u>; 0182C-PR2-P-GA-JCYW-01 Rev B; 0182C-PR2-P-GA-IY-01 Rev B; 0182C-PR2-P-GA-IY-02 Rev B; 0182C-PR2-P-GA-IY-03 Rev B; 0182c-PR2-P-GA-BlockC;</p> <p>Air Quality Assessment - Tetra Tech July 2021; Air Quality Dust Management Plan - Tetra Tech July 2021; Arboricultural Impact Assessment - TMA July 2021; Archaeological Desk Based Assessment - Savills August 2021; Biodiversity Net Gain Assessment and Urban Greening Factor Review - MKA Ecology July 2021; Construction Traffic Management Plan - RGP July 2021; Cover letter - Savills 2 Aug 2021; <u>Daylight sunlight and overshadowing report - Point 2 Surveyor May 2022 Version V1 – Ref: P2593</u>; Delivery and Servicing Management Plan - RGP July 2021; Design and Access Statement - Piercy and Company July 2021; Economic Benefits and Social Value Infographic July 2021; Flood Risk Assessment and Drainage Strategy Report - Arup July 2021; Framework Travel Plan - RGP July 2021; Geoenvironmental and Geotechnical Report - Campbell Reith July 2021; Health Impact Assessment Screening Form - Savills July 2021; Heritage and Townscape Statement - Turley July 2021; Noise Impact Assessment - Scotch Partners July 2021; Planning Statement - Savills July 2021; Preliminary Ecological Appraisal and Preliminary Roost Assessment - MKA Ecology July 2021; Public Realm report - Publica July 2021; Statement of Community Involvement - London Communications Agency July 2021; Sustainable Design and Construction Statement - Normal Disney and Young July 2021; Transport Statement - RGP July 2021; DRP Response Schedule 27.08.21; Letter from Point2 dated 8 October 2021; Noise Impact Assessment Addendum Revision 02 27 October 2021; Transport Statement Addendum October 2021 Ref: 19/4978/TN11; Energy Statement Responses to Planning Comments 18 October 2021; Heritage and Townscape Statement October 2021; NDY-G-SK-049[1.0]; Letter from Savills 8 December 2021; Regent Quarter - Affordable Workspace Statement November 2021; Letter form Savills 26 January 2022; Design & Access Statement Addendum January 2022; Indicative Sightline Section Through Copperworks Building 13601-A-LXX-SK-203; Fire Planning Statement dated 3 February 2022 ref: 14220-004;</p> <p><u>Design & Access Statement Addendum B – May 2022; Heritage and Townscape Statement Addendum May 2022; Letter from Savills dated 5 May 2022</u></p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and Samples (Details)</p>
	<p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Solid Brickwork (including brick panels and mortar courses) b) Entrance soffit c) Metalwork d) Metal cladding e) Glazed facades f) Window treatment (including sections and reveals); g) Roofing materials including roof extension facing; h) Balustrading treatment (including sections); i) Green Procurement Plan

	<p>j) New entrance door on the ground floor of northern elevation of 34 Jahn Court for use in connection with the proposed Flexible Use unit, k) Any other materials to be used</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Cycle Parking (Compliance)</p>
	<p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings Proposed Basement Plan 13601-A-L00-07-100 and <u>Proposed Ground Floor Plan 13601-A-L00-07-100-P2</u>, shall be covered, secure and comprise of no less than:</p> <ul style="list-style-type: none"> - 125 secure cycle spaces with associated shower, changing facilities, lockers and mobility scooter charging points. - 9 short stay cycle stands for 18 cycle spaces; <p>The secure bicycle spaces 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 in proximity to the site and to promote sustainable modes of transport.</p>
5	<p>Construction and Environmental Management Plan (Details)</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction and Environmental Management Plan 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 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; e) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from construction works; f) 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;

	<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 neighbouring 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 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>The report shall assess the impacts during the preparation and construction phases of the development, 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 CEMP must refer to the new LBI Code of Practice for Construction Sites. The CEMP shall specify the hours of construction, vehicle movements are restricted to take place outside of the peak times of 8am-10am and 4pm and 6pm. It should also provide details on method of demolition, quiet periods and noise mitigation.</p> <p>No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Construction and Environmental Management Plan.</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>
6	Green/Blue roofs (Details)
	<p>CONDITION: Notwithstanding the approved plans, details of all proposed green/blue/brown roofs across the approved development shall be submitted and approved by the Local Planning Authority prior the commencement of superstructure works on site. The proposed green/blue/brown roofs shall be designed, installed and maintained in a manner that meets the following criteria:</p> <p>a) green roofs shall be biodiversity based with extensive substrate base (depth 120 - 150mm);</p> <p>b) laid out in accordance with plans hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower</p>

	<p>planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>d) Details of Blue Roof.</p> <p>e) Submission of a maintenance plan demonstrating how it will be maintained.</p> <p>The green/blue roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
7	Light Spill Prevention (Details)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> · Automated roller blinds; · Lighting strategies that reduce the output of luminaires closer to the façades; · Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
8	Refuse and Recycling (Details)
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall include:</p> <ol style="list-style-type: none"> a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan; and c) any additional or separate refuse storage required for the flexible commercial uses, including Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) uses, <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p>

	<p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	<p>Bird and Bat Nesting Boxes (Details)</p> <p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of a minimum of 12 bird and bat boxes shall be submitted and approved by the Local Planning Authority.</p> <p>The details approved shall be installed prior to the first occupation of the building, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	<p>Extract ventilation for restaurant use (Details)</p> <p>CONDITION: Notwithstanding the approved plans, the restaurant use (Class E(b)) hereby permitted under the Flexible Class E use, shall not commence unless details of extraction/ventilation system and odour assessment in relation to such use, is submitted to and approved by the Local Planning Authority.</p> <p>The approved extraction/ventilation system shall be fully installed and operational prior to the commencement of the restaurant use, and shall be maintained in perpetuity.</p> <p>REASON: To protect the neighbouring occupiers and ensure that the restaurant operation would have an acceptable impact in terms of noise and odour control.</p>
11	<p>Plant Equipment (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,T}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>The development shall be carried out strictly in accordance with the scheme prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
12	<p>Plant Equipment Post-Installation Verification (Details)</p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>

13	<p>Noise Management Plan</p> <p>CONDITION: Prior to the first use of the fifth floor roof terrace hereby approved and indicated on Proposed Fifth Floor Plan drawing 13601-A-L05-07-105-P3, a Noise Management Plan for use of the terrace, covering management of the space, hours of use, control of noise, and maximum numbers of users at any one time shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The use of the fifth floor roof terrace shall be conducted in accordance with the approved Noise Management Plan at all times.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>
14	<p>Restricted use - roof terraces (Compliance)</p> <p>CONDITION: The fifth floor roof terrace hereby approved shall not be used for any purpose except as an ancillary outdoor space in association with the office use (Class E(g)(i)).</p> <p>The roof terrace hereby approved shall not operate outside the hours of:</p> <ul style="list-style-type: none"> - 0800 to 1800 hours Monday to Friday <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected.</p>
15	<p>Restriction of PD rights - Class E to residential (Compliance)</p> <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 retains control over the change of use of the building in the future.</p>
16	<p>Restriction of office use (upper levels) (Compliance)</p> <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. With the exception of the ground floor unit specified under condition 18, the building hereby approved shall only be used for office use and for no other purpose (including any other purpose within Class E 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 and retains control over the change of use of the building in the future.</p>
17	<p>Restriction of flexible commercial uses (ground floor front unit) (Compliance)</p>

	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible unit on the ground floor level, except the permitted use(s) hereby approved:</p> <p>A) Ground floor front unit only - as shown on plan no. 13601-A-L00-07-100-P1; Class E (a) – retail Class E (b) – café/restaurant Class E (d) - indoor sport, recreation or fitness Class E (g)(i) - office</p> <p>and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or 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 commercial use(s) only and retains control over the change of use of the building in the future.</p>
18	Accessible Showers/WC's (Compliance)
	<p>CONDITION: For the hereby approved development the accessible showers and WC's shall be implemented in accordance with drawing no's Proposed Basement Plan 13601-A-L00-07-100; Proposed Ground Floor Plan <u>13601-A-L00-07-100-P2</u>; 13601-A-L01-07-101-P1; 13601-A-L02-07-102 P1; 13601-A-L03-07-103; <u>13601-A-L04-07-104 P3</u>; <u>13601-A-L05-07-105-P3</u>; and shall be available for users upon the first occupation of the development.</p> <p>The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
19	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
20	Hours of Operation (Compliance)
	<p>CONDITION: The flexible uses on the ground floor levels hereby approved shall only operate between the following hours:</p> <p><u>Class E (a) – Retail:</u> 7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p><u>Class E (b) – café/restaurant:</u> 7am - 10pm Monday to Thursday 7am - 11pm Fridays and Saturdays 8am - 9pm Sundays</p>

	<p><u>Class E (d) – indoor sport, recreation or fitness:</u> 7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity.</p>
21	<p>No Plumbing or Pipes (Compliance)</p> <p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the northern external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>
22	<p>No obscure glazing or vinyl graphics (Compliance)</p> <p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area.</p>
23	<p>Energy (Details)</p> <p>CONDITION: Prior to commencement of superstructure works updated Energy information shall be submitted to the Local Planning Authority and approved in writing:</p> <ul style="list-style-type: none"> a) Potential improvements to energy efficiency specifications; b) Potential increase to solar PV capacity. c) Details regarding solar PVs: <ul style="list-style-type: none"> - Location; - Area of panels; - Design (including elevation plans); - PV specification / efficiency; and - How the design of the PVs would not adversely affect the provisions of green roofs on site <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter. The development shall be constructed in accordance with the updated energy information and retained as such permanently thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features are met.</p>
24	<p>BREEAM (Compliance)</p> <p>CONDITION: All business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than “Excellent”.</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>

25	Flattening of Cobbles (Details)
	<p>CONDITION: Prior to commencement of superstructure works of the development hereby approved, the following details and samples shall be submitted to, and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) A sample flattened/adapted cobble stone; b) Details of the mortar/pointing; c) Section details showing the profile of the cobble stone and mortar when laid. <p>The works shall be carried out prior to first occupation of the hereby approved development, and strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
26	Servicing and Delivery Plan (Flexible Use Unit) (Details)
	<p>DELIVERY & SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements for the proposed Flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit, 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 unit hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
27	Crime Prevention (Details)
	<p>CONDITION: Details of measures to prevent crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority prior to occupation including:</p> <ul style="list-style-type: none"> a) Details of any new doors between the flexible use unit and the main office building should be single leaf and security rated at LPS 1175 SR2 or STS 202 BR2. The interconnecting doors between the flexible use unit and the main office building should have some form of access control in the form of an encrypted key fob with data logging to record usage. The interconnecting door be either PAS24:2016 or LPS 2081 security rated. The door should have an auto close feature to reduce the risk of this being propped or just left open. This should be single leaf. Maglocks (minimum of two placed top third and bottom third of frame with a pull weight of 600kg per plate) should be integral to the frame. b) Details of emergency egress should at this location should be provided and the means by which this is achieved. The new large window would also need to be security rated. The glazing would need to be a minimum of P4A or PAS24:2016 with enhanced glazing (dependant on manufacturer's guidelines) or an internal retractable grille to LPS 1175 SR2. c) Details of the London Cycle stands. d) Details of CCTV coverage and lighting strategy and design shall be submitted. The lighting should comply with BS 5489-1:2020. The CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system

	<p>would need to be registered with the Information Commissioner's Office, as it would be recording public areas. Appropriate signage indicating this fact needs to be displayed.</p> <p>e) Details of Anti-graffiti treatments for exposed gable ends where appropriate.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
28	Review of Anti-social Behaviour (Details)
	<p>CONDITION: Between 3 and 6 months following first occupation of the Flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit hereby approved, a review of anti-social behaviour incidents and any proposed remediation measures to address security and safety within the courtyard adjacent to the front entrance to Jahn Court on York Way shall be submitted to the Local Planning Authority and approved in writing in consultation with the Metropolitan Police.</p> <p>Should the outcome of the review necessitate further measures to prevent anti-social behaviour, these measures shall be implemented in consultation with the Metropolitan Police, within 3 months of the date of the approval of the details and retained as such unless agreed in writing with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
29	Flat Roofs (Compliance)
	<p>CONDITION: The flat roof areas on the Proposed First Floor Plan shown on plan no. 13601-A-L01-07-101-P1 and the Proposed Fifth floor Gallery Plan shown on plan no. <u>13601-A-L06-07-106-P3</u> hereby approved, shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
30	Network Rail – Construction Methodology
	<p>CONDITION: Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.</p> <p>The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The safety, operational needs and integrity of the railway. 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>
31	Network Rail – Ground investigation

	<p>CONDITION: No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.</p> <p>Such details to be approved in writing by the local planning authority in conjunction with Network Rail.</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 LPAs approval in writing.</p> <p>REASON: To ensure the maintenance of the safety, operational needs and integrity of the railway. 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>
32	<p>Tree Protection</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones.

	<ul style="list-style-type: none"> i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping <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. 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>
33	Roof-Top Plant & Lift Overrun (Details)
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding, including colour pallette and shall relate to:</p> <ul style="list-style-type: none"> a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
34	Site Waste Management and Circular Economy (Compliance)
	<p>CONDITION: The details and measures regarding the Site Waste Management and Circular Economy Statement within the submitted Sustainable Design and Construction Statement dated July 2021 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

35	Fire Strategy (Compliance)
	<p>CONDITION: The details and measures set out in the Fire Planning Statement dated 3 February 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 Safety Strategy, a revised Fire Safety 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 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>
36	Hours of opening – Gates (Compliance)
	<p>CONDITION: The opening hours of the gates to Block C shall continue to operate as outlined in the decision notice for P000434(S106A) unless revised opening hours are submitted to and agreed in writing by the Local Planning Authority.</p> <p>For the avoidance of doubt, the permitted hours of opening of the gates to Block C are as follows:</p> <p>0800-1800 on Monday to Saturday inclusive and 1000-1800 on Sundays from 1 October to 31 March each year (but excluding in both cases Christmas Day, Boxing Day and New Year's Day);</p> <p>0800-1900 on Monday to Saturday inclusive and 1000-1900 on Sundays from 1 April to 30 September each year,</p> <p>Or such other periods as may from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
37	Inclusive Design (Compliance)
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design and the measures shown in the drawings hereby approved shall be implemented prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
38	Future connection to a district energy network (Compliance)
	<p>CONDITION: The details of the plant room allocated for the future connection to a district energy network shall be provided prior to first occupation of the development hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: To ensure the facility is provided and allows for the future connection to a district heating system.
39	Surface Water Discharge (Compliance)
	<p>CONDITION: Prior to the occupation of the development hereby approved, in accordance with the submitted details, flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer, and maintained as such throughout the lifetime of the development.</p> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates</p>
40	Air Quality Assessment
	<p>CONDITION: During the construction of the development hereby approved, the proposals shall achieve a Non-Road Mobile Machinery score of at least Stage IV as outlined in the Air Quality Assessment and dust management plan, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the construction of the development would not adversely affect the air quality of the local area.</p>
41	Resident Cycle Parking (Details)
	<p>CONDITION: In the event that planning permission is not granted for the proposals submitted under application P2021/2269/FUL, prior to the first occupation of the development hereby approved, details of the location of 10 no. secure cycle parking spaces to be provided within Block C of the Regents Quarter for use by the residents of the Regents Quarter estate, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The secure bicycle spaces 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 in proximity to the site and to promote sustainable modes of transport.</p>

List of Informatives:

1	S106
	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.
2	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.
3	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.
4	Roof top plant
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
5	Construction works
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
6	Highways Requirements (1)
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <u>. All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <u>streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</u></p>

	<p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
7	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>
8	Highways Requirements (3)
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>

9	Secured by Design
	You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures.
10	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 .
11	Thames Water – Ground Water
	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
12	Thames Water – Surface Water
	With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services .
13	Thames Water - WASTE WATER NETWORK and SEWAGE TREATMENT WORKS
	The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "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." 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. Please read our 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/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
14	Draft Travel Plan
	The draft Travel Plan to be submitted as part of the discharge of the Planning Obligations shall include measures to remind cyclists that cycling is prohibited within the block, and to promote responsible cycling to the site, and to discourage inappropriate cycling the wrong way down York Way and Balfe street.
15	Network Rail
	<p>Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.</p> <p>Given the proximity of the site to operational railway tunnels and the nature of the works proposed, it is imperative that the below requirements are met prior to any work commencing on site.</p> <p>The relationship between the work proposed and the York Road Cure railway tunnel is unclear from the information submitted. The developer must provide a survey showing the position of this work in relation to the tunnel. Additionally, the documentation provided in support of this application indicates that the design will result in increases in loads on Network Rail assets beneath and adjacent to the site. Detail relating to this design and loading must be agreed with our Asset Protection Team (details below) prior to work commencing on site. The developer will also be required to liaise with our Asset Protection Team during construction works. Early engagement with Network Rail to address these points is strongly recommended.</p> <p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <ul style="list-style-type: none"> " The type and method of construction of foundations " Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary. Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel. <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network RAILS tunnels or railway land.</p> <p>Works in Proximity to the Operational Railway Environment Development Construction Phase and Asset Protection</p>

	<p>Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.</p> <p>Additional Requirements</p> <p>Tunnels</p> <p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <p>" The type and method of construction of foundations</p> <p>" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary. Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</p> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network RAILS tunnels or railway land.</p>
16	Network Rail
	<p>Fail Safe Use of Crane and Plant</p> <p>All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following.</p> <p>Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.</p> <p>Excavations/Earthworks</p> <p>All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.</p> <p>Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising</p>

from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

	<p>The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.</p> <p>Access to the Railway</p> <p>All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.</p>
17	Trees
	<p>With regards to the works to protect trees, the following British Standards should be referred to:</p> <ul style="list-style-type: none"> BS: 3998:2010 Tree work – Recommendations. BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.
18	Transport for London
	<ul style="list-style-type: none"> - To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic. - All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. - Any hoarding for the proposed development would be subject to a separate Section 172 licence application under the Highways Act 1980 to the Asset Operations team at TfL.

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date: 22 February 2022		
Application number	P2021/2270/FUL	
Application type	Full Planning Application	
Site Address	34 York Way (Jahn Court), 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1	
Ward	Caledonian	
Listed building	34B York Way - Grade II Adj. 5-35 Balfe Street - Grade II	
Conservation area	Kings Cross Conservation Area (CA21) Adj. Keystone Crescent Conservation Area (CA14) Adj Kings Cross Conservation Area (LB Camden)	
Development Plan Context	Core Strategy Key Area – Kings Cross and Pentonville Road Central Activities Zone Employment Growth Areas (Kings Cross) Protected vistas - Parliament Hill summit to St Pauls Cathedral Protected vistas - Kenwood viewing gazebo to St Pauls Cathedral Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Article 4 Direction Flexible uses Article 4 Direction Office to residential	
Licensing Implications	None	
Proposal	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.
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Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

1. RECOMMENDATION

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

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

2. SITE PLAN

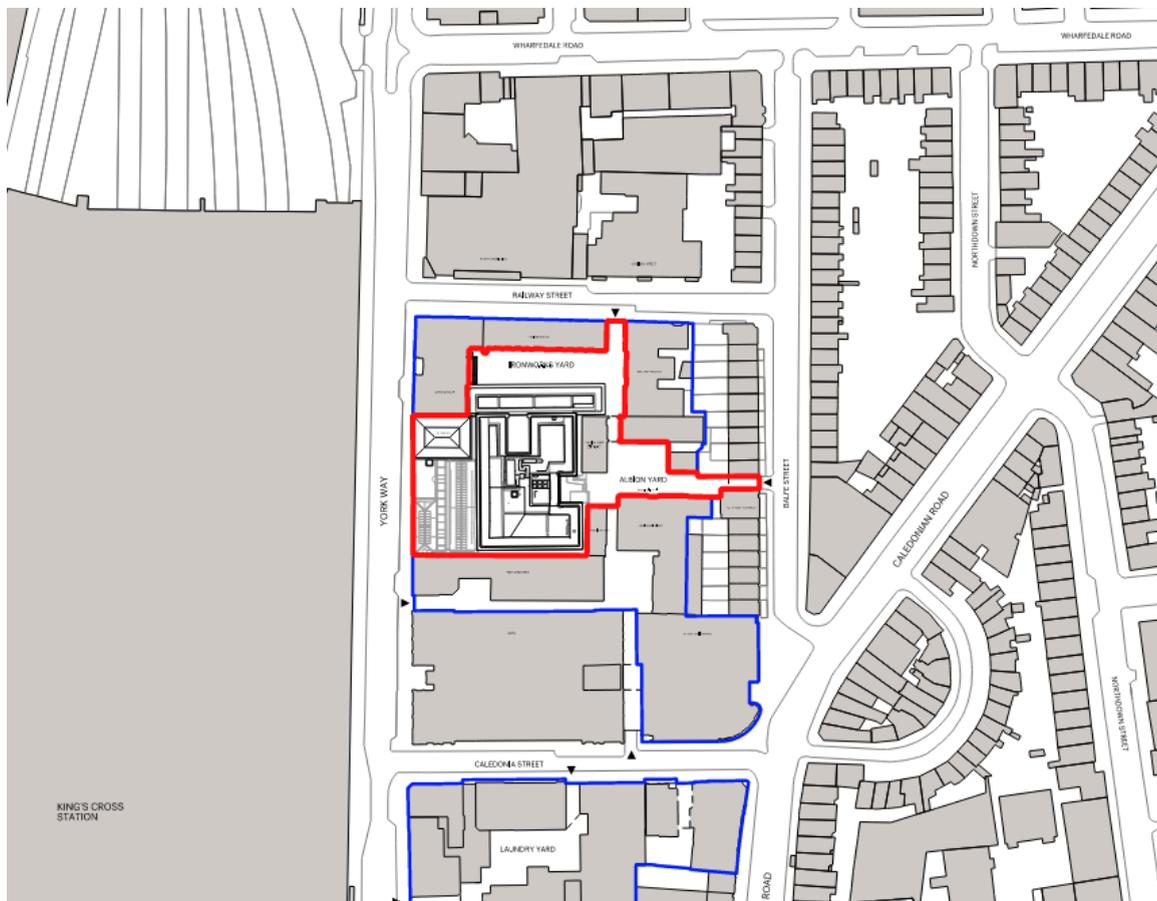


Fig 2.1 Site Plan. Application site outlined in red.

3. PHOTOS OF SITE AND SURROUNDINGS

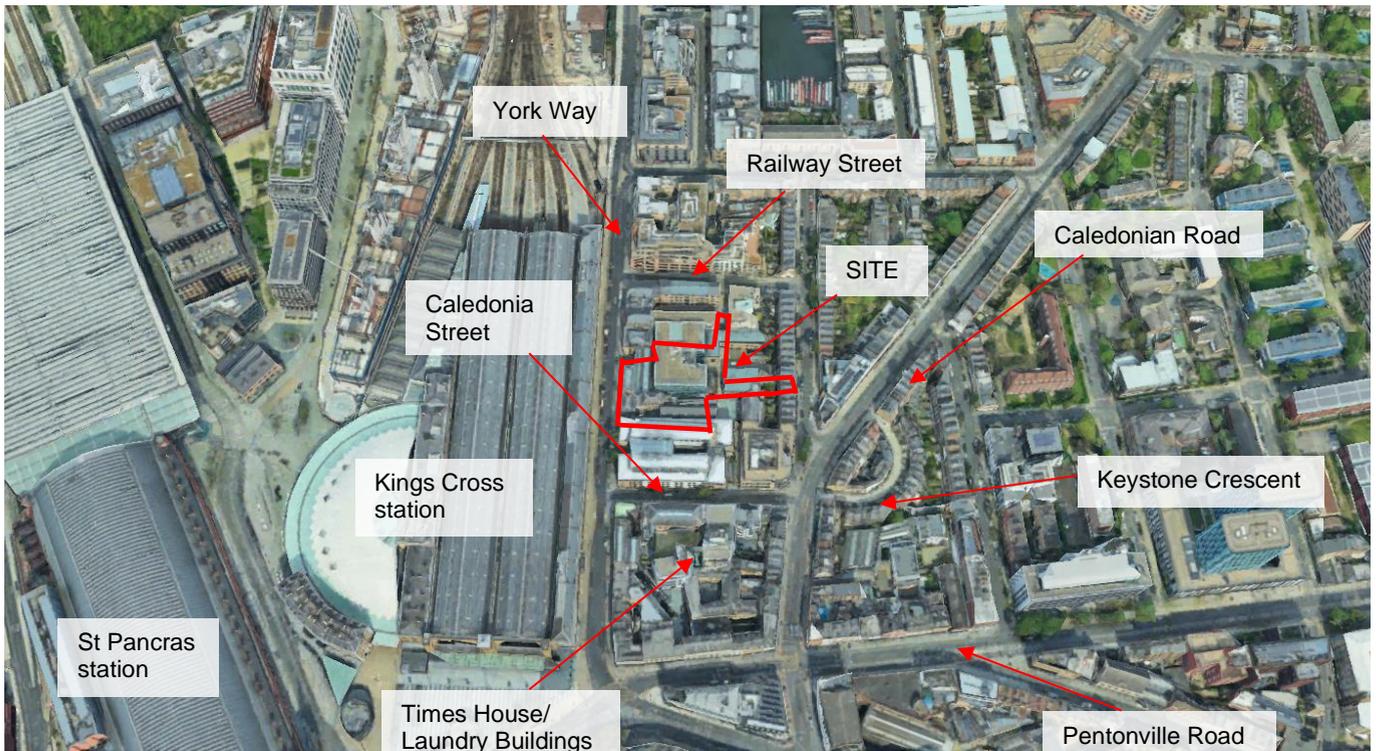


Image 1 - Aerial view

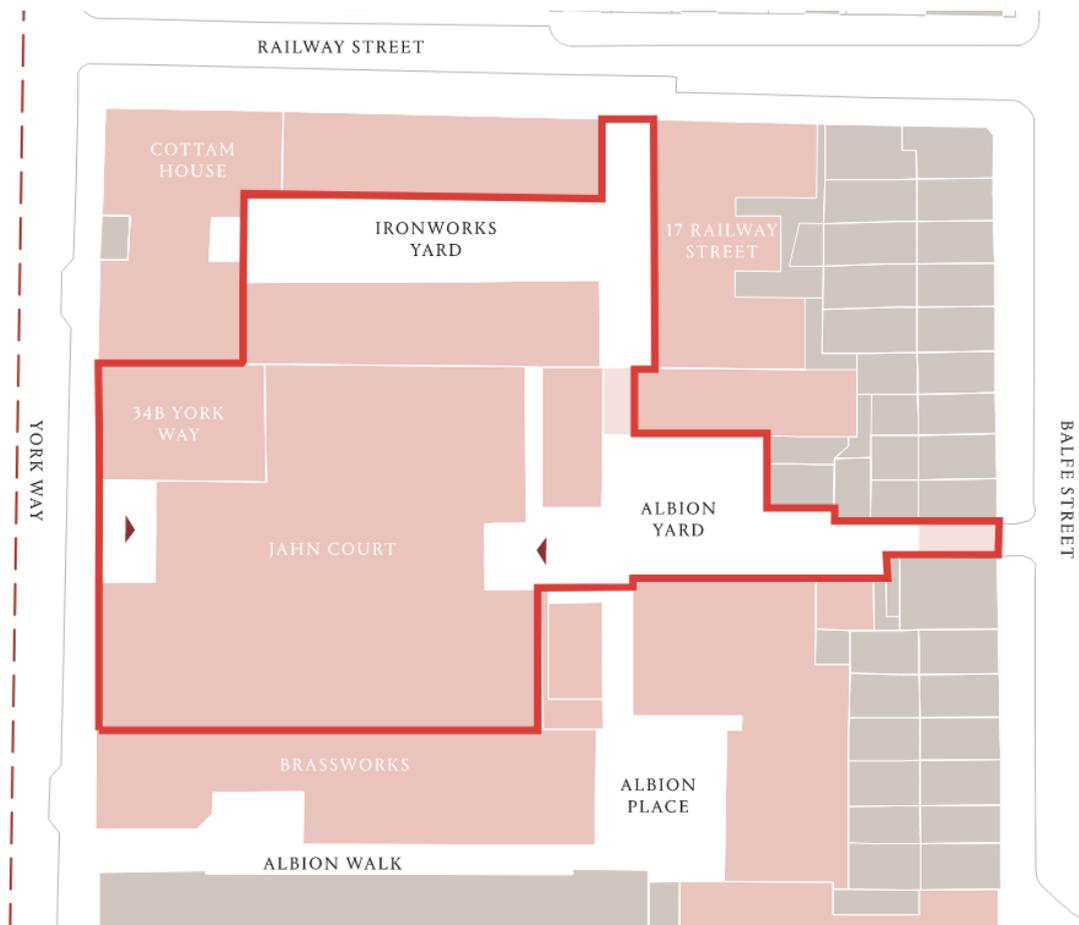


Image 2 - Site Plan



Image 3 - Existing front elevation (looking south)



Image 4 - Existing front elevation (looking north)



Image 5 - Existing rear elevation and Albion Yard (looking west)



Image 6 – Albion Yard/Rear of Jahn Court Existing



Image 7 – Albion Yard and gates on to Balfe Street



Image 8 - Albion Yard (looking east)



Image 9 - Ironworks Yard (looking west)



Image 10 - Ironworks Yard (looking east)



Image 11 - Railway Street entrance (looking south)



Image 12 - The Hub building (Grade II Listed)

4. SUMMARY

- 4.1 This planning application seeks permission to refurbish and extend the existing buildings in this city block within the Regent's Quarter, by building at both roof level and infilling at the rear of the Jahn Court building at 34 York Way to create a ground plus seven storey building, which provides an uplift of 2,404.7sqm (GIA) of commercial floorspace. The development also proposes to introduce flexible class E retail, café/restaurant, fitness and office uses at ground floor level, with office floorspace retained and extended on the upper floors.
- 4.2 The application is one of two linked applications for the redevelopment of the Regent's Quarter. A separate application (ref: P2021/2269/FUL) has been submitted for the extension and refurbishment of the southern block B known as Times House and Laundry Buildings adjacent to this site, to provide additional office and commercial floorspace. The applications are under consideration at the same time, with separate s106 Agreements.
- 4.3 The site is located within the designated Central Activities Zone (CAZ) and within an Employment Growth Area, where the principle of the proposed commercial development with provision of additional employment floorspace is supported and accords with the spatial strategies of the Development Plan in particular for the Kings Cross area. Officers consider that the proposed development would positively contribute to the commercial character of Kings Cross and support the strategic priority of the CAZ to maximise delivery of office floorspace where appropriate.
- 4.4 The proposed development would create additional height and massing on site and would inevitably increase the visual prominence of the buildings within the site. The additional height, particularly where it faces Kings Cross Station has been designed to be recessed into the site and constructed of glass to ensure a subordinate appearance to the more solid brick heritage buildings (including a carefully chosen colour palette to minimise its visual prominence). However, 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. It is concluded that the proposals would cause less than substantial harm to the King's Cross Conservation Area and the surrounding heritage assets, including the Grade I Kings Cross Station and the grade II listed buildings at 34b York Way and 5-35 Balfe Street. 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. The harm to heritage assets will be weighed in the planning balance, but does count against the scheme.
- 4.5 The proposal would also include energy and sustainability measures including 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.
- 4.6 The proposed development is not considered to have an unacceptable impact on nearby residential properties or the area in terms of loss of privacy, overlooking, or noise impacts, subject to appropriate planning conditions. The daylight/sunlight assessment shows that some of the neighbouring properties would be affected by the

development. Amendments to the scheme were sought to reduce some harm and whilst impacts remain in excess of BRE guidance, taking into account the location of the site, the number of neighbouring windows affected and the degree of harm, this is viewed as not so materially harmful having regard to the dense urban and built up surrounding context as to warrant the refusal of planning permission.

- 4.7 Having consulted with the Inclusive Economy Team on the affordable workspace requirement, officers have secured high quality affordable workspace on site at 34b York Way. The level of floorspace proposed (388.sqm (GIA)) exceeds the requirement within the adopted Development Plan (representing almost 10% of the floorspace uplift across the two planning applications (the other being the Times Square and Laundry Buildings site) and is considered to weigh in favour of both applications.
- 4.8 The servicing arrangements propose amendments to the existing bays on York Way to create 2no. dedicated loading bays. Refuse collection is to be undertaken 2-3 times weekly from Railway Street and Balfe Street by a private waste removal contractor outside of peak hours. The development is otherwise car free and would be secured as such. Additionally a financial contribution towards improvements to the public realm surrounding the site has been agreed with the applicant.
- 4.9 Officers consider that the public benefits of the scheme including the provision of affordable workspace which exceeds the requirement within the adopted Development Plan, 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 Ironworks, in the overall planning balance as well as the less than substantial harm caused to the setting of adjacent listed buildings and to the character and appearance of the Kings Cross Conservation Area.
- 4.10 Overall, the application is considered to largely accord with the Development Plan policies, and is therefore recommended for approval subject to appropriate conditions and planning obligations as set out in Appendix 1 of this report

5. SITE AND SURROUNDINGS

- 5.1 The site is part of the Regent Quarter estate, which comprises two city blocks of buildings within the Kings Cross area.
- 5.2 The application site is located within the city block known as 'Block C', is irregular in shape and sits north of Caledonia Street, south of Railway Street, east of York Way (A5200) and west of Balfe Street. The site as identified by the red line boundary (not the whole city block) measuring approximately 60 – 70 metres wide by 70 metres deep with a northern and western street frontage.
- 5.3 The site comprises of the existing part 3, part 5 storey office building known as Jahn Court at 34 York Way, and the 3 storey office building at 34b York Way, as well as the outdoor spaces of Albion Yard and Ironworks Yard.
- 5.4 Jahn Court (34 York Way) - The building itself has an existing floor area of 7,881.5 sqm (GIA) (8,270.2sqm including the Hub) of Use Class E(g)(i) office space. The building comprises a three storey brick rectangular block which fronts York Way,

which then connects to an infilled glazed façade entrance of the same height. Behind the entrance abuts a glazed five storey office block.

- 5.5 34b York Way – This Grade II Listed Building is comprised of a two-storey rectangular building facing west onto York Way. The building fabric also includes a large chimney which abuts the southern elevation of the building. The current use of the building is a co-working space (Use Class E(g)(i) and occupied by the Impact Hub Kings Cross. This building comprises 388.7sqm (GIA) of floorspace.
- 5.6 Albion Yard - Albion Yard is comprised of an external courtyard space of stone cobbled paved hardstanding, 2 trees and 3 external lamp posts. The yard serves the buildings within the yard (Albion Buildings, 1-10 Albion Yard, and 2A Albion Walk) which are in residential use. Additionally, the yard serves Jahn Court and includes a ground floor access route through the adjoining terrace onto Balfe Street. It also provides an access route to York Way, which runs to the south and adjacent to the Brassworks building to the south.
- 5.7 Ironworks Yard - Ironworks Yard is also comprised of an external courtyard space with paving, tiled hardstanding and 9 trees. The yard serves the buildings adjacent to it, including Jahn Court to the south, Cottam House to the west (office building above retail/café on ground floor) Ironworks (residential) to the north and the Copperworks (residential above offices) to the east. It also provides an access route through to Albion Yard (above), York Way and Railway Street.
- 5.8 The main entrance into the site is to the western elevations from York Way, with gated pedestrian entrances to the rear of the site into Ironworks Yard from Railway Street to the north, and into Albion Yard from Balfe Street to the east and from Caledonia Street to the south.
- 5.9 The site is surrounded by a mixture of commercial and residential uses, including residential uses within Block C, to the north and east of the site boundary in buildings known as The Ironworks, The Copperworks, Albion Yard, Albion Walk and Albion Buildings. Residential units are also located to the east of the site at 5-35 Balfe Street.
- 5.10 The majority of the site is located within the Kings Cross Conservation Area (CA21) and a small part of the Albion Yard entrance sits within the Keystone Crescent Conservation Area (CA14). The site includes the Grade II Listed Building at 34b York Way. The site is located within the setting of a Grade I Listed building at Kings Cross Station, and the Grade II Listed buildings at 5-35 Balfe Street.
- 5.11 Officers note the description in the local listing document '*Register of Locally Listed Buildings and Locally Significant Shopfronts April 2010*' for 34 York Way ref: 1598 states:
'Formerly Henry Pontifex Copper and Brass Works, 1866. Unusually coherent surviving example of mid-Victorian factory complex in Central London. Two storey stock brick office to front with three storey warehouse behind. Beyond this is main workshop with.'
- 5.12 Officers also note the description of the locally listed building for 36 - 40 York Way ref: 1601 states:

'Developed circa 1856 as corrugated iron factory for the St. Pancras Ironworks. Four storey, 11 bay brick range to Railway Street and three storey range to York Way with pediment/gables of 1890s. Stock brick with red brick dwellings. Important contribut'

- 5.13 Based on these descriptions, officers believe that the building at 32 York Way is locally listed rather than 34 York Way, as shown on the Council's mapping system, and that the Ironworks building forms part of the locally listed building at Cottam House at 36 - 40 York Way.
- 5.14 Therefore the site sits adjacent to the locally listed Grade A building at 32 Jahn Court, and local listed Grade C buildings at Albion Yard and Albion Buildings, and locally listed Grade B buildings adjoin the north west of the site at Cottam House and the Ironworks at 36-40 York Way.
- 5.15 The site is located within the Central Activities Zone (CAZ), an Employment Growth Area.
- 5.16 The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) (on a scale of 1 to 6 where 1 representing the lowest levels of accessibility to public transport and 6 the highest). Kings Cross and St Pancras Station is the closest underground station and is adjacent to the site on the opposite side of York Way, to the west of the site.
- 5.17 The prevailing character of the surrounding buildings is typically mixed with some late Victorian and Georgian buildings along the main eastern arterial routes of Balfe Street. This northern block (Block C) has a quieter and more residential character (subject to this application) when compared to the southern block (Block B - subject to the associated planning application), which has a more vibrant and commercial character.
- 5.18 The site is located adjacent to the administrative boundary with London Borough of Camden which lies immediately to the west of the site on the opposite side of York Way.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal is for the creation of 2,404.7 sqm of additional office floorspace under (Class E(g)(i)) through extensions and internal alterations. This is largely provided through the combination of a five storey partial infill extension to the eastern elevation of Jahn Court from ground to fourth floor level, a single storey extension to the northern elevation at fourth floor level, and a two storey roof extension at fifth and sixth floor levels.
- 6.2 The proposals include the provision of 89sqm of flexible retail (Class E(a)), Cafe/Restaurant(b), Fitness(d) or Office(g)(i) floorspace through alterations and change of use to create a unit at ground floor level fronting onto York Way.
- 6.3 Further works include the creation of a roof terrace at fifth floor level for the users of the additional office floorspace and refurbishment of the existing building, the reconfiguration and alterations of the front and rear entrances to the western and eastern elevations.

- 6.4 The works also include reconfiguration within the existing basement, providing 125 cycle spaces and 18 short stay spaces and associated shower and changing facilities, as well as additional plant equipment. Works are proposed at roof level with the provision of 73no. solar panels, and green roofs. Public realm works are also proposed to flatten the cobbles in the courtyard at Albion Yard to provide improved accessibility for wheelchair users. A plant room would be provided both at sixth floor level and at rooftop level.
- 6.5 The scheme includes the installation of a 'JAHN' sign on the western elevation of 34 York Way in the historical signage bracket.
- 6.6 Bin storage is also located at basement level. The proposal would be car free.
- 6.7 An application for Listed Building Consent ref: P2021/2360/LBC to 34b York Way has also been submitted.

Revisions:

- 6.8 During the course of the application the scheme has seen minor amendments in response to consultation responses from residents, consultees and ward Councillors.
- 6.9 Minor changes have taken place to the fire escape through the addition of an external staircase at fifth floor level.
- 6.10 In response to consultation responses from residents, the proposed 2no. Class E flexible office/fitness use units facing onto Ironworks Yard have been removed, with the floorspace remaining as office use. The proposed entrance doors facing Ironworks Yard have also been removed and will be replaced with windows.
- 6.11 In response to consultation responses from residents, regarding the landscaping proposals within Albion Yard and Ironworks Yard, the proposed pergola structure within Albion Yard, seating in both Albion and Ironworks Yards and raised planters in both Albion and Ironworks Yard, have all been removed from the scheme.
- 6.12 In response to comments from ward Councillors, the scheme has been revised to provide greater animation to York Way through the introduction of 1no. active flexible use unit for Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit (89sqm). The unit is located on the ground floor of 34 York Way and fronts onto York Way. As part of these works, the most northern door facing York Way will be glazed to provide a suitable entrance from York Way. The frosted glazing on the ground floor windows facing York Way will also be removed to improve the active frontage. These works are also considered to provide increased surveillance and security for the front courtyard area of the site and the main entrance to Jahn Court.
- 6.13 It is also proposed to amend the ground floor entrance to The Hub Building at 34b York Way. This would provide a more active entrance onto York Way and improve the affordable workspace offer. The details of the revised entrance door are proposed to be secured by condition on the associated Listed Building Consent application P2021/2360/LBC.

- 6.14 A further revision has been made in response to concerns over the amenity impacts on the residential properties at the southern end of the Copperworks building, in terms of daylight, outlook and enclosure, through a reduction in the extent of the fourth floor roof extension by setting back the extension approximately 2.7 metres from the eastern elevation. Revised CGIs and aerial massing views, have been submitted reflecting the revision to the massing at fourth floor.
- 6.15 An updated Daylight and Sunlight report has been submitted indicating the improvements from the fourth floor set-back to Jahn Court. The results indicate improvements to the results for Flat 9 and Flat 3 of the Copperworks, and a beneficial effect on the results for some of the windows to the Ironworks and Albion Buildings.
- 6.16 An amended Fire Statement has been submitted in response to comments from the Council's Building Control Officer.



Image 13 - Proposed Western Elevation (York Way)



Image 14 - Proposed North Elevation (Ironworks Yard)



Image 15 - Proposed Eastern Elevation (Albion Yard)



Image 16 - Proposed Southern Elevation

7. RELEVANT HISTORY

7.1 The following history is considered most relevant to the application site.

Planning Permission

7.2 **Application ref:** P000434

Redevelopment and refurbishment in connection with provision of 8,815 sq.m. of B1 office space, erection of 266 bed hotel, 138 residential units, two no live/work units, A1, A2, A3 uses, gymnasium and gallery, 19 car parking spaces, pedestrian links and security gates, including demolition, refurbishment, associated landscaping and traffic works.

At: Bravington's & Albion Yard Railway block, (site bounded by: Pentonville Road, Caledonian Road, Balfe Street, Railway Street & York, 39-45 (odd) Wharfdale Road),
N 1

Decision: Approved 10/06/2002

7.3 **Application ref:** P022525

Revisions and extensions to the previously approved redevelopment and refurbishment scheme approved on 10th June 2002 (Ref: P000434) to provide 5020m² of B1 office accommodation in two buildings (one a refurbished basement and three storey building; one a new basement and five storey building); a range of food and drink and mixed use commercial and showroom accommodation (A1, A2, A3, Sui- generis); nine residential units (five x 1 bed and four x 2 bed) and elevational alterations to ground floor of 13-17 Caledonian Road.

At: 2-10 CALEDONIA STREET, AND GROUND FLOOR 13-17 CALEDONIAN RD,
N1

Decision: Approve 04/04/2003

7.4 **Application ref:** P031100

Part refurbishment and part redevelopment for office (Class B1), retail (A1,A2 and A3) and showroom (sui-generis) uses and associated new access plant landscaping and other related works - variation to scheme approved 4th April 2003 Ref: P022525.

At: 10, Caledonia Street, and rear 7 Caledonian Road London, N1

Decision: Approved 05/12/2003

7.5 **Application ref:** P050311

Revisions to planning permissions P000434 (as amended by P022525 and P031100) to provide revised restaurant and office accommodation and public space.

At: York Curve Buildings B11 & B12 Block B, Land bounded by York Way, Caledonian Road, Pentonville Road and Caledonia Street, London N1

Decision: Approved 09/05/2005

7.6 **Application ref:** P000434(S106A)

S106A application to modify planning obligations of S106 Agreement P000434, dated 5th June 2002, to vary the definition of the Prescribed Hours of the Block C Internal Walkways.

At: Block C, Regent Quarter, Kings Cross (site formerly known as Albion Yard, bound by Caledonia Street, Caledonian Road, Balfe Street, Railway Street and York Way), Islington, London, N1 9DB

Decision: Approved 29/11/2012

- (i) the Internal Walkways in Block B and Block D: **the period from 0800 to 2100 hours on Monday to Saturday inclusive and 1000 to 2000 hours on Sundays** (but excluding in both cases Christmas Day, Boxing Day and New Year's Day) or such other periods as may arise from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party;
- (ii) the Internal Walkways in Block C:
 - (a) **the period from 0800-1800 on Monday to Saturday inclusive and 1000-1800 on Sundays from 1 October to 31 March each year** (but excluding in both cases Christmas Day, Boxing Day and New Year's Day);
 - (b) **the period from 0800-1900 on Monday to Saturday inclusive and 1000-1900 on Sundays from 1 April to 30 September each year**, or such other periods as may from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party;

Pre-application

7.7 In 2020, the applicant for the current proposals, submitted a pre-application advice request (ref Q2020/3318/PPA) for the proposed redevelopment of both sites within the Regent's Quarter that are now subject to the two linked planning applications. The pre-application request sought advice relating to 3- 4 storey roof extensions to the principal buildings known as Jahn Court (Block C) and Laundry & Times House buildings (Block B) as well as substantial alterations to the internal layouts, reconfiguration of internal space and public realm improvements and other minor alterations to provide approximately 4,000 sqm of additional office floor space and 400 sqm of additional café/ restaurant (Class E) floorspace.

7.8 The first PPA pre-application meeting took place on 17 December 2020, and sought to set out the proposals at high-level detail. Discussions related to:

- Outline of the massing proposals for both Jahn Court and Times House & Laundry Building;
- A heritage-led approach to the relevant assets;
- The permeability of Regent Quarter and how this can be improved through pedestrian routes;
- High level discussions on highways and relevant roads and public realm that needed to be considered.

7.9 Design workshops took place on 21 January 2021; 8 April 2021 and 7 May 2021. The workshops were set up to discuss the design proposals for Jahn Court and Times House and Laundry Buildings in more detail. Discussions relating to Jahn Court included:

- The acceptability of the proposed treatment of the entrance to Jahn Court;
- The massing of the infill extension and whether two stories would be acceptable;
- The height of the roof and how it will sit with the surrounding context;
- Confirmation that the roof height would not be over 30m (classification of tall building);
- Welcomed the process of retaining as much of the existing buildings as possible;
- The logic of the glazed infill of Jahn Court, with the sword tooth roof approach to nod to the industrial/manufacturing history;
- Industrial reference of form and materials is crucial;
- The materiality of the roof will be important to ensure it can be read as a roof form;
- Welcoming of the public realm enhancements and the logic behind these;
- Verified Views were agreed for the Times House Application; and
- Accessibility discussions in respect of Ironworks and Albion Yard, including access routes and seating.

7.10 Public Realm and Highways Workshops took place on 4 May 2021 and 22 July 2021. Discussions related to:

- Provision of short and long stay cycle parking
- Servicing and Deliveries, including bin provision and collection;
- Provision of disabled access, including parking and level access;
- Pedestrian Movement and understanding of movement;
- Integration of local streets into the design, to respond to cleaner/greener borough;
- The uplift from the redesigned external spaces and ground floor active uses will positively impact on the surroundings; and
- Confirmation that access routes through Albion Yard are acceptable

7.11 A Sustainability Workshop took place on 4 February 2021. The workshop was set up to agree the sustainable principles of the redevelopment schemes. An Environmental Impact Workshops took place on 21 May 2021. Inclusive Economy Workshops took place on 18 May 2021, 5 July 2021 and 14 July 2021. The workshop was set up to discuss the affordable workspace provision for both sites.

7.12 A meeting was held with Historic England, with formal advice being received on 8 April 2021. The advice confirmed they had no objections.

7.13 Following the above meetings, the final pre-application advice letter was issued on 1 July 2021. Advice was provided that the extension and adaption of the existing buildings is considered to be acceptable in principle, on the basis that the new buildings will demonstrate a high level of design quality and sustainability credentials

and would be sensitive to the surrounding heritage assets. The scheme has been revised since the pre-application submission by removing the previously proposed crown element – which took the building height in effect to the height of an 8th storey, at 28.45m, down to 25.88m excluding plant. The plant/lift overrun proposed which is positioned well back from the front of the building and thus suitably recessed from the street edge. This has also had the effect of simplifying the architectural language, as shown in the comparisons at image 17. The mass has also been reduced with the proposed new 5th and 6th floors being further pulled back from key edges. These changes have been made to address residential amenity and heritage impact concerns.

- 7.14 The latest amendments to the Jahn Court building which have involved a reduction in height and mass from 28.45m, down to 25.88m excluding plant from the earlier pre-application scheme, the simplification of the form, and the very high quality architectural design and detailing, appears to have now reached an acceptable balance. The proposed height is mitigated by the delicacy of the architecture and the high quality of the indicative materiality and the most recent plans show Jahn Court now reading as an ancillary element to the historic buildings and structures to the fore, and sitting respectfully within this most sensitive streetscape. Similarly, care has been demonstrated to minimise harmful impacts of the extensions to the Times House & Laundry on the setting of Kings Cross and St Pancras Station, a primary Grade I listed heritage asset. Officers consider that the harm is less than substantial (rather than substantial) and that it will have to be balanced against all of the other planning considerations that will accompany any forthcoming planning application(s).

Design Review Panel

- 7.15 As part of the pre-application process in 2021, the proposals comprising of both linked schemes were presented to the Design Review Panel on 13 April 2021 (ref Q2021/0820/DRP). It was presented a second time on 17 December 2021 for a follow up review.



Image 17 – View from York Way - Pre-application scheme presented to DRP and current application scheme

- 7.16 The following comments were made to the initial pre-application scheme, with the full first DRP (13 April 2021) response provided as **Appendix 3**:

- *The Panel sought clarification with regard to cycle infrastructure and connectivity to cycle routes and the hierarchy of movement through and adjacent to the site – existing and proposed*

Officer's Comment: Cycle Infrastructure, connectivity to cycle routes and the hierarchy of movement through and adjacent to the sites have been considered in detail in the public realm strategy. The sites are in close proximity to a number of cycle routes, including Pentonville Road, Caledonian Road, Euston Road and York Way. The scheme includes the provision of cycle parking within the courtyards and additional cycle stands on the footway on adjacent streets. This improved cycle provision is considered to facilitate increased cycling, as well as connectivity with the wider cycling routes. Entrances to the cycle stores have been carefully positioned and designed for ease of use and help to promote cycling by the building users. All stores feature direct, step-free access routes, spaces for non-standard cycles, charging points, and generous changing and amenity spaces.

- *How has the applicant arrived at the phasing strategy? Queried the benefits of first investing in the heart of the blocks and not the periphery given the latter more likely to draw people in. The pedestrianisation of Caledonia Street seems an obvious 'early win'.*

Officer's Comment: It is understood that the phasing strategy has been determined by the leases of the properties within Regent Quarter as the leases for Jahn Court and Times House and Laundry Building are understood to be expiring this year. It is understood that Caledonia Street is outside the ownership of the applicant. Officers are advised that the pedestrianisation of Caledonia Street would require input from several stakeholders to agree plans for its future development which is intended to take place as a later phase of development.

- *Concerned at the claim that some buildings are wrongly identified as Locally Listed Buildings. Clarification was sought*

Officer's Comment: The site adjoins a locally listed Grade A building at 32 York Way, and sits adjacent to local listed Grade C buildings at 1 Albion Yard and locally listed Grade B, building adjoining the north west of the site at Cottam House and the Ironworks at 36-40 York Way. All heritage assets have been assessed in line with National Planning Policy Framework (NPPF) and London Borough of Islington (LBI) Local Plan Policies. This is shown at image 20 and discussed in more detail in paragraphs 10.155-10.160 of the report and images 26 and 27.

- *Was it the design team's intention to create a unified identity for the whole masterplan area as well as an inter-relationship between the 2 sites? The two buildings are quite different in their approach – the southern being more granular and crumbly with extensions that sit amidst the roof tops while Jahn Court reads almost as a standalone. Also routes such as Bravington's Walk are excluded and yet seem integral from the outset*

Officer's Comment: It is understood that the southern block has been designed to be more civic and active than the northern block, which has a more residential character. The applicant's response here is that the conception for the two main buildings are very different, in order to reflect the more granular and crumbly form

of the southern block which is of a more complex character. The scale and massing to the north is larger and therefore required a different form and approach, which is reflected in the block massing of Jahn Court. Some materials and details are repeated across both schemes to present a unified identity. The changes within Laundry Yard improve the connection with Bravington's Walk and to the New Times Yard and York Way entrance to the site.

- *Panel queried how the masterplan could be achieved given the number of sites that are outside of the applicant's land ownership control.*

Officer's Comment: It is understood that the applicant has an existing commercial relationship with the hotel owners and other land holdings that are outside of their demise and therefore they do not see this as a barrier to any of the development proposals.

- *How does the planned removal of gates and railings create a safe and defensible place? Is access to be offered 24/7 or will it be controlled in some way?*

Officer's Comment: The site (Block C) will not be publicly accessible outside of the consented hours and no changes are proposed to the hours of opening on the gates. The site has existing on-site management arrangements, and these will continue. The Public Realm Reports submitted with the application provides further details around the management principles for the site. The scheme has been revised to respond to the Design Out Crime Officer's comments and seeks to achieve the principles of Secure By Design.

- *The approach to the ground floor social and hospitality activities and interactions similar to both north and south blocks?*

Officer's Comment: The southern block (Times House and Laundry Buildings) has more social and hospitality reflecting its existing and proposed uses, proximity to the station forecourt and the busy Pentonville Road. The northern block will be less active and quieter given it contains more residential uses and less active commercial uses. Within both blocks it is proposed to increase animation through introducing an active flexible use on the ground floor unit, fronting onto York Way.

- *How do you attract and draw people in and signal some change. Routes and desire lines. What are you offering that is different?*

Officer's Comment: It is understood that extensive survey work has been undertaken by Publica to understand how the sites and surrounding areas (including routes) are used. Opportunities for the future use of the site (including active ground floor uses, enhanced public realm and routes) informed the Public Realm strategy. Due to the sensitive nature of the residential uses in Block C including ground floor residential units, and following responses from residents limited changes are proposed to this block although accessibility improvements are proposed within Albion Yard. The works to improve the public realm are largely focused on drawing people into Block B through multiple public realm enhancements. These works are detailed in application P2021/2269/FUL.

- *Inputs and commentary from residents living in the northern block would be useful to be fed back.*

Officer's Comment: It is understood that public consultation has been undertaken at pre-application stage to obtain views from a range of stakeholder and the public on the proposals. This included consultation with existing residents and businesses within the development. It is understood that methods included a digital consultation website, creating a dedicated email and address and phone line, a flyer drop to local residents and businesses, placing advertisements in the local press, writing to neighbours including site-tenants, utilising social media and hosting an online webinar and Q&A session. It is understood that a consultation event was held on site and attended by residents on 20th July. Officers understand that further meetings with residents have taken place during the application and the application has been amended in response to responses received from residents.

- *Advised team to consider the function and quality of the public realm just outside of the site's boundary and how it could inform change.*

Officer's Comment: The project team is in discussions with Transport for London regarding their proposals for improvements to the junction of York Way and Pentonville Road and relevant contributions. The application includes the removal of railings outside the main entrance to Jahn Court to activate the public realm here, adjacent to York Way. Further discussions have taken place regarding increasing the animation on York Way. During the course of the application the application has been revised to seek to provide greater animation on York Way through introducing active flexible use units on the ground floor fronting on to York Way.

- *Additional height and mass may not be a problem, but justification would be expected given there is a visual impact.*

Officer's Comment: The submission includes visual impact studies, including assessment of the key visual receptors and associated representative viewpoints (RV). These assessments outline the effects of the proposed developments within the local townscape area, as well as any relevant longer distance views. This is assessed in detail in paragraphs 10.165 -10.179 of the report and images 32 to 34.

- *Sunlight/daylight study assessing the impact of the proposed blocks on the internal courtyards as there is reduced benefit in creating an attractive courtyard which is permanently in shade.*

Officer's Comment: A Daylight, Sunlight and Overshadowing Assessment has been undertaken to consider the potential additional overshadowing to the nearby amenity spaces, as well as daylight and sunlight impacts to existing properties. In terms of the internal courtyards, tests in accordance with the BRE guidelines, suggest assessing what percentage of the amenity space can enjoy at least 2 hours of sunlight on 21 March. The assessments suggest that each space should experience very little additional overshadowing on the 21 March and any reduction will be well within the BRE guidelines. The impacts of the scheme on daylight,

sunlight and overshadowing are assessed in detail in paragraphs 10. 236-10.281 of the report.

- *An overarching architectural narrative is needed.*

Officer's Comment: The architecture and materiality seeks to provide high quality contemporary language which sits sensitively against the existing heritage buildings. The architectural language has been informed by the industrial heritage of the sites, and the historic relationship of the sites with Victorian Railway infrastructure. This is addressed in more detail in paragraphs 10.130-10.140 of the report and is commented on in the second response letter from the DRP.

- *The public realm feels too distinct from the architecture and composite drawings showing the landscape and architecture engaging with one another would be helpful.*

Officer's Comment: The northern block will have a quieter residential character, whilst the southern block will include more active ground floor uses and would be livelier in character. The public realm strategy has been informed by these characteristics. The active uses are addressed in more detail in paragraphs 10.28-10.37 and the public realm strategy is addressed in paragraphs 10.11 4 to 10.12 1 of the report.

- *The role and form of the roofscape in long views and key views will require refinement. Views 05 of Jahn Court from York Way and View 10 from Caledonian Road of the Times House & Laundry Buildings were noted as being of particular significance within the Key View Study document.*

Officer's Comment: The roofscapes of Jahn Court and Times House have been reduced in scale by reducing the total height excluding plant from 28.45m, down to 25.88m, and recessing the roof plant, and sixth floor roof extension, to respond to this comment. Further consideration of the impact of the Times House roof extensions is undertaken in the officer's report for P2021/2269/FUL. The impact of the Jahn Court roofscape is addressed in more detail in paragraphs 10.165-10.179 and images 32 to 34.

- *A process of questioning the conjunction of the old and new and considering how the two address each other is needed.*

Officer's Comment: The submission sets out how the architecture of the schemes in terms of massing, form and materials has sought to refer to the previous industrial uses of the site, whilst also seeking to ensure that their relationship with the surrounding area is acceptable. This is addressed in paragraphs 10.130 -10.140 of this report plus image 25 – materials palette.

- *A more conversational approach might be more enriching and sophisticated and lend greater quality to the buildings and spaces.*

Officer's Comment: The architectural narrative relates to the old industrial uses, whilst also ensuring high quality contemporary design is achieved. Elements of heritage interest have been retained or enhanced (signage and courtyard ground

materials), whilst the new architecture and public realm seeks to tie the site to its past uses.

- *The sense of detachment between the public realm and the architecture could be avoided by more collaboration in the design process and both could better inform and enrich the other.*

Officer's Comment: The Public Realm strategy has been integrated with the architecture to ensure that they both respond with each other. Also, the second DRP response letter comments: *'The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.'* The chair's summing up comments: *'The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes and these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.'*

- *There is a question of how much consistency and inter-relationship is legible between the proposed blocks. Having said that, Laundry Yard and the other yards have their own historical character and the proposals could capitalise on the history of the site to lend to the character and atmosphere of the spaces. The new elevations could be more referential to the historic street elevations and more use of brick might be made. Generally a more homogenous approach to materials may give greater coherence and legibility across the quarter.*

Officer's Comment: The proposed materials nod towards the historic context as well as to the modern era. They introduce soft colours (reds and greens), which seek to avoid over dominating and to sit well within the townscape. Quality durable materials (brick, metal and glazing) have also been articulated to ensure that the appearance of the building are of a high quality. The use of repeated materials and details across the two proposals will help to improve the coherence and legibility across Regent Quarter. This is addressed in detail in paragraphs 10.130-10.140 of this report plus image 25 – materials palette. Again, this is also noted in the second response letter from the DRP.

- *The roof-form of Jahn Court has industrial northlights which then change direction at the south, undermining the authenticity of the form.*

Officer's Comment: The roof-form design for Jahn Court has been revised since the presentation to the DRP. It now comprises of a modest flat roof form comprised of a green metal material which responds to the sites industrial past by referring to water tanks which were found above Victorian industrial architecture. See image 17, above. This is addressed in more detail in paragraphs 10.125-10.129 and images 28 to 31 of the report.

Second DRP

- 7.17 In response to comments received from residents, the application scheme has been presented to the Design Review Panel for a second review of the scheme on 17 December 2021. This second review comprised of the chair of the DRP and one further panel member. The review is supportive of the further design work carried out and the full letter (dated 23 December) is appended (Appendix 4).

The following summary of the letter is provided by officers:

- 7.18 The second review of the scheme by the DRP demonstrates support for the overall scheme comprising the works across both applications. The general comments can be summarised as follows:
- Public realm enhancements and increased permeability;
 - Enhancing the heritage setting of the proposals with their clear and coherent architectural narrative;
 - Developing a successful approach to scale and massing;
 - Significant amount of public benefit;
 - Aspiring to avoid gated communities.
- 7.19 With regards to the proposals in this application, the DRP commentary is again considered to demonstrate their support which can be summarised as follows:
- The massing to Jahn Court has evolved and provides a suitable backdrop to the heritage buildings to the fore.
 - The changes to the Jahn Court building are now appropriate and successful.
 - The massing, particularly the way the top floors in the longer views have been addressed, now creates a calmer, more coherent backdrop including in relation to the classic heritage views and settings.
 - The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.
 - The choice of materials and the refinement of the character and approach to materiality is coming through very successfully. This is considered to be a particularly successful element of the proposal.

8. CONSULTATION

Public Consultation

- 8.1 The application has been publicly consulted on 16 August 2021. Site and press notices have also been issued. The consultation process expired on 12 September 2021. Letters were sent to the surrounding neighbours at Albion Yard, Albion Walk, Balfe Street, Railway Street, Caledonian Road, York Way, Euston Road and Trematon Walk.
- 8.2 Representations have been received from 36 residents objecting to the scheme as part of the initial period of consultation. A total of 4 representations have been received in support of the proposals.
- 8.3 Following receipt of supplementary information and technical documents, a period of re-consultation took place beginning on 7 November 2021. The re-consultation ended on 21 November 2021.
- 8.4 Representations have been received from 19 residents in response to the re-consultation.
- 8.5 In response to the objections received, the scheme has been revised. The amendments to the scheme comprise of the following:

- Removal of the proposed fitness use in Jahn Court facing Ironworks Yard;
- Removal of the pergola, raised planters and seating in both Albion Yard and Ironworks Yard;
- Introduction of a flexible Class E use comprising of Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit at ground floor level fronting on to York Way.
- Amend the ground floor entrance doors to The Hub Building at 34b York Way.

8.6 As a result, a final period of re-consultation took place beginning on 10 December 2021. The re-consultation ended on 24 December 2021.

8.7 Representations have been received from 23 residents in response to the final re-consultation.

8.8 Further drawings and documents have been received on 27 January 2022 reducing the mass of the fourth floor extension which have been uploaded to the Council's website. A resident has requested the opportunity to submit observations and potential objections to these documents. However all amendments result in improvements and reductions in impact in terms of scale, massing and visual impacts on amenity. It is at the discretion of the Local Planning Authority to undertake further re-consultation, and in view of all the impacts decreasing, it has been considered that in this instance, it is not necessary. Notwithstanding this, the Council will consider all representations received up until the determination of the application.

8.9 At the time of the writing of this report responses had been received from 36 members of the public with regard to the application, with 19 residents responding on a number of occasions. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land Use:

- Concerns that the yoga room, gym, and other offices will be given a general class E planning permission that allows use for a variety of other commercial purposes including retail and restaurant, leading to increased noise, odours and amenity impacts. (**officer comment:** Condition **15** is attached to prevent a change of use from office to any other uses under Class E without an application for planning permission).
- Residents question whether the proposed layout of the Jahn Court office building supports flexible office space or small businesses, and consider the infill and internal architecture of the building are more aligned with rental to one large tenant. (**officer comment:** The proposed layout enables the building to be occupied flexibly either by a sole occupier or by multiple occupiers and is policy compliant. See paragraph 10.19).
- Residents claim that no new provision of affordable workspace is being made in the extended Jahn Court building itself and that instead, a subsidy is effectively being offered to an existing tenant in the existing Hub building. Other comments claim that affordable workspace is already being provided in the form of the Impact Hub and that none of the additional GIA office floorspace is being used for

affordable workspace. (**officer comment:** The proposed on-site Affordable Workspace exceeds the adopted policy requirements and is to be secured through the associated S106 Legal Agreement. Post decision, the procurement exercise to secure the occupier of the affordable workspace hereby approved, will be based on a social value assessment and associated criteria undertaken by the Council's Inclusive Economy Team. The workspace will be secured as per the agreed Heads of Terms. Whilst the existing occupier is able to apply, they will be considered as part of the procurement process against the same criteria as any other applicant. The occupier is not currently classed as an Affordable Workspace operator. For further details see paragraphs 10.56-10.68).

Design/Heritage

- The proposed roof extension to Jahn Court will harm the setting of the Grade I Listed Kings Cross Station as a national set piece, 34b York Way (Grade II listed) and a number of locally listed buildings that surround the site. The proposals are not subordinate to King's Cross Station, and takes the height of the building above the parapet height of Kings Cross Station. The harm to the heritage setting would be substantial given the combined impacts of the height, massing, and roof plant enclosure. (**officer comment:** Officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. Officers have considered this in detail in this report including in paragraphs 10.165-10.191 and images 32 to 34 which indicate the key views 06 and 13 of the roof extensions as seen in the context of Kings Cross Station from Euston Road. It is also noted that Historic England raise no objections to the proposals and that the DRP consider the scheme appropriate and high quality).
- The proposed massing, infill and increase in height of Jahn Court will overshadow and over dominate the adjacent heritage buildings, not only internally within Regents Quarter but externally damaging the roofline to all elevations, the visibility of the chimney in front of Jahn Court and detract from Grade I listed Kings Cross looking down or up York Way. The prominence of the brewer's chimney as part of the Grade II Listed Building at 34b York Way will be interrupted and the distinctive frontage to York Way will be lost to the overbearing design of the new office block. (**officer comment:** Whilst it is noted that some of the existing buildings that neighbour the site within Albion Yard to the east and Brassworks to the south will experience some increase in scale and massing to Jahn Court, it should be considered that these buildings are already smaller than Jahn Court (especially those in Albion Yard). Given that the top storey level will be set-back and the high quality design and architecture, the extensions are considered to be appropriate within this central location and are not detrimental to the character and appearance of the site or surrounding context. Officers have considered the impacts on the heritage assets including Kings Cross Station and the Conservation Area, in detail in this report, including in paragraphs 10.165-10.181 and images 32 to 34 which indicate the key views 06 and 13 of the roof extensions as seen in the context of Kings Cross Station from Euston Road. Officers have considered the impacts on 34b York Way at paragraphs 10.162-10.164 and images 28 to 31. Officers have considered the impacts on the locally listed

buildings internally within the courtyards at paragraphs 10.155-10.160 and images 26 and 27. Officers consider the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.180 to 10.184).

- The proposals would adversely affect the character and appearance of the conservation area, and undermine the distinctive character of the conservation area and will contravene Islington Policy and the Kings Cross Conservation Area Guidelines (CADG). The height of the proposed roof extension would be taller than the height of the parapet wall of Kings Cross Station as referenced at paragraph 21.9 of the CADG. The visibility of the plant room from the street and in long views will be contrary to the CADG. The proposed green metal cladding and green corrugated metal is not a compatible material for use in the Conservation Area and is prone to fading and discolouration. The proposed modern red brick entrance to Jahn Court will detract from the surrounding heritage buildings. The proposals run counter to emerging local plan policy SP2 – Kings Cross and Pentonville Road. (CA21 January 2002). (**officer comment:** Officers have considered the impacts on the heritage assets including Kings Cross Station and the Conservation Area, in detail in this report, including in paragraphs 10.165-10.181 and images 32 to 34 which indicate the key views 06 and 13 of the roof extensions as seen in the context of Kings Cross Station from Euston Road. Officers have considered the proposed materials at paragraphs 10.130-10.140 and image 25. Officers consider the proposed materials and architecture to be acceptable and comply with adopted policy. Furthermore the DRP consider the scheme as now proposed to be successful and of high quality).
- The further development of Jahn Court would be unsympathetic to the setting of the human scale locally listed buildings around it and be completely out of keeping with the historical appearance of the Albion Yard area, and the increased visibility of modern materials, and have an overbearing presence on both Albion Yard and Ironworks Yard and its heritage assets. Residents state that no consideration has been given to the impact on Ironworks Yard and Ironworks Buildings. Objectors state that the proposals raise conflict with National Planning Framework (2021) paragraph 195 requiring local planning authorities to identify and assess the particular significance of heritage assets that might be affected by proposals. (**officer comment:** Officers have identified that the Ironworks forms part of the Locally Listed Building known as 36-40 York Way. See image 20. The proposals use brickwork, glazing, metal work and cladding to seek to improve the existing building, whilst also ensuring that it can sit in harmony with the surrounding historical context. The front 'gate house' entrances to the front and rear of the building feature decorative bricks and seek to compliment the neighbouring Victorian buildings, without seeking to imitate them. The top level will comprise of a gently sculptured rooftop pavilion which echoes the rooftop water tanks of Victorian industrial architecture. Officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have considered the impacts on the Locally Listed Buildings including the Ironworks, in paragraphs 10.155 to 10.160 and images 26 and 27).

- The proposed additional height, massing and scale will be overbearing and will excessively dominate the townscape and be visibly higher than the existing townscape. The addition of two additional layers of roof plant is unsightly, highly visible and far from compatible with the surrounding buildings. The additional height is not modest due to the percentage increase in height on the existing building. (**officer comment:** Officers have considered the impact of the proposed increase in height on the townscape in the context of the site and the extent of visibility in key views including in paragraphs 10.165 to 10.179 and images 32 to 34).
- The increase in building height and mass to Jahn Court is out of proportion and context with the current historically preserved redevelopment. The proposals undermine the carefully thought through original principles and strategy of the consented scheme for the redevelopment of the Regents Quarter from 2002 (ref: P000434). The proposals lack sympathetic protection of a listed heritage development and its heritage significance. The proposals do not make a positive contribution to this local character, its legibility or distinctiveness and do not take opportunities to improve the character and quality of the area or the way it functions. The proposed roof extension destroys the current symmetrical aspect of the Ironworks Courtyard. Reference is also made to the destruction of pedestrian walkways. (**officer comment:** The proposals amount to an infill extension and fourth floor and a two storey roof extension, recessed from the Ironworks and Copperworks buildings. There is already a juxtaposition in contextual heights and architectural styles, between the Albion Buildings and Albion Yard and Jahn Court. Given the passage of time that has elapsed since the approval of this scheme, the fundamental development plan documents for the approved scheme from 2002 have been superseded. Therefore the proposals must be assessed in accordance with the current policy framework and development plan, and consideration must be given to the site's current context. Officers have undertaken a detailed assessment of the proposals in design and heritage terms and conclude that the proposals accord with currently adopted policy and guidance. This is further supported by the views of the independent DRP).
- The proposed building height would be more than twice the height of most of the buildings on this site, including that of the contextual heritage buildings within Albion Yard, and the relative scale classes the new building as a "Tall Building" as defined by emerging policy DH3. Reference has also been made to the Islington Tall Buildings Study. (**officer comment:** London Plan policy D9(A) states that *'based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.'* As a result officers have assessed the proposals in accordance with the Local Plan. Adopted local plan policy CS9(E) states that Tall Buildings are 30 metres and above. Paragraph 2.18 of the IDMP (Islington Development Management Policies document) also states that tall buildings are defined as over 30m in height. Emerging Local Plan policy SP2 Kings Cross and Pentonville Road, part K identifies that tall buildings in the spatial strategy area are over 30 metres and this is reiterated in the supporting paragraph 2.21. Therefore both the Council's adopted and emerging local plan has defined that within the Kings Cross Spatial Strategy Area, Tall Buildings are those which are over 30 metres. The maximum height of Jahn Court following the proposed roof extensions and including the roof

plant would be 28.4m. Therefore the proposals do not result in a tall building as defined by both the adopted and emerging local plan policies. Notwithstanding the above assessment, the majority of buildings are between 3-5 stories in height and in many circumstances, the extension proposals will not extend twice the height of a number of prominent buildings within close proximity (i.e. Kings Cross Station, Ironworks Building, Copperworks Building, Premier Inn and Glasshouse/Trematon Building). Whilst it is noted that the development will sit twice as high as some buildings within the surrounding context, the existing building on site already extends considerably taller than these buildings and it would be inappropriate to only take account of these buildings in isolation to the larger and more prominent buildings noted above as part of the contextual reference).

- The excessive massing of buildings and increased visibility of modern materials will damage the setting and experience of this extraordinary location (**officer comment:** Officers have considered the proposed materials at paragraphs 10.130-10.140 and image 25. Officers consider the proposed materials and architecture to be acceptable and comply with adopted policy).
- Proposals have not considered the impact on locally designated heritage assets and their setting. The locally listed buildings are of huge historical significance to King's Cross' canal and railway history, they should remain the focus of Albion Yard by not increasing the height of Jahn Court or creating a more prominent entrance to Albion Yard. Destroys the legibility of Albion Yard's former use by detracting the focus from the heritage buildings. Key stakeholders relating to local heritage assets have not been fully engaged in developing these proposals. (**officer comment:** Officers have considered the impacts on the Locally Listed Buildings, including the Ironworks, in paragraphs 10.155 to 10.160 and images 26 and 27 and conclude that the proposals are acceptable. Officers have considered the impacts on the conservation area in accordance with paragraph 200 and 202 of the NPPF and conclude that the proposals accord with policy and guidance. See paragraphs 10.141-10.191).
- Object to the adapting of the cobbles in Ironworks Yard due to the loss of fabric and heritage of the courtyard. (**officer comment:** This is undertaken to improve accessibility within the courtyard. The details of the proposed works to the cobbles will be secured by condition 25).
- Residents query how branding this surviving example of a mid-Victorian factory complex as "JAHN" will enhance its historic significance or how it contributes to the legibility and understanding of buildings in the Conservation Area. (**officer comment:** The proposed sign makes reference to the industrial past and replaces a low quality element of the existing building.).
- Several requests have been made for the application proposals to be presented to the Design Review Panel following the comments made in the DRP response letter to the pre-application scheme. (**officer comment:** The application proposals have been presented to the Design Review Panel in December 2021. See paragraphs 7.15 to 7.19 and the second DRP response letter dated 23 December 2021 is attached to this report at Appendix 4).

Public Benefits

- The residents state that there is a lack of clear public benefits from the scheme and that there are no clear public benefits for existing residents of Regents Quarter or the community or to Islington. (**officer comment:** Officers consider there to be sufficient public benefits arising from the proposals including the provision of on-site Affordable Workspace which exceeds the adopted policy requirements. Officers have considered the public benefits of the proposals in paragraphs 10.180 to 10.184).

Amenity

- Harmful and considerable loss of daylight and sunlight and overshadowing to the residential properties in the Ironworks, the Copperworks, Albion Yard, Albion Walk, Albion Buildings and Balfe Street. Increase in overshadowing to the Copperworks. With the increasing trend to work from home, good natural lighting has become increasingly important, efforts should be made to improve not reduce daylight to the existing residences. No consideration of the change in use of rooms as working from home and the impacts on mental health from loss of light and view. No consideration of the impacts where a hallway at flat 8, Ironworks, is used as another room. Residents assert that the Point 2 report is not a fair and accurate representation of the daylight and sunlight loss to the residents as a result of the Jahn Court proposal (**officer comment:** Officers have considered the impacts of the proposals on the daylight, sunlight and overshadowing to the neighbouring residential properties. This is set out in paragraphs 10.236-10.281 of the report).
- Residents comment on the submitted daylight and sunlight report, with reference to the extent of properties surveyed, the results and the analysis and conclusions. Residents commissioned their own independent Daylight report in response to the applicant's daylight report by BRE. BRE evidenced their report by making site visits to affected residential properties, in particular in Ironworks and Albion Yard and have since commented that their review was undertaken independently of the residents who commissioned the review. The height of the buildings in the 2002 consent for the redevelopment of Regents Quarter were considered to be the maximum for availability of daylight/sunlight for the mixed use. Therefore residents conclude that there is no room for the degree of flexibility Point2 wish to apply in these circumstances and there is no room for redefining "acceptability". Residents object to the letter from Point2 which they consider is an attempt to persuade the LPA to disregard natural light issues or to consider that they are issues of negligible weight. Both residents and the BRE state that the BRE report was undertaken independently as per the terms agreed. (**officer comment:** Officers have undertaken their own analysis of the results of the impacts on daylight and sunlight in accordance with the policy and guidelines in the current development plan. See paragraphs 10.236-10.281).
- The residents state that the Point2 response report of 8th October continues to use the original floor plans for the residential flats and seems oblivious to the fact that in small flats the spaces have to multipurpose – especially since the coronavirus pandemic with home working or indeed residents may have chosen to use areas differently. (**officer comment:** The proposals have been assessed in accordance with the requirements of the adopted policy and guidance including the *BRE Site Layout Planning for Daylight and Sunlight 2011*. See paragraphs 10.236-10.281).

- Loss of western sunlight to Copperworks residences has not been considered for these windows or the attached balconies and nor the loss of reflected sunlight from the windows of the higher floors of the Ironworks (**officer comment:** The BRE guidance requires an assessment of the impacts on sunlight to windows facing within 90 degrees of due south. The assessment accords with this requirement. Therefore the proposals have been assessed in accordance with the requirements of the adopted policy and guidance including the *BRE Site Layout Planning for Daylight and Sunlight 2011*. See paragraphs 10.236-10.821).
- Additional overshadowing and loss of light to the inner courtyards will make them less attractive spaces for visitors, tenants or residents to spend time (**officer comment:** Officers have considered the impacts on the conservation area and locally listed buildings at paragraphs 10.155-10.160. Officers have also considered the impacts on overshadowing in accordance with the amenity requirements set out by the *BRE Site Layout Planning for Daylight and Sunlight 2011*. See paragraphs 10.276-10.281).
- Loss of outlook and creation of sense of enclosure to the residential properties in Albion Yard, Albion Buildings and the Ironworks, and increase in sense of enclosure to the Copperworks flats. (**officer comment:** During the course of the application the proposed fourth floor level extension has been amended by recessing the extension away from the eastern elevation by 2.7 metres as a result the impact on existing levels of outlook and enclosure to the Copperworks would be minimal. The proposed fifth floor roof extension is heavily recessed from the northern elevation and therefore is not considered to dominate and impact residential amenity in terms of outlook or enclosure. Officers have undertaken an assessment of the proposals in accordance with the Council's policies on the protection of neighbouring amenity and in particular with regards to impacts on outlook and enclosure and have concluded that the proposals are acceptable. See paragraphs 10.290-10.296 and image 48).
- Loss of privacy and increase in overlooking to the Ironworks flats from the proposed fourth floor extension on northern elevation of Jahn Court due the reduction in the separation distance between the office windows and the upper floors and the increase in the intensity of the use of the office. Loss of privacy from the proposed roof terrace at fifth floor. Also impacts on the Copperworks flats for the same reasons. (**officer comment:** Officers have undertaken an assessment of the proposals in accordance with the Council's policies on the protection of neighbouring amenity and in particular with regards to impacts on overlooking, privacy, outlook and enclosure, from the existing relationship, and have concluded that the proposals are acceptable. See paragraphs 10.282-10.289 and images 44 to 47. It is proposed to restrict the hours of operation of the proposed roof terrace by condition **14**).
- Loss of privacy to the skylight, courtyard and balcony at 2A Albion Walk and requests privacy blinds. The proposals will create extreme overlooking to Albion Buildings. (**officer comment:** There is an existing level of overlooking towards 2A Albion Walk from the lower floors on the eastern elevation of the existing office building at Jahn Court. The additional windows will be located at fifth and sixth floors and given the angle of view, there would not be a material impact on the existing levels of overlooking. See paragraphs 10.282-10.289) and image 46 and 47).

- Objectors refer to a lack of compliance with Urban Design Guide paragraphs 5.20, 5.69 and 5.70 with regards to the consideration of amenity impacts as part of the assessment of design. (**officer comment:** Officers have undertaken a detailed assessment of the impacts of the proposals on the neighbouring residential properties, in accordance with the Council's policies on the protection of neighbouring amenity and have concluded that the proposals are acceptable in accordance with policy subject to conditions, beginning on paragraph 10.236 and concluding at paragraph 10.319).
- The proposed pergola in Albion Yard will increase noise levels, cause loss of privacy, greater littering and the increase in the use of the courtyards will negatively impact residents' peace and wellbeing. The residents state that within their lease agreement there is a clause with a 'right to quiet enjoyment' and claim that the proposed pergola runs contrary to this clause that is designed to protect leaseholders. (**officer comment:** The initially proposed pergola and seating in Albion Yard has been removed from the scheme in response to resident objections).
- The increase in the use of the courtyards would result in an increase in noise disturbance from the "echo chamber" effect of the courtyards (Ironworks Courtyard especially) and take away the unique calm heritage tranquillity of Block C. (**officer comment:** The initially proposed pergola and seating in Albion Yard and seating and structures in Ironworks Yard have been removed from the scheme in response to resident objections. There are no further changes proposed to these courtyards in terms of hours of operation or to the existing gates. The courtyards are already publicly accessible and no change is proposed in this regard).
- Increased noise disturbance from the proposed fitness Studio in Jahn Court and from the additional plant on the roof. Queries the impact of the attenuation achieved by the plant screening indicated in the submitted report. (**officer comment:** The initially proposed fitness use has been removed from Jahn Court. This part of Jahn Court will remain as office use. The submitted plant report has been reviewed by the Council's Acoustics Officer who has not raised any objections subject to conditions to limit the noise levels and hours of operation. See paragraphs 10.297-10.303 and conditions 13 and 14).
- Increased light pollution from the Jahn Court office building towards the Ironworks flats including issues overnight. (**officer comment:** It is proposed to attach a condition requiring details to mitigate potential impacts on an increase in light pollution. See paragraphs 10.315-10.317 and condition 7).
- Requests restrictions on the use of the green roof and on the hours of use of the roof terrace due the noise disturbance. (**officer comment:** The proposed green roofs will be accessed for maintenance purposes only and will not be used for amenity purposes. The access to the green roofs will be controlled by condition (6)).
- Residents note fifth floor gallery plan indicates an area annotated as terrace on the eastern elevation. (**officer comment:** There is no proposed roof terrace on the eastern elevation. This space is for use as a fire escape in an emergency only, with additional railings to ensure safe access. A condition (29) will be attached to ensure this is secured).

Impacts on Security within Regents Quarter

- Due to residential flats at ground level, residents have raised concerns over the proposed increased permeability of the courtyards, resultant increase in anti-social behaviour and loss of safety and security of residents, and particularly ground floor residential properties. Objectors believe that proposals to open up the courtyards will lead to a rise in crime and anti-social behaviour and this hasn't been adequately considered by the applicant. (**officer comment:** The initially proposed pergola and seating in Albion Yard and seating and structures in Ironworks Yard have been removed from the scheme in response to resident objections. There are no further changes proposed to these courtyards in terms of hours of operation or to the existing gates. The courtyards are already publicly accessible and no change is proposed in this regard. The previously proposed flexible fitness/office use fronting onto Ironworks Yard, has been removed from the scheme and therefore the only the existing office use remains with limited direct access into the courtyards. The impacts on safety and security have been considered and the Design Out Crime Police Officer has been consulted and has provided detailed comments. See paragraphs 10.439-10.444 and conditions 27 and 28).
- Concerns over the use of the app to access Block C by non-residents outside of business hours including cyclists, and the likelihood of tail-gating leading to increased crime and reduced security for the courtyards. Allowing wholesale access via the courtyards is unacceptable and comprises the security of all residents living in Regent Quarter. Access should only be permitted via York Way and there should be no further access of the business's customers to the courtyard areas. The app does not support the aims of the Kings Cross Neighbourhood Framework Document (2005) (**officer comment:** The courtyards in Block C are currently open to the public with fixed hours of opening as consented by P000434(s106). No changes to the existing situation are proposed. Additional cycle parking could be created within the basement of Jahn Court with the requirement for planning consent. As a publicly accessible space, the additional footfall and cycles wheeled through the courtyard would not have a materially harmful increase on the usage of the yards as to lead to a harmful impact on residential amenity. See paragraphs 10.439-10.444).
- Unless the wider issues are addressed, opening the courtyards further is likely to have detrimental impact on the safety and security, perceived and real, of the residents within the RQ estate (**officer comment:** The scheme does not propose any physical alterations to the courtyards in Block C, following the removal of the pergola and seating, with the exception of cycle parking stands. The existing on-site security team and CCTV is to be retained. Therefore officers consider that any additional footfall generated by the additional office floorspace would not lead to a materially harmful impact on safety or security. See paragraphs 10.439-10.444 and conditions 27 and 28).
- No measures to design out crime have been integrated into these proposals contrary to para 3.3.14 of the London Plan (March 2021). No information is given on the specific site challenges or how the strategy addresses them. (**officer comment:** Much consultation has taken place with the Metropolitan Police both during the pre-application stage and the application stage. Conditions are attached to address any security issues that maybe raised including a review of any issues

within the new courtyard at the front of Jahn Court adjacent to York Way following occupation of the site. See paragraphs 10.439-10.444 and conditions **27** and **28**).

- Residents request conditions are attached to maintain the current hours of public access to Block C with gate closure at 6pm till 8am, and no access to cyclists through Albion Yard or Ironworks Yard to cycle storage facilities. Access to be exclusively from York Way. Residents request no pedestrian or cycle access from York Way through Cottam House to Ironworks Yard other than office users with security access. Residents also request remote monitoring, and the physical and visible presence of security staff at particular locations, so that the combination of these conditions ensures adequate security and freedom from anti-social behaviour at all times and at all locations. (**officer comment:** The courtyards within Block C are publicly accessible. No changes are proposed to the existing hours of opening. Cycling is prohibited within the courtyards as indicated by signage on all the entrance gates into Block C. It is proposed to attach the condition restricting the hours of opening of the gates to any grant of consent (**condition 36**) and include an informative requiring the Travel Plan to be secured through the S106 Legal Agreement to include measures to discourage illegal and irresponsible cycling. See paragraph 10.442 and informative 14).

Construction

- Concerns over noise disturbance, hours of construction, odours, dust, vibrations and pedestrian safety during construction. Requests limits and restrictions to minimise these impacts and further clarification regarding the timeframe for construction works and boundary and full details of construction works. (**officer comment:** It is proposed to attach a condition **5** requiring the submission of a Construction Environmental Management Plan prior to commencement of development. The CEMP will require details to mitigate the impacts on neighbouring amenity).

Cycle parking/Storage

- The secure bike park available for residents in Block C and B will be replaced by a secure bike park for office tenants with residents left to rely on less secure on street bike hoops instead. (**officer comment:** The applicant is not aware that residents have access to the secure bike park located in Times Yard. 6no. cycle stands providing 12 spaces are proposed within Albion Yard, and 3 stands are proposed in front of Jahn Court, in addition to those on the public highway. The use of London cycle stands has been agreed in consultation with the Design Out Crime Officer).
- The large-scale bicycle parking that is proposed [in the basement of Jahn Court] will bring high volumes of people onto the site along with the associated noise and increase safety risk. This would become unmanageable for the existing security team to cope with. The additional cycle storage would make Albion Yard a major cycle highway, reducing safety for pedestrians and residents. Residents have also commented on the potential safety implications of a large number of cyclists accessing Albion Yard via Balfe Street in peak times. Residents consider that access should either be via the York Way main entrance to the Jahn Court building or at least via the Caledonia Street gate to mitigate these impacts. Residents request that the existing no-cycling within the courtyards is retained. (**officer**

comment: Cycling is prohibited within all courtyards within Block C. This is indicated by the signage on all gates into the block. It is proposed to include an informative requiring the Travel Plan to be secured by s106 Legal Agreement to include measures to discourage illegal and irresponsible cycling. See paragraph 10.442 and informative 14).

Requested restrictions:

- Requests that the ban on alcohol consumption on the surrounding streets be extended to include at least the courtyard in Jahn Court, and that the current gate opening hours are maintained and a covenant to prevent them from being extended in the future is put in place. (**officer comment:** No changes are proposed to the existing hours of opening for the gates. The Design Out Crime Police officer has provided detailed consultation responses on the application and has not sought to impose this restriction which is outside of planning controls).

Impact on existing trees

- The Arboricultural Impact Assessment does not confirm if the plants, especially the limes in Ironworks Yard will survive given the additional overshadowing and loss of sunlight. (**officer comment:** The impacts of the proposals in terms of loss of sunlight and overshadowing has been assessed in accordance with policy and guidance and found to be acceptable. No changes are proposed to the existing trees within Ironworks Yard or Albion Yard. The Council's Tree Officer has been consulted on the application and has not raised an objection subject to condition **32** requiring tree protection measures).

Ecology

- The proposed ecology rating is well below the council's guidelines and targets. (**officer comment:** The Council's Ecology and Sustainability Officers have been consulted on the application and have not raised any objections following responses to their queries. Given the existing site constraints and heritage considerations, the proposals are considered to be acceptable in this regard. See paragraphs 10.319-10.330).

Structural Impact:

- Lack of information regarding the feasibility of the existing structure and foundations to accommodate the additional loading of another two floors without compromising the structural integrity of the building and its immediate neighbours, including 2A Albion Walk. (**officer comment:** The structural impact of the proposals would not usually be a significant material planning consideration, in any event, the proposals would be subject the requirements of other legislation including the Building Regulations).

Application submission:

- Comments on the accuracy of the application description (**officer comment:** The description of development is a summary of the proposals. Officers consider that the description is sufficiently accurate and the application submission includes a large number of supporting and technical documents in accordance with the

Council's validation requirements, which clearly and accurately depict the extent of the proposals to enable an accurate assessment of the proposals.)

- Comments on the submitted documents disputing the claims of a lack of impact on non-designated heritage assets as locally listed buildings and lack of impact on heritage assets. The application documents describe Albion Buildings having been redeveloped for residential and commercial use however multiple residents note that none of the properties in Albion Buildings are used for commercial use as they are all residential. (**officer comment:** Officers have undertaken their own assessment of the impacts on locally listed buildings around the site. Officers have noted that the properties in Albion Buildings are all residential. Officers have noted that the Ironworks Building is included in the local listing of Cottam House and given consideration to this in their assessment. See Image 20. During the course of the application, a revised Heritage Statement has been submitted which considers the impact on these heritage assets).
- The roof of King's Cross station, would be met if not surpassed by the new floors. This is mis-represented in the applicants Proposed Drawings where it seems the new building would be surrounded by much taller buildings. (**officer comment:** The application submission includes a large number of documents which detail how the height of the proposals sits in relation to Kings Cross Station including Proposed Site Section DD drawing. The impact of the proposals on the setting of the Grade I Listed Kings Cross Station is considered in detail in this report including in paragraphs 10.165-10.179 and 10.189-10.191 and images 32 to 34).
- Reference is made to the submission referring to the provision of 240 car parking places where currently there are none. (**officer comment:** The application is a car free development 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).
- Residents comment on the different perspective of the images in the Design and Access Statement in comparison with the elevation drawings and claim a lack of accuracy in the submission. (**officer comment:** Elevation drawings are shown in two dimensions with an entirely flat perspective, to indicate the exact scale, heights and appearance of a proposal. Therefore they are drawn without human perspective as they do not take account of any recesses. Whereas 3 dimensional images are drawn to show a human perspective of the proposals and take account of the angle of view and therefore any recessed elements will be less visible or not visible at all. Therefore, whilst noting there is an element of subjectivity in the images in the Design and Access statement, the two types of images in the submission are both considered sufficiently accurate as to represent the proposals).

Resident engagement/consultation:

- Residents have stated that applicant's communication has been poor, limited and inadequate, contrary to para 39 of the NPPF (2021) which references early engagement. Residents state that they were informed of the proposed development on June 1st 2021 and weren't involved in any surveys. Various comments are made regarding the applicant's communication, citing a lack of resident engagement and

claims of a lack of genuine interest in the residents of the Regents Quarter. Residents assert that the engagement contravenes Islington's revised statement of community Involvement (2017). (**officer comment:** A Statement of Community Involvement has been submitted with the application setting out the pre-application public consultation that has taken place. The applicant has provided a further statement of their resident engagement which is set out at paragraphs 10.450-10.453. The scheme has been revised in response to objections received from residents. The applicant's engagement with residents and stakeholders is considered to accord with the aims of the NPPF and Islington's Statement of community Involvement).

External Consultees

8.10 **Transport for London:** No objection to the submission. The new locations for the short-stay cycle parking are acceptable, and TfL deem that they will have no impact on the public realm. They also comply with London Cycle Design Standards (LCDS). The new proposed arrangements for the disabled parking on the eastern side of York Way are acceptable, and comply with the London Plan Policy T6 (parking), as well as having minimal impact to the network or footway. The loading bays on York Way will have no further impact to the Transport for London Road Network (TLRN) and therefore, TfL have no objections to their location.

It is recommended that informatives are attached regarding the following:

- To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic.
- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- Any hoarding for the proposed development would be subject to a separate Section 172 licence application under the Highways Act 1980 to the Asset Operations team at TfL.
- During the course of the application, Transport for London have requested a financial contribution towards pedestrian safety improvements at the junction of York Way and Pentonville Road. However, following further discussions between Council and TfL officers, the financial contribution has not been adequately justified in this instance and officers do not consider it appropriate to seek it as a planning obligation. However the applicant has agreed to a financial contribution towards public realm works in the immediately abutting streets to the development site.

8.11 **London Underground Infrastructure Protection:** Response received. No comments to make on the proposals.

8.12 **Fire Brigade:** No comment received.

8.13 **MET Police:** No objection to the application. Had meetings with the architect at pre-application stage. Recommended that the site be secured overnight by securing the boundary on York Way. Recommends various measures including the use of security

rated gates and doors, use of anti-graffiti treatment, installation of CCTV for the exterior/entrance and communal areas. Recommends the building achieves Commercial Secured by Design Accreditation.

- Recommends that the cycle stands in Bravington's walk are relocated due to concerns over the lack of natural surveillance.
- Recommends the use of London cycle stands rather than Sheffield Stands. This is to be secured by condition (27).
- Recommends that access into the site be gated and access controlled overnight and that encrypted key fob access gates are used at the key entry points are used after business hours, with single leaf and auto close, and data logging to records usage. The applicant has confirmed that the existing gate/shuttered area at Bravington's Walk is to be retained and that all proposed seating will be moveable at close of business and placed within the tenant space.
- Recommends various security measures for the building including doors, windows and refuse stores.
- Recommends anti-graffiti treatments for exposed gable ends and defensive planting and/or a rail.
- Recommends CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB).
- Reiterates the importance of the site being secured overnight and outside of business hours to prevent antisocial behaviour. (**officer comment:** See paragraphs 10.377-10.382. The details requested by the Met Police are to be secured by condition 27).

8.14 **Thames Water:** No objection. Requests informatives are attached to any grant of consent.

Waste Comments

Informative recommended to be attached to any permission in regard to groundwater risk management and how groundwater from the site will be discharged into a public sewer.

Surface water drainage

No objection provided that the developer follows the sequential approach to the disposal of surface water.

Water Comments

The proposed development is located within 15m of our underground water assets and as such requests that an informative is attached.

8.15 **Historic England (Listed Buildings):** Response received. No comments on the proposals.

- 8.16 **Historic England (Archaeology - GLAAS):** Response received. No objection to the proposals. No further archaeological work is recommended.
- 8.17 **Crossrail 2 Safeguarding:** Response received. No comments on the proposals.
- 8.18 **Health and Safety Executive:** Does not fall under the remit of planning gateway one.
- 8.19 **Network Rail:** Requires conditions regarding construction Methodology and ground investigation regarding the proximity to NR tunnels (Conditions **30 and 31**). Requests that a series of informatives are attached to any consent.

Internal Consultees

- 8.20 **Planning Policy Team:** No objection to the proposal from a land use perspective.
- 8.21 **Inclusive Design Officer:** No objection to the revised proposals subject to condition requiring details of the cobbles (**25**). This follows pre-application discussions and also following initial comments on the application relating to accessible cycle parking, platform lift serving cycle store, WCs, lobbies, entrance and egress. Welcomes the accessibility improves including the flattening of the cobbles.
- 8.22 **Design Officer:** No objection to the proposals. The changes to Jahn Court, while considerable in terms of height and mass, will create improved commercial spaces suitable for a variety of uses whilst simultaneously enriching and animating the yards and routes they line. While it is proposed to increase the height of the building by a further two floors, the building is well recessed from the street edge, and the top floor has been recessed still further from the floor below. These characteristics significantly lessen the visual impact of the scheme when viewed from the public realm. The architectural treatment is quiet and well-mannered. This also lessens the visual impact of the changes to the height and mass as the building will continue to read as 'background' to its historic neighbours. Combined, these design attributes will ensure that the historic buildings on and adjacent to the site will continue to retain their visual dominance and prominence which in turn will maintain the legibility of the streetscape. The proposed changes have been designed to create enhanced commercial spaces throughout with ground floor interventions designed to contribute greatly to an enriched, accessible and legible public realm.
- 8.23 **Conservation Officer:** No objection to the proposals. The impact of the proposed increase to height and mass on the character and quality of the Conservation Areas and adjacent heritage assets, including the Grade I Kings Cross Station, has been more appropriately considered since the initial pre-application proposals and changes have been made to the scheme including a reduction to height and mass to both buildings from the pre-application scheme. The changes are considered to cause less than substantial harm to the setting of heritage assets and therefore the applicants have been advised to engage paragraphs 200-202 of the NPPF (2021).
- 8.24 In response the applicants have provided a revised heritage statement which engages paragraphs 200-202 of the NPPF.
- 8.25 **Energy Officer:** No objection to the proposal subject to conditions requiring the submission of further information relating to potential improvements to energy

efficiency specifications and potential increase to solar PV capacity, which is secured by condition **23**.

8.26 **Sustainability Officer:** No objection to the proposals following the applicant's responses and amendments including the addition of a blue roof across the rooftop, plans demonstrating geo-cellular storage is unviable, and additional responses relating to:

- Capacity for a further reduction in surface water discharge and offsetting the foul water flows. The applicant responded detailing the building's structural restrictions. The officer has accepted the applicant's response.
- Scope for further urban greening and biodiversity through hedges or tree pits. The officer has accepted the applicant's response.
- The incorporation of bat and bird boxes as part of the design stage to ensure that integrated bricks/boxes are used where possible. This is secured by condition **(9)**.
- Whether rainwater and grey water recycling has been considered. The officer has accepted the applicant's response.

8.27 **Environmental Pollution Policy Projects Officer:** No objections to the proposal. Considers that the developer and gym operator for the proposed flexible use unit will need to be aware of the potential noise & vibration issues for the office users and design and mitigate appropriately. Notes that the Air Quality Assessment and dust management plan states NRMM should meet Stage IIIA. The site is on the edge of the CAZ. Inside the CAZ, NRMM should achieve at least Stage IV and outside the CAZ should achieve at least IIIB. Officers consider that this could be secured by condition **40**.

Notes that the type of units for air source heat pumps and ASHP for hot water haven't been confirmed and will all have to be on the roof and acoustically enclosed. As the dimensions of the enclosures cannot be confirmed at this stage, officers suggest a condition requiring details to consider the visual impact for the appropriate enclosures **(33)** to minimise size and find the most appropriate siting.

- Recommends a condition to limit the sound levels of the plant equipment **(11)**.
- Recommends a Noise Management Plan for use of the roof terrace, is secured by condition covering management of the space, hours of use, controls of noise, numbers etc **(13)**.

The Construction Management Plan condition should require the inclusion of measures set out by the Air Quality and Dust Assessment. The CMP should adhere to the guidance of Islington's CoPCS (condition **5**).

8.28 **Highways Officer:** No objection to the latest details in the application following receipt of additional information relating to delivery and servicing and disabled/mobility parking. Requests conditions and planning obligations relating to the provision of external cycle parking **(4)**, secure lockers and changing facilities, ensuring the development is car free, plus planning obligations including the requirement for a Framework Travel Plan and highways reinstatement. The officer has commented that

the proposed arrangements in the submitted construction traffic management plan which require the footway on the eastern side of York Way to remain open will be required to be revised during the discharge of condition post decision. This is secured as part of the CEMP condition **5**.

8.29 **Public realm (Waste Management):** No comment received.

8.30 **Inclusive Economy Team:** Supports the application based on the agreed specification and looks forward to working with the applicant team to develop the details. The Affordable Workspace is secured through the associated s106 Legal Agreement.

8.31 **Nature Conservation:** Raised initial queries on planting which can be secured by condition and comments on recommendations in the PEAs relating to installation of bird and bat boxes. This can be secured by condition **9**.

8.32 **Tree Officer:** No objection subject to the imposition of a tree protection condition (**32**).

8.33 **Building Control Officer:** Raised queries regarding the initial Fire Statement and the revised Fire Statements. In response to these queries a further revised Fire Statement has been received providing details and plans responding on all matters raised including:

- Means of escape;
- Smoke ventilation to the basement;
- Access for fire appliances and position of existing dry risers.

8.34 The details in the latest submitted Fire Statement are secured by condition **35**.

Interested Parties

8.35 **Islington Swifts** – Welcomes the recommendations in the ecological report and would like to see these measures secured by condition (**32**), to ensure that they are properly implemented. Ideally measures will be integrated, e.g. nesting bricks, for reasons of longevity and zero maintenance.

8.36 **Islington Society** – Objects to the height of the proposed roof extension to Jahn Court, affecting the view from York Way and impacts on locally listed buildings, and to the infill on the rear of the block which it considers will change the patterns of the streets and yards to an unacceptable extent. The response considers that the proposals do not respect the hierarchy of scales of development northwards from Pentonville Road, as required by the Kings Cross and Pentonville Road CADG. The response references the planning consent for the redevelopment of Regents Quarter from 2002. (**officer response:** This response has been provided previously under the response to resident objections and in particular between paragraphs 10.141-10.91 and images 26 to 34)

8.37 **Greater London Industrial Archaeology Society** – Objects due to the visibility of the roof extension, to the insertion of a new doorway to the north facing flank wall and the adjoining enlarged window of 34 York Way as it will be out of scale with the historic fenestration of the adjoining street façade, and to the flattening of the cobbles. Requests the safeguarding of the cast-iron panels from water tanks. (**Officer**

response: Officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas, in paragraphs 10.165 -10.179 and images 32 to 34. Officers consider the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.180 to 10.184. The details of the proposed cobbles will be secured by condition **25**).

9 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & 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.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 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.

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

9.4 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.

9.5 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.

9.6 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.

9.7 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

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

Emerging Policies

Draft Islington Local Plan

9.9 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021.

9.10 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).

9.11 Emerging policies that are relevant to this application are set out in **Appendix 2**:

Designations

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

- Grade II Listed Building – 34B York Way
- King's Cross Conservation Area (CA21)
- Central Activities Zone
- Core Strategy Key Area – Kings Cross & Pentonville Road
- King's Cross Employment Growth Area
- Mayors Protected Vistas LLAA2 - Parliament Hill summit to St Paul's Cathedral
- Mayors Protected Vistas RLAA5 - Kenwood viewing gazebo to St Paul's Cathedral
- Site within 100m of a SRN Road
- Within 50m of Keystone Crescent Conservation Area (CA14)
- Article 4 Direction A1-A2 (Rest of borough)
- Article 4 Direction B1(c) to C3 (CAZ)
- Article 4 Direction - office to residential
- Within proximity to Grade II Listed Buildings at 5-35 Balfe Street
- Adjacent to Locally Listed Buildings at 32 York Way, Cottam House and the Ironworks, Albion Yard and Albion Buildings

9.13 The relevant SPGs and/or SPDs are listed in **Appendix 2**.

10. ASSESSMENT

10.1 The main issues for consideration are:

- Principle of Development
- Land Use
- Affordable workspace
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Biodiversity, Landscaping and Trees
- Energy and Sustainability
- Highways and Transportation
- Safety and Security
- Fire Safety

- Resident Engagement/Consultation
- Planning Obligations and CIL
- Planning Balance Assessment

Principle of Development

- 10.2 The existing office building was consented as part of a redevelopment approved in 2002 (ref: P000434). The existing building positively contributes to the local economy in terms of its supply of office floorspace and economic functions.
- 10.3 The new London Plan (LP) Policy GG2 states that development proposals should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.4 The proposal would primarily extend (increase the floorspace) and improve the quality and efficiency of the existing floorspace within the building as well its flexibility of use and is acceptable in principle. The proposed commercial development is considered to be supported by national, regional and local planning policies, due to the site's central and highly accessible location.
- 10.5 The principle of the development is therefore acceptable and accords with the National Planning Policy Framework's presumption in favour of sustainable development, subject to the remaining assessment including material planning considerations set out below.

Land use

- 10.6 Jahn Court has an existing Class E(g)(i) office use.

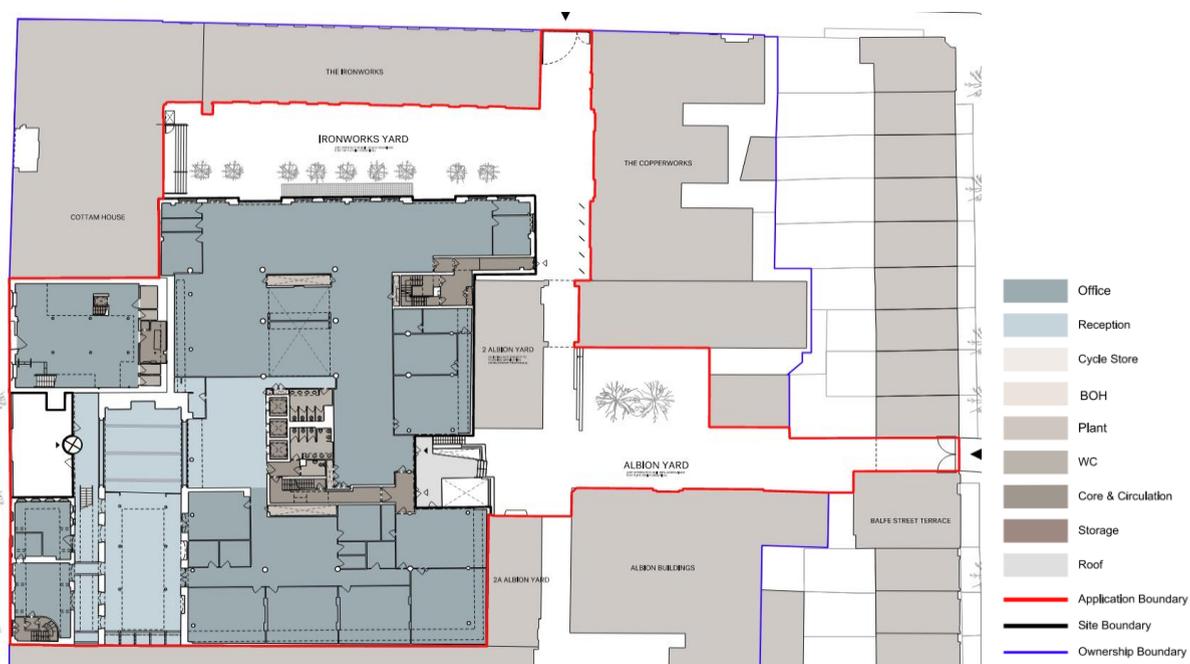


Image 18 – Existing Ground Floor Layout and Office uses – 34 York Way, Jahn Court and 34b York Way

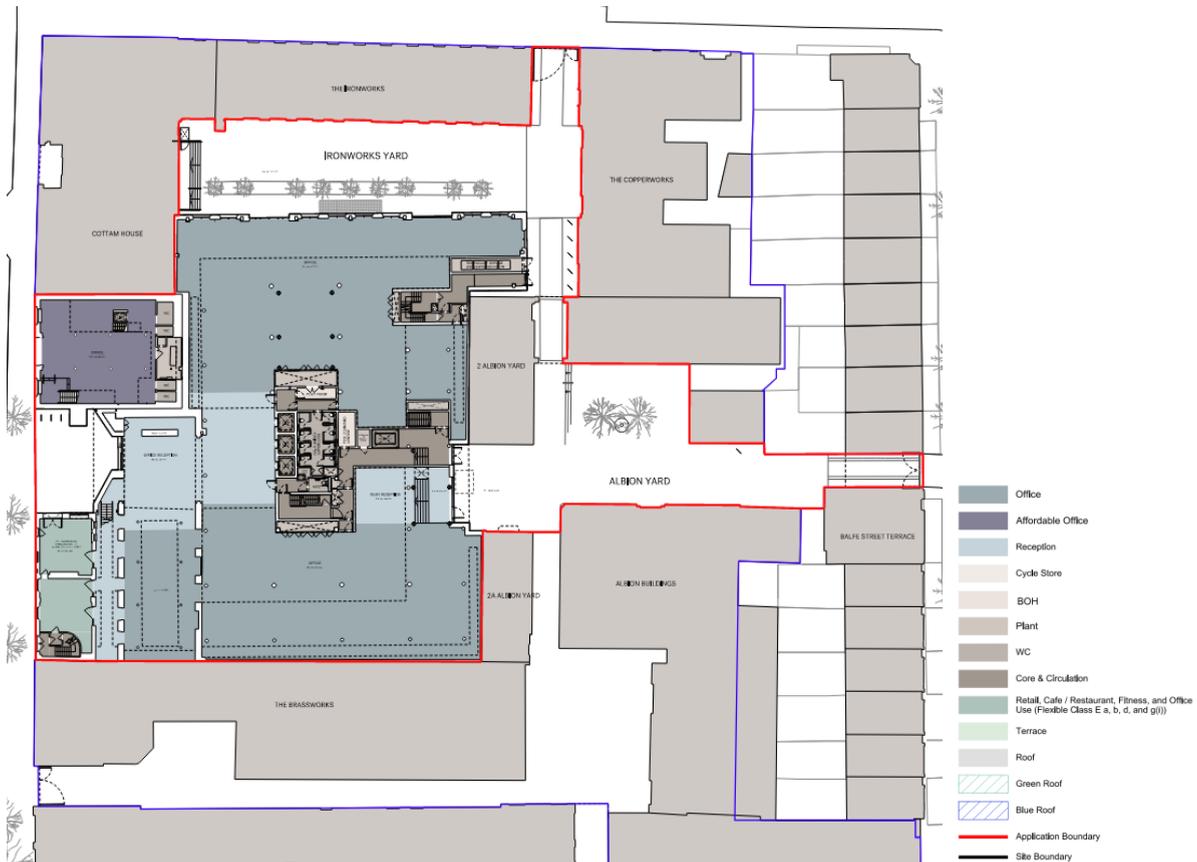


Image 19 – Proposed Ground Floor Layout and Uses – 34 York Way, Jahn Court and 34b York Way

- 10.7 The proposals primarily result in the provision of additional Class E(g)(i) office floorspace within the Kings Cross Employment Growth Area and the Central Activities Zone (CAZ), both of which promote additional office floorspace. Overall, the scheme will provide 2,404.7sqm (GIA) of additional office floorspace.
- 10.8 The inclusion of a flexible Class E office, retail, café/restaurant or fitness unit on the ground floor of the proposal seeks to provide active ancillary uses to the predominant office use, whilst also ensuring quiet frontages to the Ironworks Yard to respect the residential character of this part of Regent Quarter. Overall, the scheme will provide 89.3sqm (GIA) of flexible Class E Retail(a), Cafe/Restaurant(b), Fitness(d) and Office(g)(i) use floorspace.
- 10.9 New London Plan 2021 policy E1 ‘Offices’ 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 in areas such as the CAZ. The site is located within the Central Activities Zone (CAZ) / City Fringe area. As such, the more intensive, office-led redevelopment of the site proposed is considered acceptable. The proposal would also broadly satisfy the strategic objectives identified in the New London Plan 2021 Central Activities Zone policies SD4 which have a presumption in favour of enhancement of office space development.

Existing Use

10.10 The existing building comprises entirely of office use with the following floorspace:

Floor	Existing GIA (sqm)	Existing NIA (sqm)	Proposed Use Classes
Basement	1,010.7	50.0	E (g)(i) - Office
Ground	1,863.6	1,636.0	E (g)(i) - office
First	1,508.2	1,344.2	E (g)(i) - Office
Second	1,373.9	1,220.3	E (g)(i) - Office
Third	1,282.9	1,140.4	E (g)(i) - Office
Fourth	842.2	715.7	E (g)(i) - Office
Total	7,881.5	6,106.6	

Intensification of commercial use

10.11 The proposal under this application would redevelop the site to provide a building that comprises 10,286.2sqm (GIA) of commercial floorspace. It is estimated that the proposed development would generate approx. 156 additional full time jobs on site, a significant uplift from the existing building (approx. 470 jobs).

	Commercial floorspace in sqm (GIA)	Estimated no. jobs (FTE)
Existing	7,882	470
Proposed	10,286	626
Change	+2,404	156

10.12 The principle of the provision of new employment floorspace at this location is supported by the Development Plan, due to the site's commercial context and its central location. LP policy SD4 notes that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.

10.13 LP Policy SD5 states that within the CAZ, offices and other CAZ strategic functions are to be given greater weight relative to residential development, except sites that are situated within wholly residential streets or predominantly residential neighbourhoods. This is further supported by LP Policy E1 which supports the increases in current stocks of office floorspace within the CAZ, and improvement to the quality, flexibility and adaptability of office floorspace (of different sizes), through new office provision and refurbishments.

10.14 Islington's Core Strategy (ICS) Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ. This is supported by Policy CS6 which sets out the spatial strategy of Kings Cross, which is expected to accommodate growth in jobs from B-use floorspace, with York Way and Pentonville Road identified as 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.

10.15 Within Employment Growth Areas, Islington Development Management Policy DM5.1, part A, encourages intensification, renewal and modernisation of existing business

floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:

- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and
- ii) a mix of complementary uses, including active frontages where appropriate.

- 10.16 Part E of the policy, requires that major developments within the Central Activities Zone (CAZ) that would result in a net increase in office floorspace should also incorporate housing consistent with London Plan Policy 4.3. This policy was based on clear direction on this issue in the 2011 London Plan, which was subsequently carried over into the 2016 London Plan. This policy has now been replaced in the London Plan 2021 by Policy SD5.
- 10.17 The London Plan 2021 (policy SD5) no longer requires a mix of uses; clarifies that new residential development should not compromise the strategic functions of the CAZ; and that offices and other strategic functions should be given greater weight relative to residential development (with the exception of wholly or predominantly residential areas and other specified locations). The London Plan clarifies that the principle of 'greater weight' is designed to ensure that the agglomerations of offices and other CAZ strategic functions are not compromised by new residential development and that this applies to London Plan preparation and development management^{1[1]}. The priority for office development in the CAZ in Islington is supported by the emerging Local Plan. Officers consider that due to the constraints 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 of £320,627.00 has been agreed with the applicant and is recommended to be secured as part of a legal agreement.
- 10.18 The site is located within the area designated as Priority Employment Location (PEL) in policy SP2 *King's Cross and Pentonville Road*, in the draft SDMP (Strategic Development Management Policies). Part A of SP2 sets out that within these locations 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. Part B seeks maximisation of office floorspace in the King's Cross Spatial Strategy area could support the expansion of the 'Knowledge Quarter' in Islington, and advance the development of a commercial corridor along Pentonville Road/City Road. Part C identifies that a broad range of business floorspace typologies are suitable within the Spatial Strategy area, including Grade A offices, hybrid space, and co-working space.
- 10.19 The proposed uplift and alterations to the existing office floorspace, resulting in a primarily office redevelopment of the existing office floorspace is considered to accord with the requirements of this emerging policy and designation. The proposed internal layouts with a centrally located core enable the provision of high quality floorspace allowing the building to be occupied flexibly, either by a sole occupier or by multiple

^{1[1]} Paragraph 2.5.3

occupiers on a floor by floor basis. Given the position of the centrally located stair core and WCs it may be possible to further subdivide the floor plates subject to building regulations approval.

10.20 Emerging Local Plan policy B1 'Delivering a range of affordable business floor space' states that new office floor space should be located within the CAZ and *that "proposals in these areas must maximise the amount of new business floor space; proposals which do not demonstrate maximisation will be considered to be an inefficient use of a site and will be refused."*

10.21 Therefore, it is considered that the proposed intensification of commercial use is acceptable in land use terms, having regard to the Development Plan and the emerging Local Plan and the cascade of policies from the London Plan, Islington Core Strategy, and Development Management Policies, as such would make an efficient use of this brownfield site as well as providing an increase in jobs. 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.

Mix and balance of commercial uses

10.22 LP Policy SD5 states that mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices.

10.23 The proposed development comprises of some flexible commercial uses on the ground floor in addition to primarily retaining the existing office floorspace. The proposed uses across each floor are as follows:

Floor	Proposed GIA (sqm)	Proposed NIA (sqm)	Proposed Use Classes
Basement	1,071.1	94.7	E (g)(i) - Office
Ground	1,782.8	1,485.7	E (g)(i) - Office
Ground	89.3	71.6	Flexible Class E: (a) Retail, (b) Café/Restaurant, (d) Fitness, and (g)(i) Office
First	1,621.9	1,448.2	E (g)(i) - Office
Second	1,477.5	1,313.4	E (g)(i) - Office
Third	1,386.6	1,232.7	E (g)(i) - Office
Fourth	1,316.5	1,166.3	E (g)(i) - Office
Fifth	1,052.9	887.2	E (g)(i) - Office
Sixth	487.6	443.1	E (g)(i) - Office
Total	10,286.2	8,142.9	

10.24 Based on the table above, the proposal comprises 99.1% (NIA) of office floorspace (8,071.9sqm out of 8,142.9sqm NIA) and 0.9% (NIA) of the building (ground floor) would be flexible commercial floorspace (including office).

10.25 It is acknowledged that the current building is likely to be able to (subject to compliance with certain criteria and correct procedures) be changed into another use under Class E without planning permission. Given the concentration of jobs in the

CAZ, even a small proportional decrease in office floorspace would have a significant impact on the borough's economy. Business clusters can be undermined by gradual losses of business floorspace, including to other Class E uses, which will have wider negative impacts on the agglomeration benefits that can be created in these areas with the concentration of business floorspace.

10.26 In light of the introduction of Class E within the Use Class Order back in September 2020, the council is minded to restrict the permitted use for this site, should planning permission be granted; the intention is to prevent any unacceptable loss of office floorspace hereby approved in the future. 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 could result in significant loss of office and employment floorspace, and would clearly conflict with the strategic objectives of the Development Plan highlighted above.

10.27 Each of the proposed flexible uses are assessed individually, below:

Class E (a) – Retail

10.28 The proposed flexible use comprises of retail use under Class E(a) at the ground floor level. The ground floor unit would provide maximum of 71.6sqm NIA of retail floorspace on site.

10.29 The provision of retail uses are supported in the Development Plan, provided that it does not unreasonably hinder or compromise the office-led development on site. LP CAZ policy SD4 states that the vitality, viability, adaption and diversification of the international shopping and leisure destinations of the CAZ retail clusters, including locally oriented retail and related uses should be supported.

10.30 ICS Policy CS14 set out that the borough 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.

10.31 Policy DM4.4 (Promoting Islington's Town Centres) seek to maintain and enhance the retail and service function of the borough's town centres.

10.32 Part A (ii) of policy DM5.1 requires proposals for the redevelopment of existing business floorspace, within the Employment Growth Areas, to incorporate a mix of complementary uses, including active frontages where appropriate.

10.33 Policy R3 'Islington's town centres' of the emerging SDMP policies also allows development of retail and leisure in the CAZ if it does not harm the vitality and viability of town centres, does not harm local amenity, and does not involve loss of existing business floor space or the business focus of the CAZ.

10.34 Having reviewed the position and layout of the proposed ground floor unit, it is considered that the proposed retail use within the proposed flexible uses, would be acceptable and wouldn't raise a conflict with the adopted policies outlined above. The ground floor front unit is relatively small (71.6sqm NIA) and is considered to meet the council's objectives set out in IDMP policies DM4.1, DM4.4, DM5.1 and the draft

Strategic Development Management Policies (SDMP) policy R1 in promoting and maintaining small and independent shops, which are generally considered to be units of around 80sqm GIA or less.

- 10.35 Although the site does not have any retail designations within the Development Plan, it is located in close proximity to the Kings Cross Local Shopping Area on Caledonian Road, and it is considered that the proposed retail use on the ground floor would accord with the aforementioned policies.
- 10.36 It is accepted that the proposed development would represent an improvement to the existing building in terms of appearance, as well as the provision of active frontages at street level, which would positively contribute to the attractiveness and vibrancy of the area.
- 10.37 The amenity impact of the proposed retail use is discussed in the Neighbouring amenity section below. In short, it is considered that, the proposed retail use is considered to have an acceptable impact to the commercial nature of the building and would positively contribute to the surrounding area as well as the CAZ.

Class E (b) – Café/Restaurant

- 10.38 The proposed café/restaurant use is considered to fall under “retail and services” in policy terms, as it was formerly under Class A3 and is controlled by the relevant retail policies.
- 10.39 Policy DM4.3 (Location and Concentration of Uses) states that proposals for cafés, restaurants and other similar uses will be resisted where they: i) Would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or ii) Would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 10.40 The provision of restaurant use is, similar to retail, broadly supported by the Development Plan policies due to the commercial nature of the site and the area; and as mentioned above, the close proximity to the LSA would mean that the proposed restaurant use would complement with the other retail/eateries uses within the area and would be compatible in land use terms.
- 10.41 On the other hand, restaurants are also considered to be an entertainment and night-time use which can contribute positively to the vitality and vibrancy of the CAZ, where such use would be supported where no significant adverse impacts would arise. The unit is relatively small in scale at 71.9sqm (NIA) and given the location, the restaurant use would not result in an unacceptable concentration of such uses. The unit is not located immediately adjacent to, or adjoining residential uses.
- 10.42 The amenity considerations of the proposed restaurant use is further discussed in the Amenity section below. In short, the proposed restaurant use is considered acceptable in terms of amenity impact, subject to restriction on hours of use to prevent unacceptable late-night uses (**condition 20**).
- 10.43 Officers also recommended a condition to request further technical details in regard to the sound insulation and odour control measures for plant extraction, to be

submitted and agreed by prior to any commencement of restaurant uses on site (**condition 10**). As the proposal is sought for flexible uses where the future tenants are currently unknown, this is considered to be a reasonable approach.

- 10.44 Therefore, it is considered that the proposed restaurant use on the ground floor level would be acceptable in land use terms and would positively contribute to the night time economy activities in the CAZ as a dynamic and attractive place.

Class E (d) - indoor sport, recreation or fitness

- 10.45 This use class allows the ground floor unit of the building to be used for “*indoor sport, recreation or fitness*” principally to visiting members of the public, provided that they do not involve motorised vehicles or firearms.
- 10.46 The Development Plan makes specific reference to leisure uses which this new subclass falls within. Formerly recognised as a D2 use, the adopted Local Plan states that leisure uses within the Central Activities Zone may be appropriate where these would not detrimentally affect the vitality and viability of Town Centres and/or local amenity (para 4.27 of the IDMP).
- 10.47 It is considered that the proposed E(d) uses are acceptable in land use terms, subject to the acceptability of the amenity impact which this particular use may generate.
- 10.48 Gyms and fitness centres often rely on provision of additional air conditioning, and use of amplifiers for music in support of their operations. Moreover, additional noise mitigation measures are likely to be required for these uses due to their frequent use of exercising equipment such as heavy weights, in which further provisions of noise insulation are required to make the use acceptable and to protect the neighbouring living conditions.
- 10.49 The hours of operation of these leisure uses are also required to be controlled to minimise the noise and disturbance to the surrounding neighbours during night time and early morning, in this case hours are restricted to 7am - 10pm Monday to Thursday 7am - 11pm Friday to Sunday.(Condition **20**).
- 10.50 Overall, it is judged that the proposed leisure use is acceptable in land use terms, and a condition is imposed to ensure that the operation would not adversely affect the living conditions of the neighbours.

Land Use Summary

- 10.51 Taking into account the fall-back position of the existing site under Class E whilst the flexible commercial uses do not generate the same level of employment as office floorspace, they are still important for the functioning of the CAZ, and would positively contribute to economic growth, and would support uses for the primary office function of the site and the surrounding area.
- 10.52 In this instance, subject to the appropriate conditions to restrict the uses of the building to the proposed use(s) to prevent any unacceptable change of use without planning permission in the future (**Conditions 15, 16 and 17**), it is considered that the proposal would have an acceptable balance of uses and would positively

contribute to the local economy in terms of its supply of office floorspace and economic functions.

- 10.53 The proposed office development would provide a significant uplift of employment floor space to the area, for which there is high demand and a significant shortfall, and would positively contribute to the stock of office floorspace within the borough, which is supported by the national, regional and local policies.
- 10.54 The development would also, in accordance with policy guidance set out in policy CS13 and the Planning Obligation SPD, provide an appropriate amount of on-site opportunity or off-site financial contribution to support local employment, skills development and training opportunities, by providing construction training opportunities on site during the development phase (2 placement or £10,000 of financial contribution), and jobs and training opportunities including apprenticeships from developments (financial contribution - £26,237).
- 10.55 Overall, it is the view of officers that the proposed development would be acceptable in land use terms, subject to compliance with other Development Plan policies.

Affordable Workspace

- 10.56 The London Plan (2021) policy E3 states that in defined circumstances, 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 such as:
- 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises
 - 2) for specific sectors that have cultural value such as creative and artists' workspace, rehearsal and performance space and makerspace
 - 3) for disadvantaged groups starting up in any sector
 - 4) supporting educational outcomes through connections to schools, colleges or higher education
 - 5) supporting start-up and early stage business or regeneration.
- 10.57 Part B of Policy E3 states that considerations should be given to the need for affordable workspace based on:
- 1) where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site
 - 2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)
 - 3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.
- 10.58 Under the current Local Plan, Policy DM5.4 of the Council's Development Management Policies (2013) states that major development proposals for employment

floorspace within Employment Growth Areas and Town Centres must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. The supporting text for Policy DM5.4 establishes that a minimum of 5% of employment floorspace should be provided as affordable. Part D of the policy states that where affordable workspace is to be provided, evidence should be submitted to demonstrate agreement to lease the workspace at a peppercorn rate for at least 10 years to a council-approved Workspace Provider.

- 10.59 The emerging Local Plan (SDMP) policy B4 (Modifications for consultation - March 2021) states that within the CAZ and Priority Employment Locations, major development proposals involving office development must incorporate at least 10% affordable workspace (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years. The policy is currently at draft stage and can be afforded limited weight.
- 10.60 The supporting texts for Policy B4 (para 4.47) further outlines that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to all redeveloped, refurbished and/or extended space, regardless of the fact that there is existing floorspace. For proposals solely involving extension of floorspace with no change to existing floorspace, the requirement can be considered to apply to the new floorspace only. It is noted that the proposed development would amount to a full redevelopment of the site building with substantial building works.
- 10.61 Officers noted that the emerging policy B4 can only be afforded limited weight, reflecting the stage the local plan is at and the number of objections received.
- 10.62 It is proposed to provide the entirety of the existing commercial unit at 34b York Way, which amounts to the provision of 388sqm of dedicated affordable workspace. The Council would subsequently lease the space to a Council-approved operator. This would be secured by S106 Agreement for the current application, also on the S106 Agreement for application P2021/2269/FUL at Times House and Laundry Buildings, within Block B located to the south of the site.
- 10.63 The proposal works in the current application amount to an uplift of 2,315.7sqm of guaranteed office floorspace (excluding the flexible active use unit). The linked application at Times House and Laundry Buildings brings forward an uplift of 1,427.2 sqm of guaranteed office floorspace (excluding the flexible active use unit). The two linked applications bring forward an uplift of 3,742.9sqm of guaranteed office floorspace in addition to other commercial uses.
- 10.64 Therefore, taking the current and emerging local plan into account, it is considered that an on-site affordable workspace unit based on 10.4% of the uplift of guaranteed office floorspace (across the two applications) at peppercorn rent for ten years would be acceptable. The Council's Inclusive Economy Team has confirmed its support for the proposals.
- 10.65 It should be noted, that the affordable workspace represents 16% of the uplift in floorspace of this application on its own. In this regard this application as a standalone represents an exceptional AWS offer (in particular if the associated application for Times House and Laundry Buildings were refused). However, if this application was

not supported by Committee and was refused, then the associated application would not have any provision of AWS.

- 10.66 Post decision, the procurement exercise to secure the occupier of the affordable workspace will be based on the social value assessment and associated criteria undertaken by the Council's Inclusive Economy Team. The workspace will be secured as per the agreed Heads of Terms. Whilst the existing occupier is able to apply, they will be considered as part of the procurement process against the same criteria as any other applicant. The occupier is not a material consideration that informs the decision.
- 10.67 It is considered that the provision of on-site affordable workspace is a public benefit which weighs in favour of the proposal.
- 10.68 Overall, the proposal would also make a positive contribution of affordable workspace via the on-site provision, which would meet the council's objectives on inclusive economy. The proposed affordable workspace would be in accordance with the relevant policies set out in the adopted and emerging policies and is considered to be a public benefit of the scheme.

Design, Conservation and Heritage

Policy context

- 10.69 Paragraph 126 of the NPPF (July 2021) highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.70 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.
- 10.71 Paragraph 133 goes on further to state that in assessing applications, 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.
- 10.72 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 10.73 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.74 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.75 Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.76 In terms of conservation area and heritage assets, the Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (section 72); it also requires the decision maker to have special regard to preserve or enhance the significance of heritage assets through the planning process (section 66).
- 10.77 PPG paragraph 013 Reference ID: 18a-013-20190723 states:
[...When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...]

London Plan

- 10.78 LP Policy D3 states that development must make the best use of land by following a design-led approach that optimises the capacity of sites, to ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.79 In terms of design and heritage considerations, LP Policy D3 part D states that development proposals should:
- enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
 - 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;

- 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.

- 10.80 Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, 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.
- 10.81 Policy D9 states that based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 10.82 Paragraph 3.9.3 states that tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. Boroughs should define what is a 'tall building' for specific localities, however this definition should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 10.83 Policy HC1 (C) 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.

Local Plan

- 10.84 The national and regional policies are supported locally by ICS Policy CS6 (Kings Cross) which states that much of the area has significant character value, contains a number of heritage assets and the area's historic character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.
- 10.85 ICS Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.
- 10.86 Part E of the policy states that tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported.
- 10.87 IDMP 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.

- 10.88 Paragraph 2.18 of the IDMP states that tall buildings, as referred to in Part C of Policy DM2.1, are defined as over 30m in height.
- 10.89 IDMP Policy DM2.3 (Heritage) requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The council requires new developments within Islington's conservation area settings to be of high quality contextual design, and the policy states that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part C of the policy states that the significance of Islington's listed buildings is required to be conserved or enhanced; new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted. Part E of the policy states that Non-designated heritage assets, including locally listed buildings and shopfronts, should be identified early in the design process for any development proposal which may impact on their significance and that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 10.90 IDMP Policy DM2.5 states that St. Pancras Station and Hotel (Chambers), in Camden, is also an important local landmark and views of it from Islington will be protected.
- 10.91 Moreover, Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and facilities, and shopfront design. Paragraph 5.20 includes a requirement for the layout of all new development to deliver permeability, consistent building lines, animation and an appropriate height to width relationship between the building frontage and the street. Paragraph 5.69 includes a requirement for an appropriate height to width ratio to complement and relate to the prevailing townscape.
- 10.92 The Kings Cross Conservation Area Design Guidelines (CADG) (2002), paragraph 21.2 identifies that the most important qualities of this conservation area deserving of protection and enhancement include: the contemporary impact of the railways; the variety and scale of buildings; the variety of uses, especially at ground level; the National Set Piece including the junctions with York Way and Caledonian Road, the Lighthouse block and the curve of Grays Inn Road as it meets Euston Road. Paragraph 21.7 identifies that the existing scales of the area must be particularly respected with reference to the hierarchy of scales northwards from Pentonville Road; the national set piece; and the subordination of surrounding development to King's Cross Station.
- 10.93 Paragraph 21.9 of the CADG sets out that proposals involving alterations or extensions must respect the original design and period of the building including scale, roof and parapet line, proportions, architectural style and materials.
- 10.94 Paragraph 21.14 identifies that an important characteristic of the area at present is the survival of the largely Victorian scale and character of the area, including parapet lines, original rooflines and chimney stacks. Interruptions to this skyline by higher set back plant rooms are likely to detract from this character.

- 10.95 Emerging SDMP Policy PLAN1 (A) requires all forms of development 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. Part B of the policy requires development to be contextual, connected, inclusive, sustainable.
- 10.96 Policy SP2 King's Cross and Pentonville Road, part G states the Council will seek to improve connectivity and permeability for pedestrians and cyclists, within and across the Kings Cross area and nearby neighbourhoods, particularly east-west access. Removing barriers to movement and integrating the urban fabric are key priorities for the whole area, but particularly between the area east of York Way and King's Cross Central.
- 10.97 Part J of the policy states King's Cross has a distinct character, and the area contains a number of heritage assets, including the Regent's Canal and a number of listed buildings. The area's character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.
- 10.98 Part K of the policy states four sites in the Spatial Strategy area have been identified as potentially suitable for tall buildings over 30 metres.
- 10.99 Paragraph 2.21 of the emerging Local Plan (SDMP), as the supporting text to policy SP2 states the Spatial Strategy diagram (Figure 2.3) identifies the following four sites where tall buildings (30 metres and above) may be appropriate in the King's Cross Spatial Strategy area. The application site is not located within one of the identified sites for a tall building. The maximum height of Jahn Court following the proposed roof extensions and including the roof plant would be 28.4m. Therefore the proposals do not result in a tall building as defined by both the adopted and emerging local plan policies. Notwithstanding the above assessment, the majority of buildings are between 3-5 stories in height and in many circumstances, the extension proposals will not extend twice the height of a number of prominent buildings within close proximity (i.e. Kings Cross Station, Ironworks Building, Copperworks Building, Premier Inn and Glasshouse/Trematon Building). Whilst it is noted that the development will sit twice as high as some buildings within the surrounding context, the existing building on site already extends considerably taller than these buildings and it would be inappropriate to only take account of these buildings in isolation to the larger and more prominent buildings noted above as part of the contextual reference.
- 10.100 Policy DH1 (A) states that Islington supports innovative approaches to development as a means to increasing development capacity to meet identified needs, while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. In this context, an innovative approach is one that contributes to the delivery of the Local Plan objectives, including making the borough an inclusive and resilient place by ensuring the design of buildings meets contemporary standards, the needs of all users and mitigates against the impacts of climate change. Part D of the policy states that the Council will conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including listed buildings, conservation areas, scheduled monuments, Archaeological Priority Areas, historic green spaces, locally listed buildings and locally significant shopfronts.

- 10.101 Policy DH2 of the of the SDMP part B, states that development within conservation areas and their settings – including alterations to existing buildings and new development - must conserve and enhance the significance of the area, and must be of a high quality contextual design. Part C states that Buildings, spaces, street patterns, views and vistas, uses and trees which contribute to the significance of a conservation area must be retained. The significance of a conservation area can be harmed over time by the cumulative impact arising from the loss of these elements which may individually make a limited positive contribution, but cumulatively have a greater positive contribution. Part D states that proposals that harm the significance of a listed building (through inappropriate repair, alteration, extension, demolition and/or development within its setting) must provide clear and convincing justification for the harm.
- 10.102 Part I of the policy states that non-designated heritage assets, including locally listed buildings and shopfronts, must be identified early in the design process for any development proposal which may impact on their significance. The Council will encourage the retention, repair and re-use of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset or their setting will generally not be permitted.

Context

- 10.103 The application site is located in a dense and fine grain urban quarter located to the east side of York Way, directly opposite the long eastern flank of the Grade I Listed Kings Cross Railway Station. It has a primary frontage onto York Way to the west with secondary frontages to Railway Street to the north, Balfe Street to the east and Caledonia Street to the south, with the block's south eastern corner facing Caledonian Road.
- 10.104 While the block presents a relatively strong and coherent built form to all street edges, albeit of a mixed architectural style and quality, the spatial form to the interior is less structured. It lacks coherence and legibility. These 'interior' spaces do however have some highly positive characteristics evidenced by a series of largely 'hidden' interconnecting courtyards and lanes which present significant place making opportunities.
- 10.105 The site is sensitively located. It is positioned within two strategic view corridors - Kenwood to St Paul's Cathedral, and Parliament Hill Summit to St Paul's although the threshold is very high in this location and the proposals sit well below it. The impact of the proposed development on these two corridors has been assessed under the application and is found to be nil.
- 10.106 The block within which this application is set, sits largely within the Kings Cross Conservation Area. However a segment of its eastern edge, 5 – 35 Balfe Street, is positioned within the Keystone Crescent Conservation Area. 5 – 35 Balfe Street are Grade II listed buildings, as is 34b York Way, located within the site boundary. There are also a number of locally listed building adjacent to the north of the site at Cottam House and The Ironworks at 36-40 York Way, and adjacent to the east of the site at Albion Yard and Albion Buildings.

The Ironworks – part of Locally Listed Building with Cottam House at 36-40 York Way



Image 20 – Plan of adjacent Heritage Assets within the borough (extract from Heritage Statement prepared by Turley Heritage & Townscape) (Officers note that the description of the Local Listing at 36-40 York Way indicates that the Ironworks forms part of the Local Listing with Cottam House)

10.107 The broader context is characterised by the urban transformation and intensification of the wider Kings Cross environs which is undergoing high quality, high density change.

Proposal

10.108 The application has been submitted following an extensive and collaborative pre-application process with the Council. During pre-application discussions, the scheme has been revised to address initial officer concerns over a previous abrupt change in height and mass between the buildings and their existing neighbours, the impacts associated with such increased height and mass on the amenity of the small scale adjoining squares and lanes, and the lack of heritage appreciation and justification in terms of both the impact of such increases on the setting of listed buildings and the impacts on the character and quality of the conservation areas and wider public realm.

A series of design workshops has been undertaken and the scheme has been revised for application stage accompanied by a more rigorous consideration in relation to the heritage constraints and opportunities and the level of harm to the setting of heritage assets has been reduced.

- 10.109 The applicant has submitted a Design and Access Statement (prepared by Piercy & Company - July 2021) including a verified views methodology, and a Heritage and Townscape Statement (prepared by Turley Heritage & Townscape) including Heritage and Townscape Appraisal, key townscape views and visual representations and methodology. During the course of the application a revised Heritage Statement has been submitted, in response to consultation responses confirming that the assessment includes reference to two further locally listed buildings within Albion Yard and Cottam House at 36-40 York Way. For clarity, these buildings had been identified as heritage assets in the plan of heritage assets in the initial heritage statement. Furthermore, the application is also supported by a Vision Document prepared by Publica.
- 10.110 The proposed works comprise of a single storey extension to the northern elevation of Jahn Court at fourth floor level (amended to be set 2.7m back from its eastern elevation wall below), a stepped two storey roof extension at fifth and sixth floor levels, with the creation of a roof terrace at fifth floor and a five storey partial infill extension to the eastern elevation. A plant room would be created both at sixth floor level and at rooftop level. Further works include the refurbishment of the existing building, the reconfiguration and alterations of the front and rear entrances to the western and eastern elevations.



Image 21 - Aerial Image of existing scheme



Image 22 - Aerial Image of proposed scheme



Image 23 – Proposed new rear entrance to Jahn Court

Design Assessment of proposals

Principle of development

10.111 The changes proposed form part of a wider 'Vision' for the site with a range of interventions anticipated to be undertaken during a 10-year period. This application is one of two and forms the first phase of such changes.

Image 24 – Albion Yard – works to flatten cobbles

Public Realm Design Appraisal

- 10.117 Following revisions during the application, the works to the public realm within the Block C courtyards comprise of the flattening of 214sqm of cobbles within Albion Yard, whereby cobbles are removed, adapted with flat tops and re-laid in a flush pointing to provide improved accessibility benefits for wheelchair accessible routes, those with limited mobility, elderly people, and people with visual impairments. The details of the proposed cobbles will be secured by condition **25**. It is also proposed to install 9 short stay cycle parking stands within the public realm comprising 6 within the courtyards and 3 in the newly revealed front courtyard to Jahn Court adjacent to York Way. There are also changes to the in-ground lighting in the Balfe street entrance passage.
- 10.118 The proposed changes to the public and semi-public realm are considered to benefit the historic properties and characteristics of the spaces and routes that weave through this part of the urban block. They have been designed to improve accessibility and legibility. The three existing trees are to be retained.
- 10.119 The interface between the (semi) public realm and the buildings that face it has also been carefully addressed with significant animation afforded through changes to configurations, ground floor elevations and uses, and level changes.
- 10.120 The proposals represent a high quality of urban design and the proposed landscape treatment will help create a fine urban quarter. The changes to the public realm are considered of a high quality and therefore are supported in principle.
- 10.121 Officers note that the configuration and form of the series of interconnected yards and alleys provide the site with much of its character and appearance. The landscaping works enhance this character and do not result in harm to historic surfacing materials or the introduction of inappropriate materials. There is some alteration to the historic granite setts within the courtyards in the block to facilitate improved accessibility but the works are proportionate, deliver a clear public benefit and do not unacceptably alter the character and appearance of the yard.

Built Form:

- 10.122 The proposed built intervention is focused on Jahn Court located to the north western edge of the broader urban block and the framing and reanimating of Ironworks Yard to the north and, to a lesser degree, Albion Yard to the east. The changes to Jahn Court include extensions in height and mass at upper levels, new entrancing configurations including to York Way, and some new façade treatments.
- 10.123 The major change to the primary entrance and elevation to York Way is of the highest design quality with the insertion of a new brick 'gateway' entrance into Jahn Court, improved exposure and celebration of the existing historic chimney stack, and a respect for the fronts and flanks of the adjacent historic buildings. These changes create a fine new 'address' and dramatically improve the legibility between the street and Jahn Court. Changes to this gateway also strengthen the positive characteristics and qualities of the York Way frontages and, in so doing, help to mitigate the visual impact of the proposed increase in height and mass to Jahn Court to its rear.

10.124 A quiet architectural language and palette is proposed to Jahn Court. This treatment will help mitigate the visual impact of the increase in height and mass including helping to ensure the building continues to read as a backdrop to the more flamboyant and historic buildings to its fore, directly fronting York Way. The same design principles are at play when viewed from within the urban block, from within Albion and Iron Works Yards. The design principles of the proposed changes to the built form are therefore considered acceptable.

Height, bulk and mass

10.125 The proposal is to increase the height of Jahn Court by a further full floor at fifth floor level and a recessed additional floor at sixth floor level. An element of plant, recessed further still, is located to the top of the sixth floor.

10.126 The height of the building will therefore rise from 17.6m to 26.0m to the new top floor, and to 28.4m to the top of plant. While this results in Jahn Court becoming the tallest element within this urban block, its recessed position in relation to the traditional street edges, coupled with the lightness of touch in relation to the architectural design, detailing and materials, helps mitigate the visual impact on the streetscape and from vantage points from within the block itself.

10.127 The increase will be minimally experienced from York Way given the dimensions of this street and the set back of the Jahn Court from its edge. And as a result, the increased height will only be glimpsed from oblique views from up and down the street. Views of the building will not be visible from Balfe Street to the east.

10.128 The fifth floor parapet level of the proposed roof extension lines up to match the shoulder of the Grade I Listed Kings Cross Station building. Assessment of the impact on the setting of the Grade I Listed Kings Cross Station building is considered later in this assessment as part of the overall impact on heritage assets.

10.129 The extensions will be visible from Railway Street to the north. However given the narrow dimensions of this street and the recessed location of Jahn Court, the visual impact is also considered to be minimal and will not result in unacceptable levels of visual harm. Assessment of the impact on the Kings Cross Conservation Area is considered later in this assessment as part of the overall impact on heritage assets.

Elevational treatment

10.130 The proposed changes to Jahn Court have been clearly delineated between 4 distinct parts, each with a different expression comprising a gatehouse, a plinth, a pavilion, and a crown. At the base is the 'Gatehouse' designed in a rich red brick with decorative elements that resonate with the adjacent Victorian Architecture. The Gatehouse treatment is applied to both front and rear elevations. It effectively celebrates entrances into the building, and the relationship with the adjacent buildings and York Way itself.

10.131 The 'Plinth' element is that of the retained, heavily glazed, office building. It is extended with a newly added 'Pavilion' floor – a simple single storey extension with the façade strongly informed by the grid and materiality of the existing 'plinth' façade below.

10.132 The Pavilion is then 'crowned' with a gently sculptured rooftop element, designed to echo the rooftop water tanks of Victorian industrial architecture. This Crown element is clad in a soft green metal (also proposed as the primary material with which to re-clad

large parts of the Times House building in the block to the south, and for which a separate application is concurrently being considered).

10.133 The elevational treatment, including the selection and use of materials, is considered to be of a high quality and is therefore supported.

Materials Palette

10.134 The proposed materials palette is a defining element of the quality of the scheme design comprising traditional and contemporary materials.

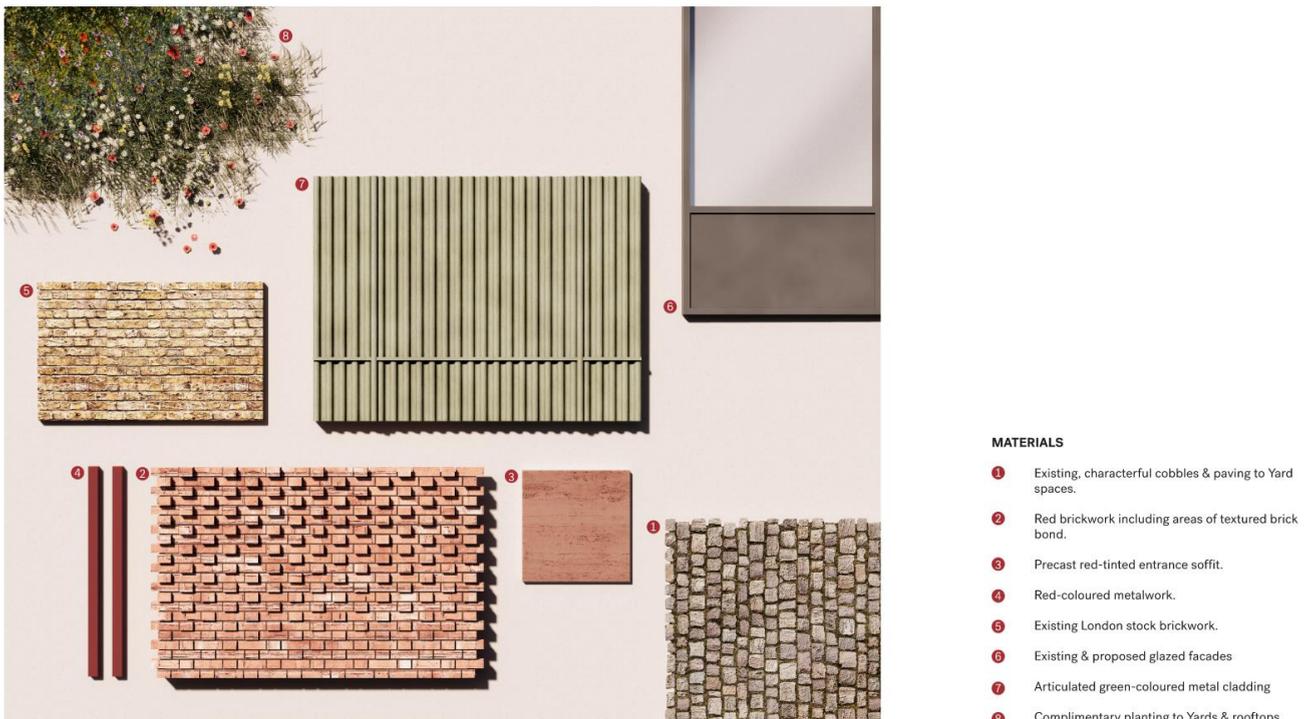


Image 25 – Materials Palette

10.135 These sit comfortably and respectfully amidst the historic fabric into which the proposals are inserted. The palette is considered successful and is integral to and indicative of the proposed high quality of design throughout. It includes a rich red brick with the brick work incorporating areas of textured brick bond to the Gatehouse element coupled with an articulated pale green metal cladding to the Crown. These contrast aesthetically well with the existing historic materials, predominantly a London Stock, evident throughout the block. They are complimented with ancillary materials as well as the existing grey cladding to the lower floors. The materials palette therefore comprises:

- Red brickwork – plain and textured bonds
- London stock brickwork
- Pre cast red-tinted entrance soffit
- Red coloured metalwork
- Articulated green coloured metal cladding
- Existing and proposed glazed facades
- Existing and proposed grey coloured metal cladding

10.136 Part of the scheme's success is this indicative use of high quality materials with an urbane colour palette. Therefore the materiality of the scheme is supported and condition 3 is recommended to secure this quality.

10.137 Long canopies are proposed over the brick facades of the Jahn Court building to mark and shelter the entrances to the new commercial units. All existing trees are to be retained within the Yard. The threshold into the rear of Jahn Court is a further major change that is responded to within the public realm whereby the existing stepped access is replaced with a fine 'at grade' solution, extending the cobbled yard up to the new accessible threshold. The quality of the proposed interventions to the internal routes and spaces has been demonstrated to be of a high standard of design and the changes are therefore supported.

Design Conclusion

10.138 Officers consider that the proposals result in a carefully crafted and highly considered scheme with both architectural and landscape designs of an outstanding calibre as befits such a sensitive and indeed intricate site and context. The proposals will help to bring this part of the broader urban block back into more active use, creating legible routes into and through the block and improving accessibility.

10.139 The changes to Jahn Court, while considerable in terms of height and mass, will create improved commercial spaces suitable for a variety of uses. While it is proposed to increase the height of the building by a further two floors, the building is well recessed from the street edge, and the top floor has been recessed still further from the floor below. These characteristics significantly lessen the visual impact of the scheme when viewed from the public realm.

10.140 The architectural treatment is quiet and well-mannered. This also lessens the visual impact of the changes to the height and mass as the building will continue to read as 'background' to its historic neighbours. Combined, these design attributes will ensure that the historic buildings on and adjacent to the site will continue to retain their visual dominance and prominence which in turn will maintain the legibility of the streetscape. The proposed changes have been designed to create enhanced commercial spaces throughout with ground floor interventions designed to contribute greatly to an enriched, accessible and legible public realm.

Impact on Heritage Assets

10.141 The development site is within the setting of a number of designated heritage assets including the Grade II Listed Building at 34b York Way, the Grade I Listed Building at Kings Cross Station, the National Set Piece and the Kings Cross Conservation Area. There are also a number of locally listed buildings located adjacent to the site which sit within the conservation area. In this instance, as these LLBs form part of the conservation area, officers have considered that they form part of this designated heritage asset.

10.142 Other considerations and sensitivities are as a result of:

- how the block sits and reads in relation to the scale and form of its immediate neighbours within the block;
- the significance of this being the first time a building located within the urban quarters to the eastern edge of Kings Cross Station would potentially be taller than the 'shoulder' of the station building;

- the sensitive location of the site within two conservation areas including and abutting important heritage buildings;
- the building's position within two strategic view corridors.

10.143 The site is therefore exceptionally sensitive. Any resulting development must be of the highest design quality having been informed by heritage impacts, including settings, and an understanding of the qualities and characteristics of the heritage assets that make them, and their context, so significant.

Built Form

10.144 The proposed extensions to Jahn Court have been reduced in both height and mass from that submitted at pre-application stage and its architectural language has been simplified. The result is that the pronounced and characterful existing chimneys to the fore, plus the street-side Victorian buildings, retain a greater degree of their prominence and dominance within the streetscape compared to the previous iterations of the scheme. The use of brickwork at ground floor level on the Jahn Court block assists in integrating it better into the streetscape at ground floor level and, given the narrowness of York Way, it is considered that views of the ground floor level is one of main ways in which the streetscape is appreciated.

Bulk, height, and massing

10.145 Jahn Court is currently a large five storey building, plus basement, that fills much of the centre of the urban block within which it sits. It has little by way of design merit either as a standalone building or in terms of architectural compatibility with its more historic neighbours and broader overall setting. Built as part of the consent approved in 2002 ref: P000434, its simple facades comprise a glazed curtain wall treatment. At the outset concern was expressed in relation to the proposed increase in height to Jahn Court. This was, in part, because too much height and mass would potentially afford the resulting building a disproportionate visual significance within the urban structure, relative to its historic neighbouring buildings that sit to the fore, fronting York Way.

10.146 This latest proposals for an increase in height and mass, the simplification of the form, and the architectural design and detailing, appears to have now reached a more appropriate balance. However, Jahn Court is still increasing in height against the existing condition. The existing building rises to 17.6m, excluding plant over runs. It is proposed to add a further two floors – a 6th storey (5th floor) that largely 'mirrors' those below although heavily recessed on the northern elevation, and a further recessed 7th storey (6th floor). This brings the proposed height to 25.9m excluding plant and 28.4 including plant.

10.147 The previous crown element took the building height in effect to the height of an 8th storey, at 28.45m. This has now been removed which has beneficially reduced the height from the pre-application scheme, as well as 'quietening' the design, and therefore the impact of the changes on the roofline. The mass has also been reduced from the pre-application scheme with the proposed new 5th and 6th floors being further pulled back from key edges.

10.148 There is a relatively small amount of plant/lift overrun proposed which is positioned well back from the front of the building and thus suitably recessed from the street edge. The top of the proposed plant has remained relatively constant at 28.4m. However, the

existing roofscape of the Jahn Court Building and its inter-relationship with that of its neighbours is largely neutral. The application scheme results in a largely neutral impact given the simplicity of form and architectural detailing and the fact that the increased height has very limited visibility from the surrounding area at street level.

Protected vistas

10.149 The site sits within two protected vistas (Parliament Hill summit to St Pauls and Kenwood gazebo to St Pauls). Pentonville Road is on a significant slope down towards King's Cross. St Pancras Station and Chambers is noted as an important landmark, views to which will be protected. The impact on these protected vistas and views has been assessed and the documents submitted with these applications demonstrates a neutral impact on the protected views.

Kings Cross Conservation Area

10.150 The proposal would have an impact on the character and appearance of the King's Cross Conservation Area as a whole. Generally speaking, the proposals at ground level have the potential to enhance the character and appearance of the conservation area through the upgrading of paving materials with more sympathetic materials.

10.151 The principle of upgrading landscaping and encouraging greater public use of the core of the site is welcomed. At pre-application stage, the heritage impacts of the proposed height and massing of the additional built elements of the proposals for Jahn Court were not capable of being supported in terms of compliance with the Conservation Area Design Guidelines for this site. Paragraphs 21.7 and 21.8 of the Kings Cross CADG have regard to height, mass and scale as set out earlier in this report.

10.152 A series of revisions have been undertaken since the pre-application stage to mitigate the height and mass of the proposed buildings with the proposed extension reduced in terms of both height and mass and its architectural language has been simplified.

10.153 The enhancements at the lower two storeys have been offset by the increased height of the building as a whole, since the key elements of the setting of the listed building at 34 York Way are its C19th townscape setting, including the surviving elements of the scale of the C19th townscape.

10.154 The scheme submitted for the application minimises the visual impact on the setting of the listed and locally listed buildings to the street frontage. Therefore officers consider that as a result of the extensions, Jahn Court continues to read as 'background' and is ancillary to its historic foreground and therefore continues to preserve and enhance the character and appearance of the Kings Cross Conservation Area.

Locally Listed Buildings

10.155 The proposals result in additional height, bulk and massing to an existing modern office building at Jahn Court which sits adjacent to a series of locally listed buildings at 32 York Way, Cottam House, The Ironworks, Albion Buildings and Albion Yard as shown on images 26 and 27. As locally listed buildings within the Kings Cross Conservation Area, the impacts on these adjacent buildings are considered as part of the assessment of the impacts on the conservation area.



Image 26 - Proposed Eastern Elevation to Jahn Court – view from Albion Yard



Image 27 – Proposed Northern Elevation to Jahn Court – view from Ironworks Yard

10.156 Officers have considered the significance of these heritage assets, including representations from residents, and note the buildings as existing sit subservient to Jahn Court and this relationship is not widely perceived from the streetscene outside of the courtyards, with some glimpses from Railway Street.

- 10.157 There is an existing juxtaposition between these lower rise residential buildings and the modern office building due to the differences in height, scale and massing and the architectural style and age of the buildings. Given the close proximity between Jahn Court and these locally listed buildings, it is acknowledged that any addition of height, scale, bulk and massing would result in less than substantial harm to the setting of these heritage assets.
- 10.158 The scale of harm is limited by the existing juxtaposition between the buildings as outlined above, the minor increase in height, scale, bulk and massing relative to the scale of the existing building, and the perceptions of the existing relationship is limited to views located within the courtyards that surround Jahn Court and from some private views from residential properties in Block C. The impacts of the proposals on views of these identified locally listed buildings, is not widely perceived from outside of these courtyards. On balance, having undertaken the above assessment, officers conclude that the additions to the Jahn Court building would cause less than substantial harm to these heritage assets.
- 10.159 The impacts of the additions to Jahn Court on the significance of the locally listed building at 32 York Way building would be minimal given the separation and limited views from this part of York Way and would not raise conflict with the NPPF.

Listed Buildings

- 10.160 The proposed increase in height has an impact on the setting of a number of statutorily listed buildings. These include:
- Kings Cross Station (Grade I, within Camden)
 - 34B York Way (Grade II)
 - 19-35 Balfe Street (Grade II)
 - 295 and 297 Pentonville Road (Grade II and a local landmark, within Camden)

34B York Way

- 10.161 The changes to the Grade II Listed Building at 34B York Way relate to the interface between it and Jahn Court, principally at grade, and do not include any proposed changes to the internals of this historic building. The works proposed on the Jahn Court site will not only affect its setting but also its fabric as the proposed façade to Jahn Court at ground and first floor level will abut the listed building at ground and first floor level. The existing Jahn Court structure abuts the listed building in the same manner. The proposed junction will not involve the demolition of historic fabric or a change to the depth of the junction. The proposed junction will be a reduction in height when compared to the existing, i.e. the new work will sit below the cornice level of the listed building when compared to the existing. Therefore the proposed works abutting the listed building will not cause harm to plan form, evidential value or fabric.



Image 28 – Existing front entrance/Western elevation to Jahn Court



Image 29- Proposed front entrance/Western Elevation to Jahn Court



Image 30 - Proposed Western Elevation – view looking south east from York Way



Image 31 - Proposed Western Elevation – view looking north east from York Way

10.162 The proposed increase in height across the subject site would not better reveal or enhance the setting of the adjoining listed building at 34b York Way, because at the moment the most prominent characteristic of their setting is the nineteenth-century

context (composed of listed, locally listed and unlisted buildings). Development within the subject site which results in a visible increase in height from the public realm outside of the subject site will result in a change to the setting of the listed buildings and appearance of the conservation area. Whatever the design merits of the proposed height increases may be, the effect of an increase in height to Jahn Court would be harmful to the setting of the Grade II Listed Building 34b York Way. As a result officers have considered the implications of cumulative change as part of the cumulative public benefits of the scheme.

- 10.163 The Images 28 to 31 in this report show the impact of the proposed works to Jahn Court on the setting of 34b York Way. Officers have considered the existing and proposed relationship and consider that the impact has less than substantial harm on the setting of this Grade II Listed Building.

National Set Piece

- 10.164 The context for the site includes the "National Set Piece." This was originally defined in the Greater London Development Plan to cover an area from the British Library site (Camden) to Caledonian Road which therefore includes the Kings Cross Railway Station. National Set Pieces are described as "major groups and sequences of buildings, open spaces, processional ways, streets and monuments. They make a major contribution to the image of London as a Capital City". In Islington the Set Piece includes the junctions with York Way and Caledonian Road, the Lighthouse block and the curve of Grays Inn Road as it meets Euston Road. It is a remarkable survival of a complete early to mid-19th Century central area townscape. There is a still largely intact Victorian 'town centre' - displaying a hierarchy of buildings and uses from offices, flats, larger shops and entertainment, via local shops with accommodation above, down to terraces of small houses and industrial premises. The juxtaposition of the scale of King's Cross Station with the much lower blocks fronting York Way is a key element in establishing the Victorian character of the area, and also the setting of King's Cross Station. The fact that one of London's oldest surviving railway station structures still retains most of its nineteenth-century townscape scale-relationship on the York Way side is remarkable, and worthy of retention. The proposals would alter this scale-relationship and would also result in a historically uncharacteristic arrangement of the core of the block becoming visible above the C19th perimeter blocks. This is assessed in the paragraphs below.

Kings Cross Station/Conservation Area

- 10.165 The proposal results in the fifth floor parapet lining up to match the shoulder of the Grade I Kings Cross Station building. Historic England have been consulted on the impact of the proposals on the setting of Kings Cross Station and stated that they had no objections to the proposals.

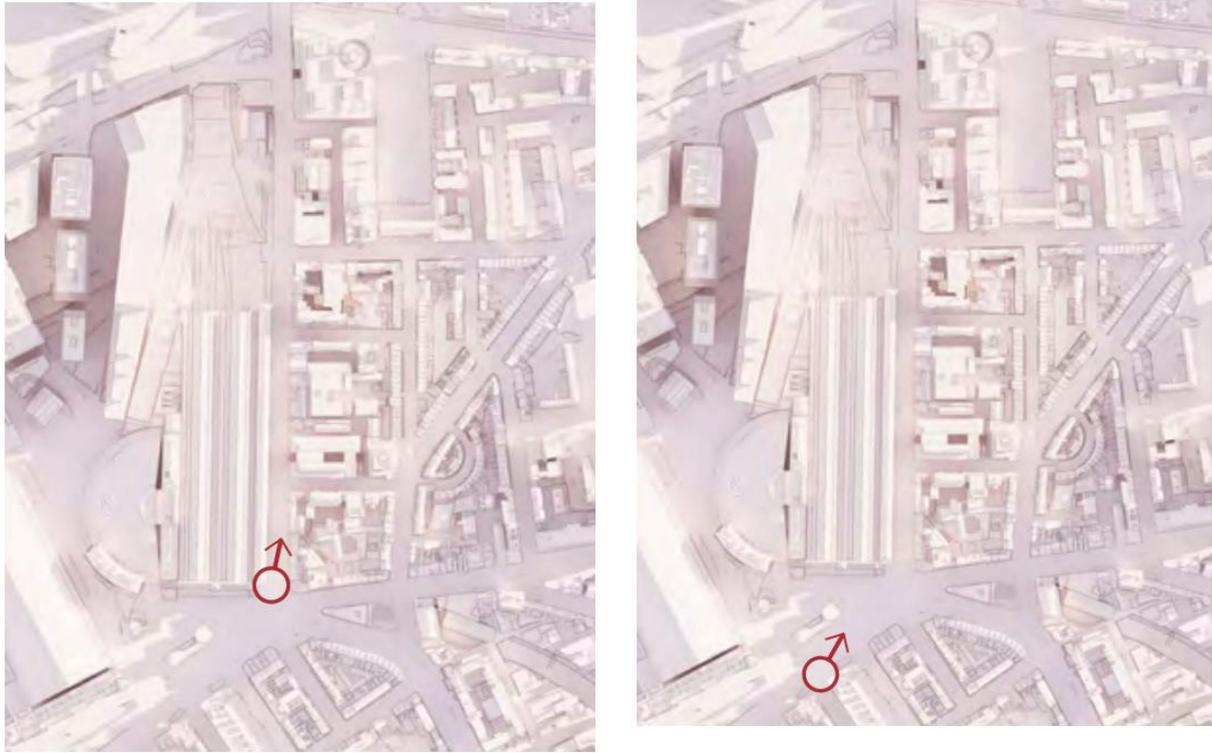
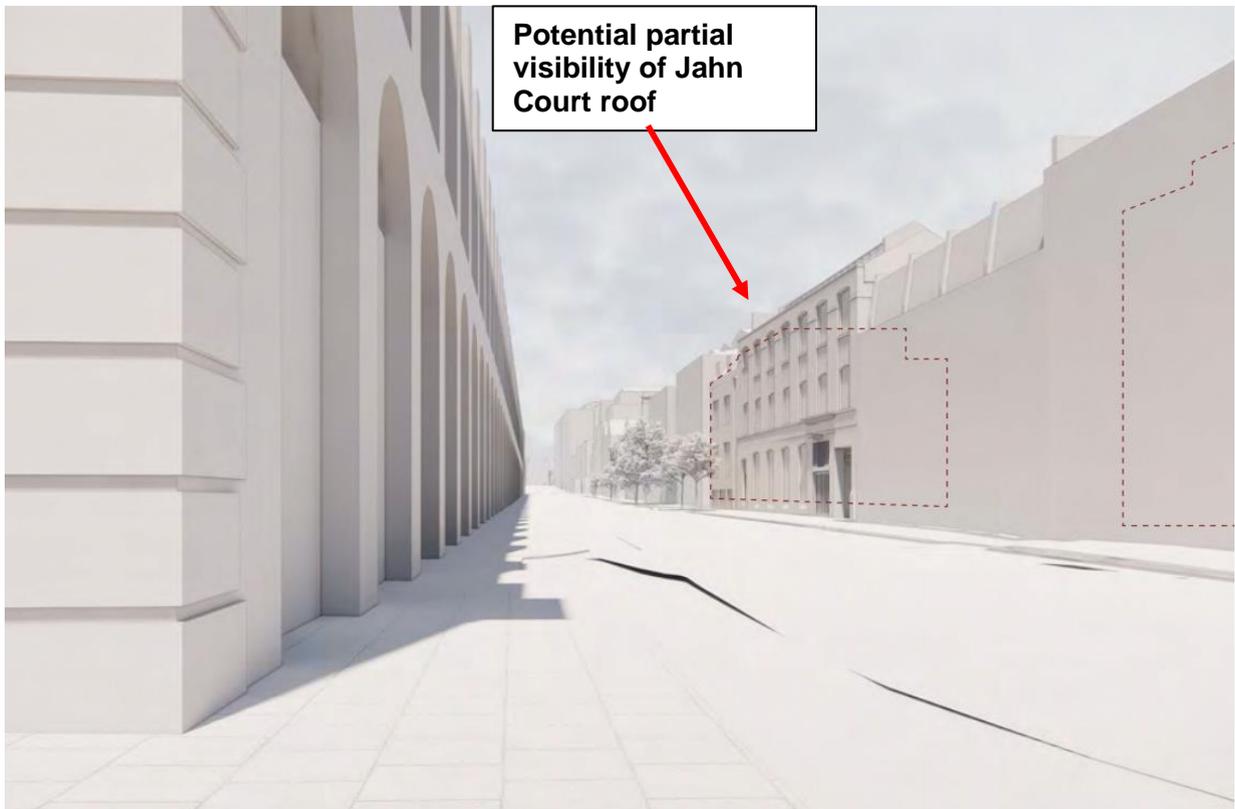


Image 32 – Positions of Key Views 06 (left) and 13



Potential partial
visibility of Jahn
Court roof

Image 33 – Key view 06 – View from corner of York Way and Kings Cross Station

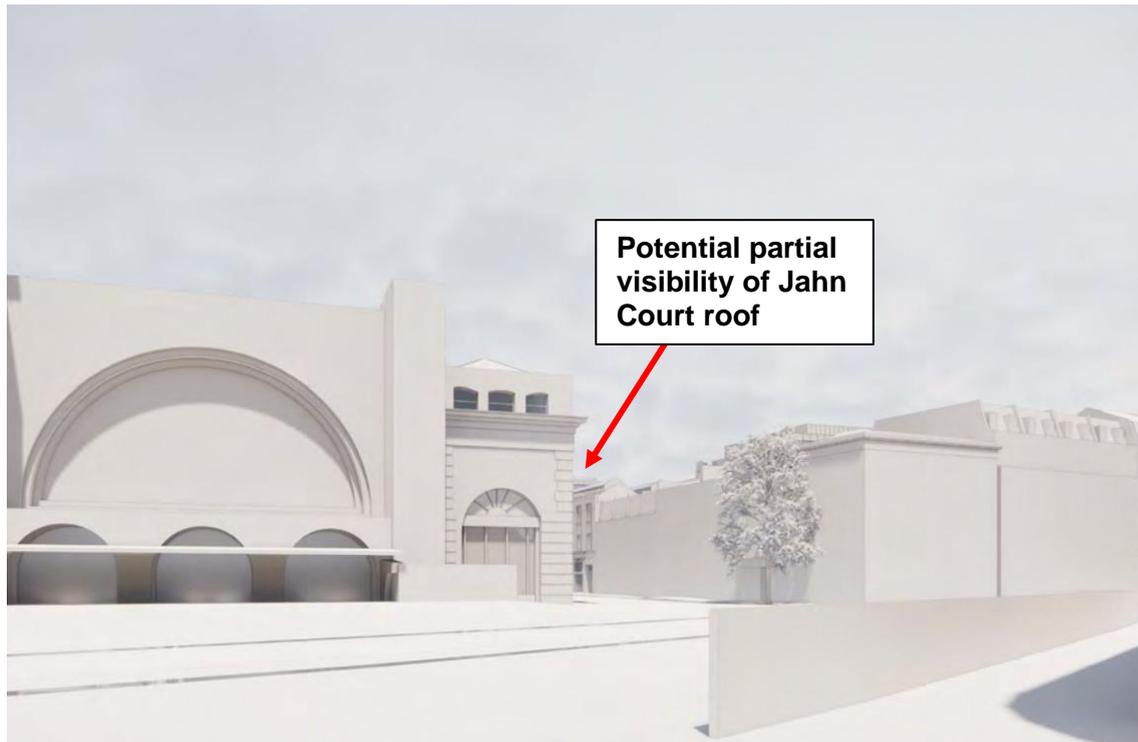


Image 34 – Key view 13 – View from Euston Road

- 10.166 From a comparison with the existing key view, the submitted proposed key view 06, (Image 33, above) indicates that the upwards extension to Jahn Court may be partially visible from the corner of York Way. From a comparison with the existing key view, the submitted proposed key view 13, (Image 34 above) indicates that the upwards extension to Jahn Court may be partially visible from some points on Euston Road, adjacent to the Grade I statutorily listed Kings Cross Station. However from consideration of the submitted key views assessment, the extent of the visibility is limited to glimpses of a minor part of the proposed roof extension. From those views submitted, these views are considered to demonstrate the greatest visibility of the Jahn Court roof extension from the setting of the Kings Cross Station.
- 10.167 Whilst the view of the Council is that by virtue of this visibility, the proposed height of the scheme would cause harm to the setting of the Grade I listed building, it is acknowledged that the revisions to the scheme since pre-application stage have sought to mitigate this impact.
- 10.168 Officers consider that the impact of these minor glimpses from a small number of viewpoints are considered to cause less than substantial harm to the setting of the Grade I Listed Kings Cross Station and the conservation area.
- 10.169 Although Kings Cross Station is outside of Islington, decision makers have a statutory obligation to preserve or enhance its setting in relation to the subject site, under the tests identified in Section 72 of the Town and Country Planning Act. The CADG has regard to these tests and establishes the setting of Kings Cross Station as a key test in the assessment of development within the conservation area. The proposed development has now been assessed under the tests required under Section 72 of the Town and Country Planning Act. The proposed development has been revised to mitigate the harm to the setting of heritage assets. The Council considers that there is

still harm to setting, that amounts to 'less than substantial' as identified under the NPPF. During the course of the application, the applicants provided a Heritage Statement which assesses the impact of the proposals under *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*.

10.170 The NPPF Directs that:

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

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.

10.171 As the Council has identified harm in the proposal, the acceptability of the harm will have to be balanced against the manner in which the proposal achieves public benefit and any other matters which may weigh favourably in balance required under the NPPF.

10.172 The NPPF further directs:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

10.173 It is possible that an application which causes less than substantial harm to heritage assets may be acceptable by reason of the wider planning balance, but only where these benefits have been clearly identified in the submission.

10.174 The NPPG defines public benefits as 'anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework'.

10.175 Whilst continuing to assert that harm to heritage assets would not arise as a result of the scheme development overall, the revised Heritage Statement has set out interpretations of the impact on heritage assets should officers allege that the proposed development could result in a degree of harm to significance to a designated heritage asset or assets:

'...any such harm could only reasonably be very minor in the context of the particular heritage interests and relationship that the Site contributes to the heritage interests of a designated heritage asset or assets. Any such alleged heritage harm would be of the magnitude of 'less than substantial' as defined by the NPPF, and also towards the very lower end of that spectrum or scale.'

Heritage Conclusion

10.176 The proposed increase to height and mass and impact on the character and quality of the Conservation Areas and adjacent heritage assets, including the Grade I Kings

Cross Station, and 34b York Way has been reduced and more appropriately designed since the initial pre-application proposals. The proposals are considered to cause less than substantial harm to the setting of heritage assets. However, it is the applicant's contention that 'harm would not arise' and therefore there is no requirement to provide clear and convincing justification. Given that the Council considers that less than substantial harm would arise, paragraph 200-202 of the NPPF should be engaged in order for this application to be determined.

10.177 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.178 In the Council's view the degree of harm is less than substantial. Officers have therefore undertaken a balancing exercise to weigh the less than substantial harm against the public benefits of the proposal.

Applicants Stated Public Benefits

10.179 The proposals as set out below are put forward by the developer as public benefits. The public benefits that the Local Planning Authority consider suitable to give weight to are provided towards the end of this report, in the Planning Balance section:

Economic

- Provision of new high quality flexible office space to support new economic development and growth within the Borough;
- Potential to deliver permanent on site jobs;
- Provision of office floorspace capable of supporting small businesses including SMEs and start ups and to encourage collaboration within the local business community;

Environmental

- Delivering an appropriate quantum and mix of uses that would contribute positively to the overall character of the surrounding conservation area and increase animation on York Way;
- Enhancing key elements of 34 York Way, including the reinstatement of the historic signage;
- Introduction of high quality designed frontages to both York Way and Albion Yard, which complement and enhance the character and appearance of the Kings Cross Conservation Area; and
- Delivering sensitively considered public realm improvements which respond positively to the surrounding Conservation Area including accessibility improvements within Albion Yard which are secured by condition 25.
- Provision of 9 short stay cycle stands in the public realm including 6 no. stands within Albion Yard secured by condition 4.

Social

- Delivering Social Value during the Construction Period;
- Employment and Training for local residents and Apprenticeships;
- Substantial contributions to Affordable Housing to meet local housing need;
- Affordable Workspace – circa 10.4% of uplift in office floorspace to be provided over 10 year period (when considered against both planning applications);
- Initiatives with Local Schools (Learning opportunities in partnership with Endurance Land) in the form of non-paid work experience placements for students

from schools and colleges delivered during construction to be secured by s106 agreement. Further details of this commitment are outlined in more detail below.

- Designing a safer environment (on site security 24/7, CCTV and Secure by Design measures) to be secured by condition 27;
- Financial contribution towards public realm works in the immediately abutting streets to the development site to be secured through s106 agreement.

Endurance Land commitment to working with the local schools

10.180 Officers understand that Endurance Land has been in discussions with Winton Primary School and Hugh Myddelton Primary School through the Learning Quarter Partnership, to discuss how Endurance Land can engage with the Schools to support future learning opportunities. Endurance Land are proposing to work in partnership with the Schools to provide learning initiatives which may include:

- Hosting site visits to Regent Quarter and providing talks about the project
- Providing seminars to learn about the property industry and sector; and
- Encouraging future tenants within Regent Quarter to host seminars about their respective industries and sectors

10.181 Officers understand that Endurance Land are committed to working with the Schools and Learning Quarter Partnership to expand and enhance learning opportunities and would be willing to enter into an Engagement Plan with the Schools to cover the initiatives to be agreed.

Officer Assessment of Public Benefits

10.182 Officers consider that the scheme brings forward considerable public benefits as outlined above, with particular reference to the substantial uplift in high quality flexible office space to support new economic development and growth within the Borough, substantial financial contributions towards affordable housing delivery in the borough and the provision of a self-contained affordable workspace unit (secured at peppercorn rent for 10 years) which exceeds the adopted policy requirements, secured via s106 agreement. The scheme also brings forward a commitment to working with named local schools which is to be secured by s106 agreement. The scheme also brings forward accessibility improvements within Albion Yard. This package of public benefits weighs in favour of the overall scheme.

10.183 In accordance with the requirements of paragraph 202 of the NPPF, officers have weighed the less than substantial harm to heritage assets that has been identified by the Design and Conservation Officers, against these considerable public benefits. Officers conclude that the public benefits outweigh the less than substantial harm and therefore the scheme is acceptable in design and heritage terms in accordance with the NPPF and the development plan.

Internal layout

10.184 With regards to the internal layout the future adaptability of the building should be considered with large commercial floorplates becoming less desirable after the pandemic. The proposed building would be adaptable, mainly due to the location of the lifts being in the central part of the building. Therefore, it is considered that the proposed internal layout would still offer a good level of adaptability for future occupiers.

Solar gain and glare

- 10.1 The submitted Sustainable Design and Construction Statement confirmed that the design of the proposed Development incorporates high performing glazing with low g-value (0.32 in the majority of new glazing elements, apart from the ground floor reception) to limit solar gains entering the space. The specified glazing will have good visual light transmittance to maintain adequate daylight levels in the space.
- 10.185 The overheating and ventilation issues are further discussed in the Energy and Sustainability Section below.

Roof terrace

- 10.186 The proposed roof terrace is north facing at fifth floor level and is heavily recessed from the northern elevation by 4metres. Whilst there are flat roof areas on the roof extensions, they are proposed as intensive green roofs and blue roofs in an attempt to enhance the greening and biodiversity of the site. Taking this into account, it is considered that the proposed outdoor terrace is acceptable in this case. In terms of the boundary treatment of the terraces, it is noted that metal railings are proposed and they would be set back from the elevation at 1.1-1.8m in height. Further details of the glazed balustrade would need to be submitted and agreed by the council prior to commencement of superstructure works and this is secured in **condition 3**.

Design and Heritage Summary

- 10.187 It is considered that the proposed development would have an acceptable appearance and materiality, and has adequately addressed the comments raised by the design officer and the Design Review Panel during the pre-application stage. The material details and samples would need to be submitted to and agreed by the council prior to the commencement of the development. This would be secured by planning condition **(3)**.
- 10.188 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as well as special regard to the desirability of preserving the setting of the nearby listed buildings and features of special architectural or historic interest which it possesses.
- 10.189 Overall, it is considered that the proposed development would have an acceptable impact in terms of massing, scale and appearance, as well as its impact towards the setting to the heritage assets nearby (having regard to the balancing exercise undertaken), and in accordance with the relevant planning policies including the NPPF, London Plan Policies D3, D4 and D9, Islington Core Strategy Policies CS6, CS9, Development Management Policies DM2.1, DM2.3, DM2.5 the Urban Design Guide SPD and the Conservation Area Design Guidance for Kings Cross. The same could be said with respect of the emerging Local Plan policies relevant to Design, Conservation and Heritage.

Inclusive Design

- 10.190 The new London Plan 2021 policy GG1 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote 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.

10.191 The Inclusive Design principles are set out in LP policy D5 which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- 4) be able to be entered, used and exited safely, easily and with dignity for all
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

10.192 Locally, Islington's Development Management Policy DM2.2 requires all new developments to demonstrate that they:

- i) provide for ease of and versatility in use;
- ii) deliver safe, legible and logical environments;
- iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
- iv) bring together the design and management of a development from the outset and over its lifetime

10.193 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing proposed new buildings.

Flattening Cobbles

10.194 It is proposed to flatten 214sqm of cobbles within Albion Yard, whereby cobbles are removed, adapted with flat tops and re-laid in a flush pointing. The area is shown in image 35 below.

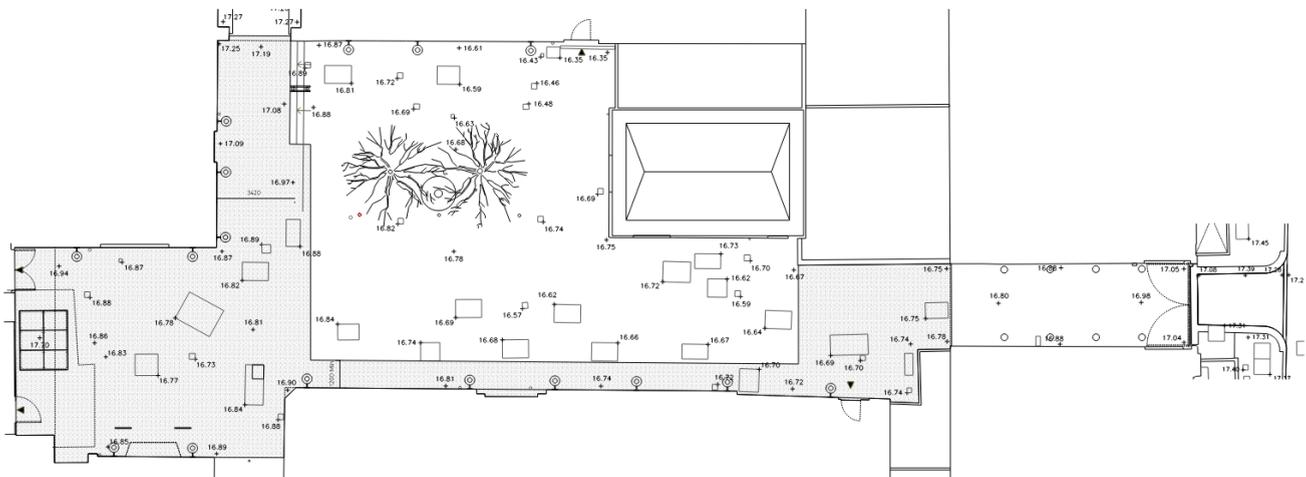


Image 35 – Albion Yard – works to flatten cobbles

- 10.195 The scheme proposes improving north/south and east/west public realm links. Leaving the cobbles as they are would not enable disabled people, pram users and people with less strength, coordination and dexterity to use this area safely, without risk and undue effort.
- 10.196 In considering access routes to Jahn Court, Approved Document Part M, Volume 2 , Buildings other than dwellings, Part 1 'Access to use of buildings other than dwellings' paragraph 1.9 requires:
"All access routes to principal or alternative accessible entrances should be surfaced so that people are able to travel along them easily, without excessive effort and without the risk of tripping or falling."
- 10.197 British Standards Institute's publication of 8300-1:2018 - *Design of an accessible and inclusive built environment*, paragraph 8.4.1, Pedestrian surfaces, requires:
"An access route should have a firm, slip-resistant and reasonably smooth surface. Cobbles, bare earth, sand and unbonded gravel should not be used".
- 10.198 The section goes on to specify an acceptable approach for joints between adjacent paving units;
- "a) Where joints are filled to the surface, the difference in level between adjacent units should be not more than twice the joint width, subject to a maximum difference in level of 5 mm.*
b) Where the joints are filled but recessed below the surface, the difference in level between adjacent units should be not greater than 2 mm, with the joints not wider than 10 mm and the recess not deeper than 5 mm.
c) Where the joints are unfilled, the difference in level between adjacent units should be not greater than 2 mm, with the joints not wider than 5 mm."
- 10.199 The flattening of the cobbles is warranted through the Equality Act 2010, under the Council's Public Sector Equality Duty to make reasonable adjustments to avoid discrimination arising from disability. These works will provide improved accessibility benefits for wheelchair accessible routes, those with limited mobility, elderly people, and people with visual impairments. The Council's Inclusive Design Officers stresses the importance of these measures to ensuring an accessible and inclusive public realm for Regents Quarter.
- 10.200 This is a significant accessibility benefit from the scheme. It is requested that details of the samples of the flattened cobbles, mortar and pointing are secured by condition **2 5**.
- 10.201 Other key Inclusive Design considerations are as follows:
Access
- The site comprises of a main entrance from York Way with a rear access via Albion Yard. The two ground floor entrances would be made level for ease of access.
 - The York Way entrance would be the main office reception and the Albion Yard entrance is designed for back of house access, including the cycle and refuse storage.
 - The ground floor flexible use unit would comprise of a separate entrance from York Way. According to the submitted plans, the new main entrance to Jahn Court has

sliding doors with a clear opening of 1.8 metres and the entrance to the flexible use unit fronting on to York Way would have a clear opening of at least 2 metres in width.

- Installation of a new handrail to Albion Yard steps to improve accessibility.

Circulations

- The building would continue to be served by the three existing lifts and two sets of stairwell up to the new fifth floor level roof extension. The new extension at sixth floor (known as fifth floor gallery), would be served by a platform lift and two sets of stairs at either end of the new floorspace. This provision is considered to be appropriate given the scale of this upper floor of the building.
- The basement floor has also allocated space for charging point for mobility scooters, located adjacent to the cycle store spaces.
- Accessible toilets are provided across at basement to fifth floors and this is supported by officers given the reduced floor plate at sixth floor level.

Accessible Cycle Parking

10.202 Adopted LBI policy requirement: 1 per 80 sqm GIA. Major developments, minor developments creating new residential and/or commercial units, and extensions of 100sqm or greater shall provide at least one accessible cycle parking space designated for an accessible bicycle (such as a tricycle), where the rider has priority use. In major schemes an additional accessible cycle parking space shall be provided for every 25 cycle parking spaces (or part thereof) and at least 1 space shall be provided as a minimum.

10.203 The applicant responded that due to site constraints, only a limited number of adaptable cycle spaces can be provided and a balance needs to be struck between adaptable and standard bays provided. No objection has been raised by LBI Transport on this matter, and it is viewed that 3 accessible spaces will be sufficient for this site. This has been accepted by the Inclusive Design Officer, given the range of other Inclusive Design benefits that the scheme delivers.

10.204 In accordance with the Planning Obligations SPD the scheme shall provide 5 accessible parking bays or a contribution of £10,000 towards accessible transport measures, which is to be secured through a planning obligation in the attached Head of Terms.

Facilities

10.205 During the course of the application the scheme has been revised in response to Inclusive Design officer comments including the following:

- Refuges should have been incorporated into drawings;
- Route to the basement cycle store is 1500mm wide to comply with the guidance.
- The platform lift size complies with London Cycle Design Standards. All required doors will have push-button access.
- The platform lift size complies with London Cycle Design Standards. A dedicated stair with cycle gulleys accompanies the lift for an alternative cycle access route. It is understood that the lift is of the highest size and specification that can be accommodated whilst working with the spatial and structural constraints of the existing building.
- A third door connecting the cycle store with the southern part of the lift lobby and foldable cycle storage lockers has been added.

10.206 Overall, it is considered that the proposed development would comply with the relevant policies in delivering an inclusive environment that is safe, convenient and inclusive for all future users.

Neighbouring Amenity

10.207 The NPPF para 130f) states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users.

10.208 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.

10.209 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.

10.210 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, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.211 The closest residential properties which could potentially be affected by the development are shown on the map below (numbered and coloured green), including:



Image 36 - Map from Point2 Survey showing the site and the surrounding residential properties (Numbered)

1. The Ironworks;
2. The Copperworks;
3. Albion Yard;
4. Albion Buildings;
5. 5-35 Balfe Street;
6. 2A Albion Walk;

Daylight and Sunlight Impact

10.212 A number of the representations received during the consultation period of the application objected to the proposal in regards to loss of daylight, sunlight and overshadowing.

10.213 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.

- 10.214 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 10.215 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given 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.
- 10.216 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.217 Of note is the recent publication of Government's Planning Practice Guidance (PPG) revised on 22/07/2019, as follows:

How are daylight and sunlight regulated?

Where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

In some cases, properties benefit from a legal 'right to light', which is an easement that gives a landowner the right to receive light through specified openings, and can be used to prevent this from being obstructed without the owner's consent. Such rights are not part of the planning system, but may affect the scope for development on neighbouring sites.

Paragraph 006 Reference ID: 66-006-20190722

What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings. In such situations good design (such as giving careful consideration to a building's massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.

Paragraph: 007 Reference ID: 66-007-20190722

BRE Guidance: Daylight to existing buildings

- 10.218 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).
- 10.219 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.”
- 10.220 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.221 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”.
- 10.222 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.
- 10.223 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states 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”.

BRE Guidance: Sunlight to existing buildings

- 10.224 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”.

10.225 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 during the winter months 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.”

10.226 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.”

10.227 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”.

10.228 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.

BRE Guidance: Overshadowing

10.229 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.

10.230 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.”

Alternative Targets

10.231 Appendix F of the BRE Guidelines ‘Setting Alternative Target Values for Skylight and Sunlight Access’ provides a methodology for setting alternative daylight and sunlight target values. The guidelines provide a self-regulating methodology to establish a set of consistent target values which can be determined using the ‘mirrored massing concept’. This essentially assumes a hypothetical massing is in place based on a development site which is of an equivalent height to the neighbouring building that could be affected by the new development.

Without overhangs/balconies

10.232 The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. The BRE guidelines state that *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even the modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight, for both the existing and proposed situations, without the balcony in place”*.

10.233 The applicant has undertaken a ‘without overhang/balconies’ assessment having identified where necessary and is considered further below within the assessment by Officers.

Assessment

10.234 The Applicant submitted an initial Daylight and Sunlight report prepared by Point2, dated 29/07/21. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

10.235 The submitted Daylight and Sunlight report includes information on where internal arrangements have been sourced (planning applications and estate agent detail).

10.236 Residents commissioned Building Research Establishment (BRE) to undertake an independent review of the submitted Point2 daylight and sunlight report. BRE submitted a report dated 14 September 2021. Within the executive summary of this report, BRE have reviewed the scope and methodology, text and conclusions of the Applicant’s report, but no verification of the calculations. In response to the BRE report, the applicant submitted a report by Point2 dated 8 October 2021.

10.237 In response to the subsequent comments received from residents in relation to the Point2 report dated 8 October 2021, a further letter from Point2 surveyors has been submitted in relation to the Jahn Court application, dated 16 November 2021.

10.238 Following amendments to reduce the extent of the massing to the eastern edge of the fourth floor extension Jahn Court, an updated Daylight and Sunlight report has been submitted in January 2022. The report indicates the impacts of the latest amendments to Jahn Court and shows improvements to the results for Flat 9 and Flat 3 of the Copperworks, and a beneficial effect on the results for some of the windows to the Ironworks and Albion Buildings.

10.239 The January report has also includes an update to all the windows to the large open plan living kitchen dinner areas that occupy the upper second floor of the building at flats 9 to 12 in the Ironworks. In response to comments received from residents over the classification of these parts of the rooms, rather than considering these windows as study areas or omitting those windows serving the staircase/hallway areas. This reflects the amendments as issued in the updated results in the Point2 response letter dated 8th October 2021. This is now shown in the updated upper second floor plan drawing for the Ironworks indicating the No-Skyline contour plots.

10.240 The following assessment includes the details submitted by the Applicant in the initial 'Daylight, Sunlight & Overshadowing Report' and subsequent further submissions, as well as the submissions from neighbouring residents and groups.

10.241 The report concludes that the properties relevant for assessment are as follows:

- 1-12 The Ironworks;
- 1-15 Albion Buildings;
- 1-14 The Copperworks;
- 1-10 Albion Yard;
- 2A Albion Walk;
- 5-35 Balfe Street;

10.242 It is noted that where the internal layout of neighbouring properties cannot be confirmed, the assessment would be carried out based on an assumed layout for the buildings identified above. It is accepted that due to the current restrictions relating to the pandemic, it was not possible to organise visits to the surrounding properties to inspect the accuracy of the internal room layout and window positions (to internal rooms).

10.243 The layout of some of the residential properties identified above have been found to ensure that the assessment carried out is accurate; where the usage of the rooms are unknown, the assessment would be based on the worst case scenario and assumes that the room is habitable (i.e. living room) and requires daylight/sunlight.

Impacts to Daylight

10.244 The Applicant's final report indicates that a total of 278 windows facing the site and 102 rooms to neighbouring properties were assessed. The report demonstrates that 40 (14.4%) of the windows and 9 (8.8%) of the rooms would fail the BRE guidance criteria.

10.245 The following properties comply with the BRE guidance (reductions do not exceed 20% in VSC or NSL):

- 1, 3-10 Albion Yard;

- 5-17 Balfe Street; and
- 25-35 Balfe Street;

10.246 Transgressions (where window/rooms fail the BRE Guidance) are reported to neighbouring Iron Works, Copperworks, Albion Buildings, 2A Albion Walk, and 19, 21 and 23 Balfe Street. These are individually addressed further below:

The Ironworks

10.247 This building is located to the north of the site.



Image 37 - Aerial view of The Ironworks and The Copperworks

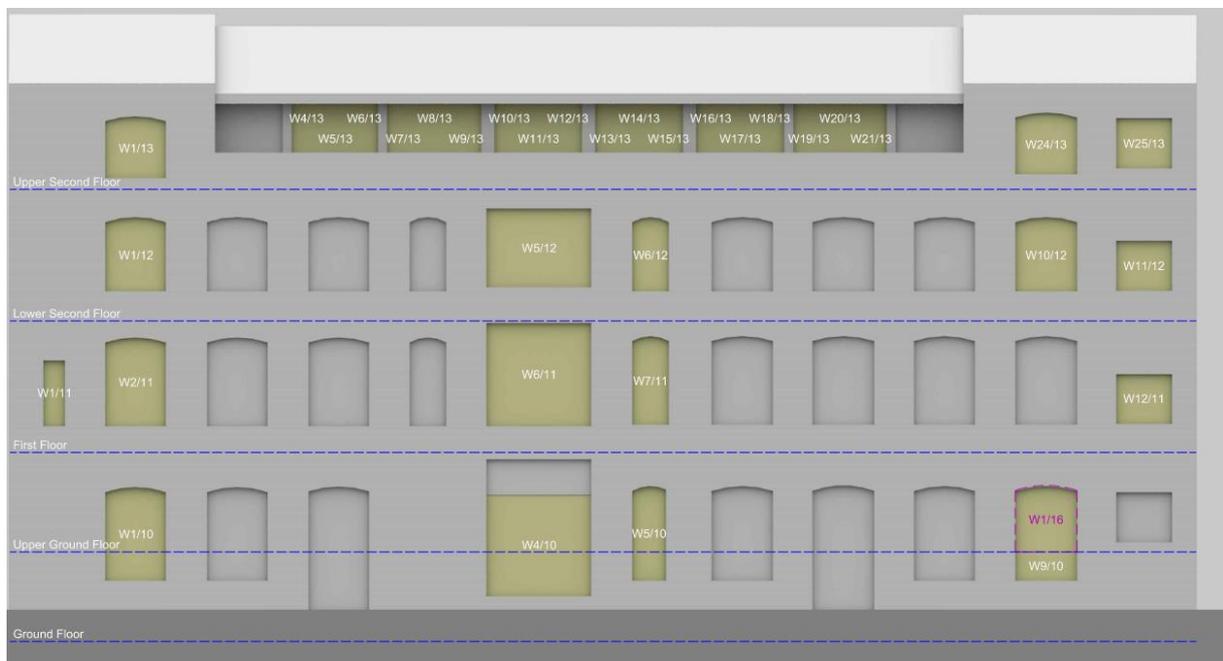


Image 38 – Windows tested at The Ironworks

10.248 It is highlighted that each of the units within this building are dual aspect with windows looking south towards the site and to the north to Railway Street. 73 windows and 18 rooms were assessed. 42 (57.5%) windows and 14 (77.8%) rooms would meet BRE guidance.

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Flat 4 (Lower & Upper Ground Floor)								
R1/10 - W1	LKD	10.9	7.9	27.9%	37.5	15.8	12.8	19.6%
R1/10 - W18		14.1	14.1	0				
R1/10 - W19		12.4	12.4	0				
Flat 3 (Lower & Upper Ground Floor)								
R2/10 - W4	LKD	11.8	8.6	27.7%	28.3	13.4	11.2	17.2%
R2/10 - W16		12.1	12.1	0				
R2/10 - W17		12	12	0				
Flat 2 (Lower & Upper Ground Floor)								
R3/10 - W5	LKD	12.3	8.9	27.1%	27.2	10.4	8.2	20.7%
R3/10 - W14		12.3	12.3	0				
R3/10 - W15		12.1	12.1	0				
Flat 8 (First Floor)								
R1/11 - W1	Bedroom	14	9.2	34.5%	13.7	13.2	7.5	43.3%
R1/11 - W2		19.1	13.6	28.7%				
Flat 7 (First Floor)								
R5/11 - W6	Bedroom	21	14.6	30.6%	10.3	10.3	7.6	26.6%
Flat 6 (First Floor)								
R6/11 - W7	Bedroom	20.5	14.4	30%	9.3	8.8	4.8	45.8%
Flat 12 (Second & Third Floor)								
R1/12 - W1	Bedroom	28.8	20.5	28.7%	13.6	12	10.8	9.8%
R1/13 - W1	LKD	34.5	26.3	23.9%	52.7	51.5	50.99	1%
R1/13 - W2		19.8	11.9	39.9%				
R1/13 - W3		23.6	15.2	35.7%				
R1/13 - W45		14	14	0				
R1/13 - W46		13.4	13.4	0				
R1/13 - W47		11.1	11.1	0				

R1/13 - W48		24.8	24.8	0				
R1/13 - W49		24.7	24.7	0				
Flat 11 (Second & Third Floor)								
R5/12 - W5	Bedroom	30.4	20.7	31.8%	76.7	75.5	75.5	0
R2/13 - W4	LKD	24	15.4	35.8%	37.1	36.1	35.8	1.1
R2/13 - W5		24	15.2	36.3%				
R2/13 - W6		24	15.1	36.7%				
R2/13 - W7		24	15	37.3%				
R2/13 - W8		24	15	37.4%				
R2/13 - W9		24.1	15	37.6%				
R2/13 - W10		24.1	15	37.7%				
R2/13 - W11		24.2	15	37.6%				
R2/13 - W12		24.2	15	37.4%				
R2/13 - W38		4.5	4.5	0				
R2/13 - W39		0.5	0.5	0				
R2/13 - W40		1.3	1.3	0				
R2/13 - W41		14.8	14.8	0				
R2/13 - W42		14.6	14.6	0				
R2/13 - W43		14.5	14.5	0				
R2/13 - W44		14.3	14.3	0				
Flat 10 (Second & Third Floor)								
R6/12 - W6	Bedroom	29.9	20.5	31.4%	6.1	5.7	5.7	0
R3/13 - W13	LKD	24.3	15.3	37.1%	37.6	36.6	36.2	1.1
R3/13 - W14		24.3	15.4	36.8%				
R3/13 - W15		24.4	15.5	36.5%				
R3/13 - W16		24.5	15.8	35.7%				
R3/13 - W17		24.6	16	35.1%				
R3/13 - W18		24.7	16.2	34.2%				
R3/13 - W19		24.8	16.5	33.4%				
R3/13 - W20		24.9	16.9	32%				
R3/13 - W21		24.9	17.2	30.9%				

R3/13 W31	-		17.2	17.2	0				
R3/13 W32	-		16.9	16.9	0				
R3/13 W33	-		16.6	16.6	0				
R3/13 W34	-		16.4	16.4	0				
R3/13 W35	-		0.3	0.3	0				
R3/13 W36	-		0.3	0.3	0				
R3/13 W37	-		5.5	5.5	0				
Flat 9 (Second & Third Floor)									
R4/12 – W22	LKD		24.5	17.3	29.6%	59.7	59.1	59.1	0
R4/13 – W23			20.4	13.5	33.7%				
R4/13 – W24			37.2	31.1	16.3%				
R4/13 – W25			37.4	32.8	12.2%				
R4/13 – W26			28.4	28.4	0				
R4/13 – W27			27.8	27.8	0				
R4/13 – W28			14.5	14.5	0				
R4/13 – W29			17.5	17.5	0				
R4/13 – W30			17.6	17.6	0				

Table 1 – The Ironworks

10.249 To Flats 2, 3 and 4 (all are duplex at lower and upper ground floor levels), each dwelling would see a reduction of up to 28% to a single window. Each window serves as one of three windows to a living/kitchen/diner, however the remaining 2 windows to these rooms would not see reductions in VSC as they face towards Railway Street. The rooms would not see reductions in excess of BRE guidance in relation to NSL with the exception of Flat 2 that sees 20.7% reduction (minimally above guidance levels). As such, the impact is not considered to be unduly harmful upon the overall amenity of the dwellings.

10.250 To Flats 6, 7 and 8 (all at first floor level), each dwelling would see reductions to a bedroom in relation to both VSC and NSL. The bedroom at Flat 6 would see a reduction in VSC to its only window of 30% and a 45.8% reduction in NSL daylight distribution. Whilst this is regrettable, bedrooms are considered to be for sleeping and not the main living space of a dwelling, which would not be impacted within these dwellings. The retained VSC would remain above 14% in this case which is largely accepted as good for central urban centres. Nonetheless, given the cumulative reductions in both VSC to windows and in NSL to the rooms, this is considered a minor impact to the dwellings as a whole.

10.251 To Flats 9, 10, 11 and 12 (all are duplex units at second and third floor levels), these dwellings would see reductions in VSC to a number of windows.

- 10.252 To Flat 9, 1 no. window to a living/kitchen/diner would see a reduction in VSC of 29.6% and 1 window would see a reduction in VSC in excess of 30%. However none of the rooms in this flat would see reduction beyond BRE guidance for NSL daylight distribution. Given the rooms would not be negatively impacted in terms of daylight distribution, the reductions in VSC (retained levels remaining above 13% VSC), noting 5 windows remain unaltered, are not considered to result in an unduly harmful impact upon on the dwelling as a whole.
- 10.253 To flat 10, 10 windows across a bedroom, and living/kitchen/diner would see reductions in VSC in excess of 30%. However none of the rooms would see reduction beyond BRE guidance for NSL daylight distribution. Given the rooms would not be negatively impacted in terms of daylight distribution, the reductions in VSC (retained levels remaining above 15% VSC), noting 7 windows remain unaltered, are not considered to result in an unduly harmful impact upon on the dwelling as a whole.
- 10.254 Flat 11 would see reductions in VSC in excess of 30% to the window serving a bedroom (although this retains 20% of actual VSC), whilst 9 of 16 windows to the living/kitchen/diner would see reductions of up to 37.7% (all of these retaining at least 15% actual VSC). Neither of these rooms would however see reductions beyond BRE guidance in relation to NSL daylight distribution. As such, given the reductions in VSC, albeit between 32-37.7%, with 7 of the 15 windows remaining unaffected, the unit is considered to retain an overall reasonable level of daylight and sunlight amenity for a built up urban location.
- 10.255 Flat 12 would see reductions to 4 windows, 1 serving a bedroom and the other 3 windows serving a living/kitchen/diner but 5 windows in the LKD remain unaffected. The bedroom window would see a reduction of 28.7% in VSC, however would retain a value of at least 20% actual VSC, whilst the room would see a negligible reduction in NSL daylight distribution. To the living/kitchen/diner, 3 of the 8 windows would see reductions of up to 39.8% but the other 5 windows would see no reduction at all. Whilst the room would meet BRE guidance in NSL daylight distribution. Given the room would see reductions in daylight distribution of only 1%, and the reductions in VSC given the impacts on the principal window to the southern elevation (W1/13) of a VSC loss of no more than 24%, are not considered to result in an unduly harmful impact on the amenity of the dwelling as a whole.

Overhangs/balconies

- 10.256 There are overhangs/balconies which restrict the quantum of skylight to the windows at third and fourth level. The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. Within Appendix 2A of the Applicant's 'Response to Daylight, Sunlight and Overshadowing Objections' document dated 8 October 2021, a 'without overhang/balconies' results, in which additional calculations of the VSC for both existing and proposed situations, without the overhang/balconies above in place.
- 10.257 The results of this exercise indicates that the balconies do cause some harm to the quantum of skylight that windows would achieve at second and third floor levels. The table below shows the 'without overhangs/balconies' results alongside a comparison with the standard 'with overhangs/balconies' results highlighted above.

		Vertical Sky Component – Assessment without overhang			Comparison with assessment including overhang
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
Flat 12 (Second & Third Floor)					
R1/13 - W1	LKD	34.5	26.3	23.9%	23.9%
R1/13 - W2		28.75	20.86	27.4%	39.9%
R1/13 - W3		35.11	26.70	24%	35.7%
R1/13 - W45		25.8	25.8	0	0
R1/13 - W46		24.7	24.7	0	0
R1/13 - W47		20	20	0	0
R1/13 - W48		24.8	24.8	0	0
R1/13 - W49		24.7	24.7	0	0
Flat 11 (Second & Third Floor)					
R2/13 - W4	LKD	36.1	27.5	23.8%	35.8%
R2/13 - W5		36.1	27.4	24.1%	36.3%
R2/13 - W6		36.1	27.4	24.3%	36.0%
R2/13 - W7		36.3	27.3	24.7%	37.3%
R2/13 - W8		36.3	27.3	24.8%	37.4%
R2/13 - W9		36.3	27.3	24.9%	37.6%
R2/13 - W10		36.4	27.3	25%	37.7%
R2/13 - W11		36.4	27.3	25%	37.6%
R2/13 - W12		36.5	27.4	24.8%	37.4%
R2/13 - W38		9.4	9.4	0	0
R2/13 - W39		3.8	3.8	0	0
R2/13 - W40		3.9	3.9	0	0
R2/13 - W41		26.4	26.4	0	0
R2/13 - W42		26.3	26.3	0	0
R2/13 - W43		26.2	26.2	0	0
R2/13 - W44		26	26	0	0
Flat 10 (Second & Third Floor)					
R3/13 - W13	LKD	36.6	27.5	24.7%	37.1%
R3/13 - W14		36.6	27.7	24.5%	36.8%
R3/13 - W15		36.7	27.8	24.3%	36.5%
R3/13 - W16		36.8	28	23.8%	35.7%
R3/13 - W17		36.9	28.2	23.4%	35.1%
R3/13 - W18		36.9	28.5	22.9%	34.2%
R3/13 - W19		37	28.8	22.3%	33.4%
R3/13 - W20		37	29.1	21.5%	32%
R3/13 - W21		37	29.3	20.1%	30.9%
Flat 9 (Second & Third Floor)					
R4/13 - W22	LKD	36.1	28.8	20.1%	29.6
R4/13 - W23		29.3	22.5	23.4%	33.7%
R4/13 - W24		37.2	31.1	16.3%	16.3
R4/13 - W25		37.4	32.8	12.2%	12.2
R4/13 - W26		28.4	28.4	0	0
R4/13 - W27		27.8	27.8	0	0
R4/13 - W28		22.0	22.0	0	0

R4/13 - W29		27.1	27.1	0	0
R4/13 - W30		27.8	27.8	0	0

Table 2 – The Ironworks - Without overhangs

- 10.258 The results are limited to the properties at second and third floors of the Ironworks only due to the overhang/balconies being limited to these windows only. The alternative results shows that the development would still impact on the windows of the Ironworks, however the impact would not be as intrusive, with in most cases, the reduction would be at least 10% less without the overhang. For example, to flats 11 and 12, the reduction would lessen from 39.9% to 27.4%, showing the overhangs would contribute to impact on skyline to the windows. The impact of the development would be less, with minimal infractions beyond BRE guidance of between 22-27%, were it not for the overhangs.
- 10.259 This exercise undertaken by the Applicant is useful in outlining the impacts of the development and understanding the extent of how the existing features of neighbouring buildings can impact daylight receipt to its own inhabitants.
- 10.260 Officers acknowledge that overhangs cannot necessarily be removed, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance.

The Copperworks

- 10.261 This building is located to the east of the site.

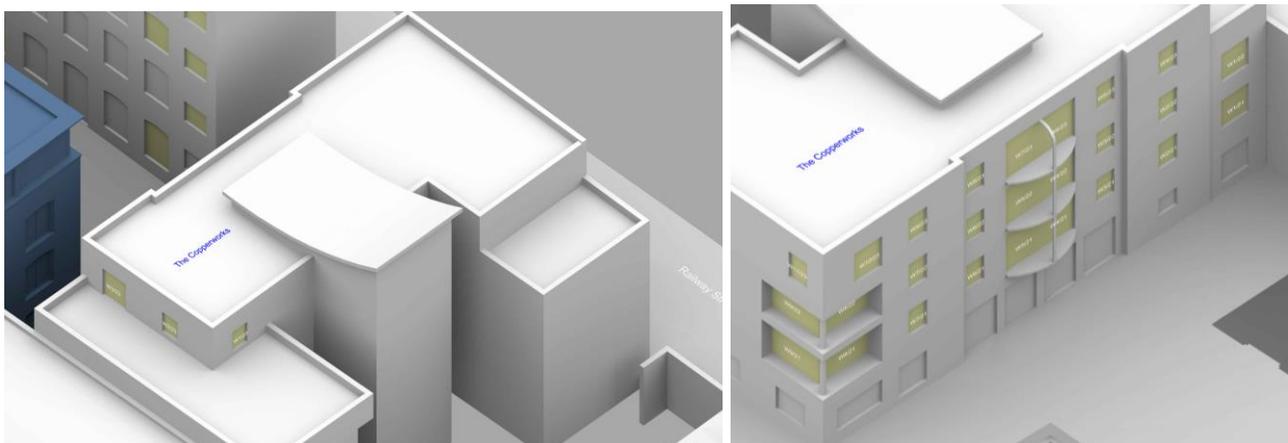


Image 39 – Windows Tested at The Copperworks

- 10.262 The building contains a mixture of both single and dual aspect units. 29 windows and 21 rooms were assessed. 26 (89.7%) of 29 windows, and 18 (86%) of 21 rooms, would meet BRE guidance.

Vertical Sky Component	No Skyline (Daylight Distribution)
------------------------	------------------------------------

Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Flat 3								
R1/21 – W1	LKD	7.9	7.1	9.4%	23.6	4.2	3	28.2%
Flat 9								
R1/22 – W1	LKD	16.2	13.0	19.8%	23.6	6.2	4.4	28.8%
Flat 14								
R2/23 – W3	LKD	36	33.2	7.7%	28.9	28.8	28.5	1%
R2/23 – W4		26.4	21.0	20.5%				
R2/23 – W5		28.5	24.4	14.4%				

Table 3 - Copperworks

10.263 As table above shows, although there are a number of reductions to both windows in VSC, and to rooms in NSL. The reductions however would not exceed 20.5% in VSC and 28.8% in NSL daylight distribution. The living/kitchen/diner to both flats 3 and 9 would see cumulative reductions in VSC to windows and in NSL daylight distribution to the rooms. The proposal is not considered to result in an unduly harmful impact upon the overall amenity of the dwellings of this neighbouring building.

Albion Buildings

10.264 This building is located to the east of the site.

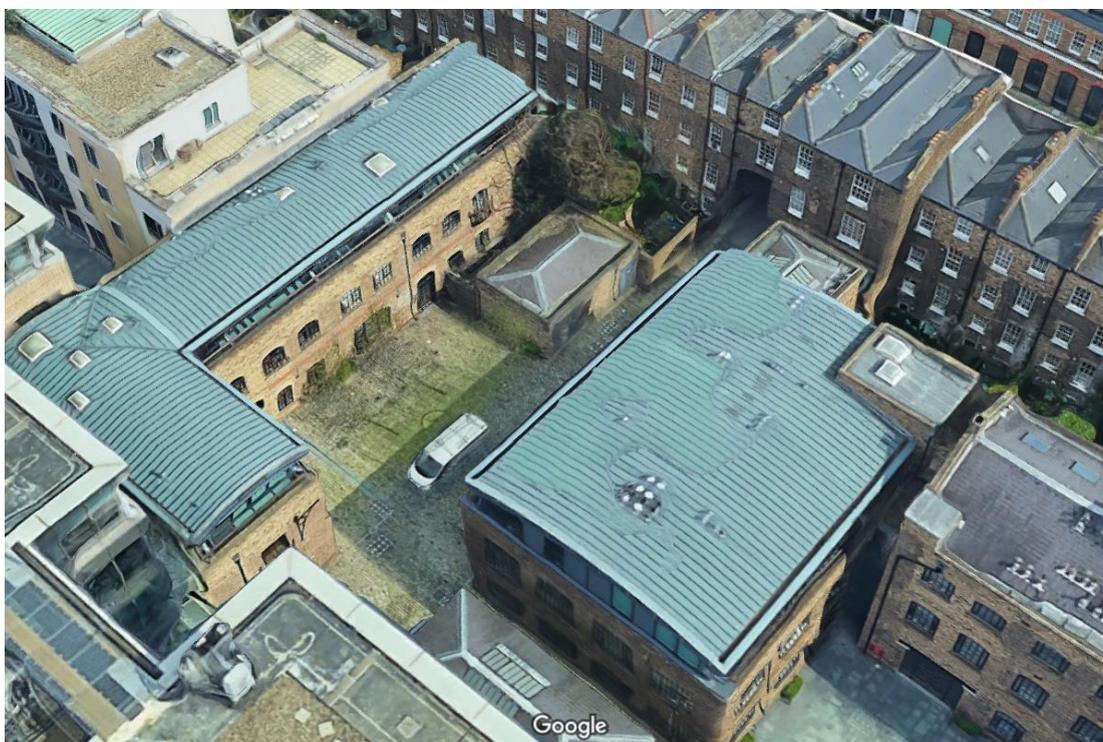


Image 40 - Aerial view of Albion Yard and Albion Buildings

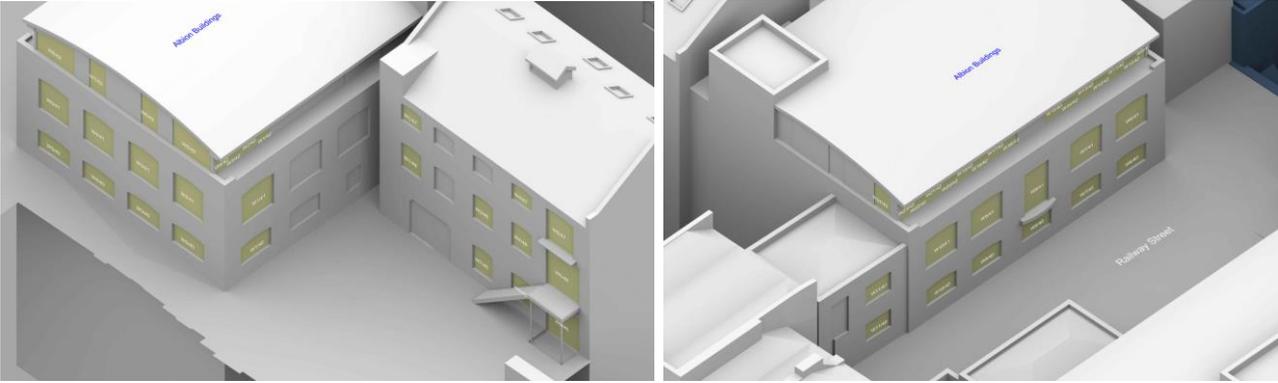


Image 41 – Windows Tested at Albion Buildings

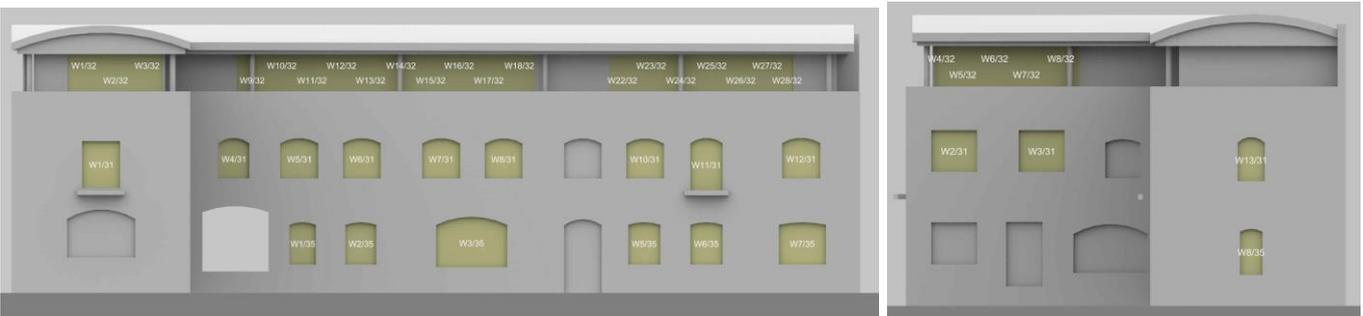


Image 42 – Windows Tested at Albion Yard

10.265 56 windows and 23 rooms were assessed. 49 (87.5%) of the windows, and all 23 (100%) of the rooms, would meet BRE guidance. Those windows that did not meet the guidance are addressed further below.

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Flat 2								
R2/40 – W4	LKD	7.5	6.3	15.2%	30.1	19.5	18.1	6.4%
R2/40 – W5		9.1	6.2	31.4%				
R2/40 – W6		21.1	19.9	4.6%				
Flat 8								
R1/41 – W1	LKD	25.3	25.3	0	11	10.9	10.9	0.1%
R1/41 – W2		16.8	14.5	13.7%				
R1/41 – W3		14.5	11.5	20.7%				
Flat 7								

R2/41 – W4	LKD	14.1	10.2	27%	30.6	30.6	30.6	0
R2/41 – W5		14.1	9.6	32.2%				
R2/41 – W6		27.1	24.9	7.2%				
Flat 13								
R1/42 – W1	LKD	19.6	19.6	0	26.5	26.5	26.5	0
R1/42 – W2		19.7	19.7	0				
R1/42 – W3		20	20	0				
R1/42 – W4		21.4	21.4	0				
R1/42 – W5		22.2	18.6	16.4%				
R1/42 – W6		20.7	15.9	23%				
Flat 12								
R2/42 – W7	LKD	19.8	13.7	30.4%	26.7	26.7	26.7	0
R2/42 – W8		19.5	12.7	35%				
R2/42 – W9		23.3	20.3	12%				
R2/42 – W10		22.4	20.2	9%				
R2/42 – W11		22.8	20.7	8.4%				
R2/42 – W12		23.1	21.1	8%				

Table 4 – Albion Buildings

10.266 As table above shows, although there are a number of reductions to windows in regards to VSC, to combined LKD rooms, all are served by multiple windows where at least one window retains existing VSC levels. This is reflected in the fact that minimal to no overall reductions in the daylight received to the rooms they serve is experienced. As such, given the reductions to the windows only, and not to their corresponding room, the dwellings are considered to retain an overall reasonable level of daylight amenity.

2A Albion Walk

10.267 This building adjoins the eastern boundary of the site.

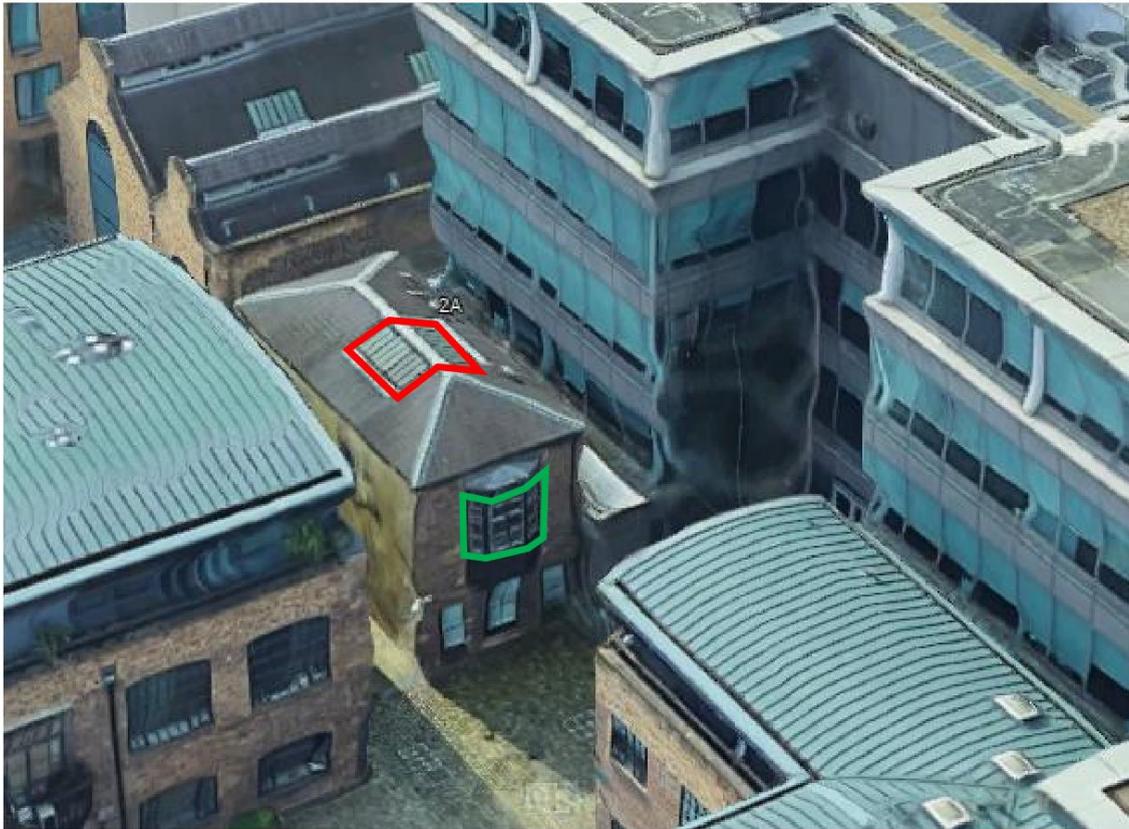


Image 43 – Aerial View of 2a Albion Walk

10.268 It is understood that this property is a one bedroom unit. Following objection to the proposal in regards to Point2 omitting testing to a roof light to the main roof, Point2 have assessed further in Appendix 2 of the Applicant’s ‘Response to Daylight, Sunlight and Overshadowing Objections’ document dated 8 October 2021, ensuring the skylight has also been assessed. As such, 9 windows and 2 rooms have been assessed. 8 (88.9%) of the windows and both (100%) of the rooms would meet BRE guidance.

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
R1 / 341 - W1	LKD	11	7.9	28.5%	33.2	33.2	33.2	0%
R1 / 341 - W2		20.6	18.6	9.9%				
R1 / 341 - W3		21.7	21.3	1.8%				
R1 / W4		7.9	7.9	0				
R1 / W5		6.4	6.4	0				
R1 / W8		51.4	47.3	7.9				
R1 / W9		73.4	69.8	4.8%				

Table 5 – 2a Albion Walk

10.269 As shown in the table above, one window would see a reduction of 28.5%. This window is the side facing window of a bay window which faces the site. This window serves the living/kitchen/diner; all other windows which light the room receive minimal loss of VSC. The room itself would not see a reduction in NSL daylight distribution, likely due to the extensive rooflight to the main roof above. As such, it is not considered to have an unduly harmful impact to the overall dwelling.

5-35 Balfe Street

10.270 5-35 Balfe Street is a row of 16x three storey (plus basement level) terraced townhouse properties. 67 windows and 67 rooms have been assessed. All 67 (100%) windows and 64 (95.5%) rooms would meet BRE guidance.

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
19 Balfe Street								
R1/124 – W1		17.7	16	9.4%	10.5	6.3	4.4	29%
21 Balfe Street								
R1/134 – W1		19.8	18.1	8.3%	9.5	5.6	4.1	31%
23 Balfe Street								
R1/144 – W1		16.6	15.8	4.7%	9.2	4.6	3.5	23.8%

Table 6 – Balfe Street

10.271 As shown in the above table, there are transgressions reported to three properties along Balfe Street: numbers 19, 21 and 23. However, the transgressions are limited to NSL reductions of between 23.8% and 31%, and all to lower ground/basement floor rooms to the rear of these properties. Due to the surrounding central London dense urban context, reductions are considered inevitable at lower ground floor window/rooms. Further, the reductions are limited to only one room within each of these dwellings, as such the dwellings are considered to continue to experience an overall reasonable level of daylight amenity.

Sunlight

10.272 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 at the Ironworks and the Copperworks. 231 windows have been assessed, of which 221 (95.7%) are BRE guidance compliant. The following properties comply with BRE guidance:

- Albion Buildings;
- Albion Yard; and
- 5-35 Balfe Street;

10.273 The transgressions to neighbouring properties are reported in the below table:

		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
Ironworks								
<i>Flat 1</i>								
R4/W9/10	LKD	32	25	7	21.9%	0	0	0
<i>Flat 4</i>								
R1/W1	LKD	28	18	10	35.7%	0	0	0
<i>Flat 3</i>								
R2/W4/10	LKD	33	23	10	30.3%	0	0	0
<i>Flat 2</i>								
R3/W5/10	LKD	35	24	11	31.4%	0	0	0
<i>Flat 8</i>								
R1/W1/11	Bedroom	36	24	12	33%	0	0	0
<i>Flat 12</i>								
R1/W1/12	Bedroom	63	50	13	20.6%	14	1	92.9%
<i>Flat 11</i>								
R5/W5/12	Bedroom	73	58	15	20.5%	17	1	88.2%
<i>Flat 10</i>								
R6/W6/12	Bedroom	72	55	17	23.6%	16	1	93.8%
The Copperworks								
<i>Flat 14</i>								
R2/W4/23	LKD	40	29	11	27.5%	12	8	33.3%
R2/W5/23		33	23	10	30.3%	5	2	60%

Table 7: Sunlight Transgressions

10.274 The Ironworks would see transgressions to 9 windows within the southern elevation of the building. The windows at ground floor level, which all serve living/kitchen/diners, are all dual aspect with outlook onto Railway Street. Many would continue to retain more than 25% across the annual measure, or relatively close to this level (although it is noted they will lose greater than 20% of their former levels. Sunlight is sensitive to change in central urban locations and overall the above performance is considered to be acceptable.

10.275 The Copperworks would see transgressions to only 2 windows to Flat 14, which is located on the third floor. The windows serve the same living/kitchen/diner to a one bedroom property. One would retain greater than 25% APSH and the other minimally below this measure with the winter performance, one window remaining above 5%. Although, there is a reduction in sunlight receipt to these windows, the room is dual aspect with a further window benefitting from south facing orientation (which would not be impacted by the development).

Overshadowing

- 10.276 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).
- 10.277 Five (5) plots of open space have been assessed as part of the assessment. 19-35 Balfe Street share a space to the rear of the terrace. 5-15 Balfe Street also share a space to the rear of the terrace. Albion Yard and Ironworks have hard surfaced areas also, which appear to be used for access and servicing. Nonetheless, all of these identified areas would remain as existing and not see a reduction in sunlight on the ground.

Overall Summary for Daylight, Sunlight and Overshadowing

- 10.278 A comprehensive assessment of the proposed development on surrounding windows, rooms and amenity areas to neighbouring dwellings has been undertaken in accordance with BRE guidance and practice. It has to be acknowledged that there would be some impacts to neighbouring properties and that this is regrettable.
- 10.279 Quantitatively, a small number of windows (14.4%) and rooms (8.8%) would fail to meet BRE guidance in regards to daylight. Those that do fail BRE guidance largely do so by only minimal infractions, or where officers consider these reductions to be acceptable due to the central London urban context of the surrounding area. Most windows retain at least 15% VSC where losses would be greater than 20%. Turning to sunlight, a small number of windows (4.3%) would fail to meet BRE guidance, with the impact being most noticeable during the winter period. All neighbouring amenity/open spaces would meet BRE guidance.
- 10.280 Amendments to the scheme reduced impacts to Flat 3 and 9 of Copperworks which were viewed to have the lowest existing levels of light, needing more careful consideration. The proposal now sees minimal (BRE compliant reductions to those flats and improved relationship in terms of outlook).
- 10.281 Therefore, it is considered that the proposed development would cause adverse impact to the neighbouring properties in terms of daylight and sunlight received, although the level of harm in this case is considered to be minor. The BRE guidelines must be viewed flexibly and considering the wider adherence to the required standards, allowance should be made for the Central London location and the surrounding context of the site. The **overall planning balance** is covered in a later section of this Committee report at paragraphs 10.458-10.464.

Overlooking

- 10.282 The supporting text to IDMP 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.

- 10.283 Paragraph 2.3.36 of the Mayor of London’s Housing SPG states that such minimum distances “can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density”. This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor’s guidance does not override Islington’s Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 10.284 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.
- 10.285 It is noted that the existing building at Jahn Court already overlooks the neighbouring occupiers at The Ironworks, The Copperworks, Albion Yard and Albion Buildings, to a significant degree. Therefore, the key consideration is whether the proposed fourth floor and roof extensions at fifth and sixth floors, and rear infill extension would result in unacceptable increase in the level of overlooking towards the neighbours.



Image 44 – Existing overlooking between The Ironworks and Jahn Court

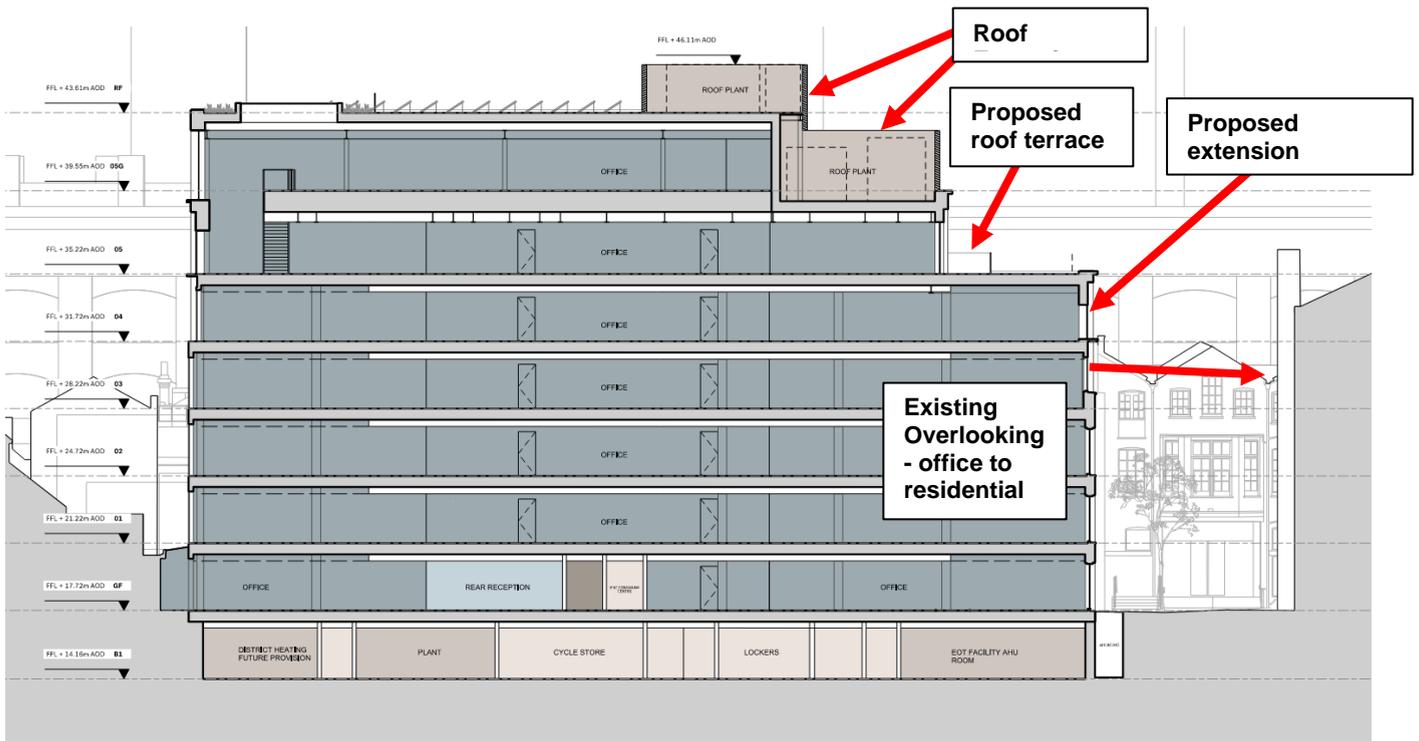


Image 45 – Existing and proposed levels of overlooking between The Ironworks and Jahn Court

10.286 The proposed extension at fourth floor level comprises of glazing which fronts towards the residents at fourth floor of the Ironworks, at a distance of approximately 10.5m. A roof terrace is proposed at fifth floor level, recessed from the northern elevation by approximately 4 metres, and by 8 metres from the eastern elevation. As shown by images 44 and 45, there is a significant degree of overlooking between Jahn Court and the residential properties at The Ironworks. A similar relationship applies currently between the eastern elevation of Jahn Court and the residential properties at The Copperworks. Consideration has been given to the existing levels of overlooking, the angle of view and the level of the increase in overlooking which would mainly be provided between the Jahn Court and the Ironworks.



Image 46 - Existing relationship between Jahn Court and Albion Yard

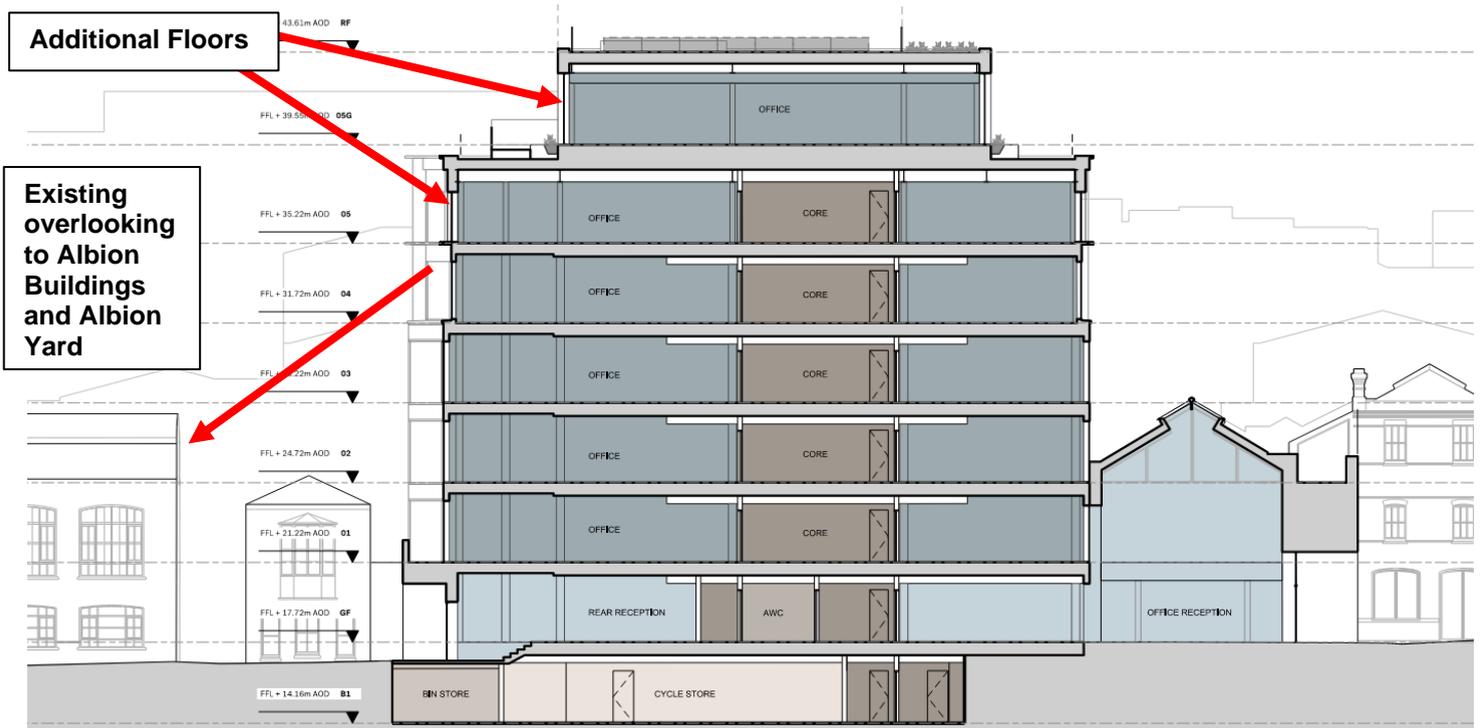


Image 47 - Existing and proposed level of overlooking between Jahn Court and Albion Buildings

- 10.287 Images 46 and 47 indicate that there is an existing level of overlooking between the eastern elevation of Jahn Court and the properties at Albion Buildings. A similar relationship exists with the properties at Albion Yard. The image also demonstrates the proposed angle of view from the additional floors towards these properties.
- 10.288 Taking into account the site's highly urbanised and central location, the density and separation distances, the existing levels of overlooking, and the angle of view of the additional storeys, between buildings at the Ironworks, the Copperworks, Albion Buildings and Albion Yard, it is considered that the level of overlooking would not need to be mitigated, even though the 18m requirement is not applicable in this case.
- 10.289 Overall, officers are satisfied that the proposal would not unduly affect the neighbours' privacy and the proposed development would not result in unacceptable overlooking towards the adjoining neighbours.

Outlook and enclosure

- 10.290 The site is surrounded by residential buildings which have windows facing towards the site boundary, namely the south facing windows on The Ironworks, and west facing windows at The Copperworks, and Albion Buildings. The proposals amount to a single storey extension at fourth floor level on the northern elevation, and a stepped two storey roof extension recessed from the northern elevation, plus a recessed plant room.
- 10.291 Consideration has been given to the existing setting of the site, and the relationship between the existing five storey office building and the windows of these adjacent residential properties. It is noted that with the exception of the proposed single storey extension at fourth floor level, there would be largely an oblique angle of view from the windows of the residential properties which are located at ground to third floor level, towards the additional massing located at fifth and sixth floor level as shown by image 47 above. It is noted that the residential properties in the Ironworks have dual aspect with a secondary aspect facing onto Railway Street and are split level.
- 10.292 With regards the impact of the single storey extension at fourth floor level on the Ironworks and the Copperworks, consideration has been given to the scale of the additional height, bulk and massing in proportion to the existing building, and the existing relationship between the office and the windows of the residential properties including the angle of view.
- 10.293 It is noted that the western elevation of the Copperworks is positioned approximately 6.2 metres from the eastern elevation of Jahn Court at ground to third floor levels. It is noted that the existing flat 14 at third floor level, is a dual aspect flat with a largely unobstructed southern elevation to the main living space, and that the flats 3 and 9 at the southern end of the Copperworks building, at first and second floor levels, are single aspect.
- 10.294 During the course of the application revisions have been made in response to concerns over the amenity impacts on the residential properties flat 3 and flat 9, in terms of daylight, outlook and enclosure, through a reduction in the extent of the fourth floor roof extension to be set away from the eastern elevation. The impact of the reduction on outlook and enclosure is shown by the sightlines in images 48 and

49 below. This indicates that the revised scheme would maintain the existing levels of outlook and enclosure to the first floor flat 3, and there would be minor reduction in the existing sightline to the second floor flat 9. Given that the width of the massing at fourth floor extension would be limited to 8.5 metres, and that the daylight assessment indicates that there would not be an unduly harmful impact, overall the impacts on flat 9 are considered to be acceptable given the site's existing context.

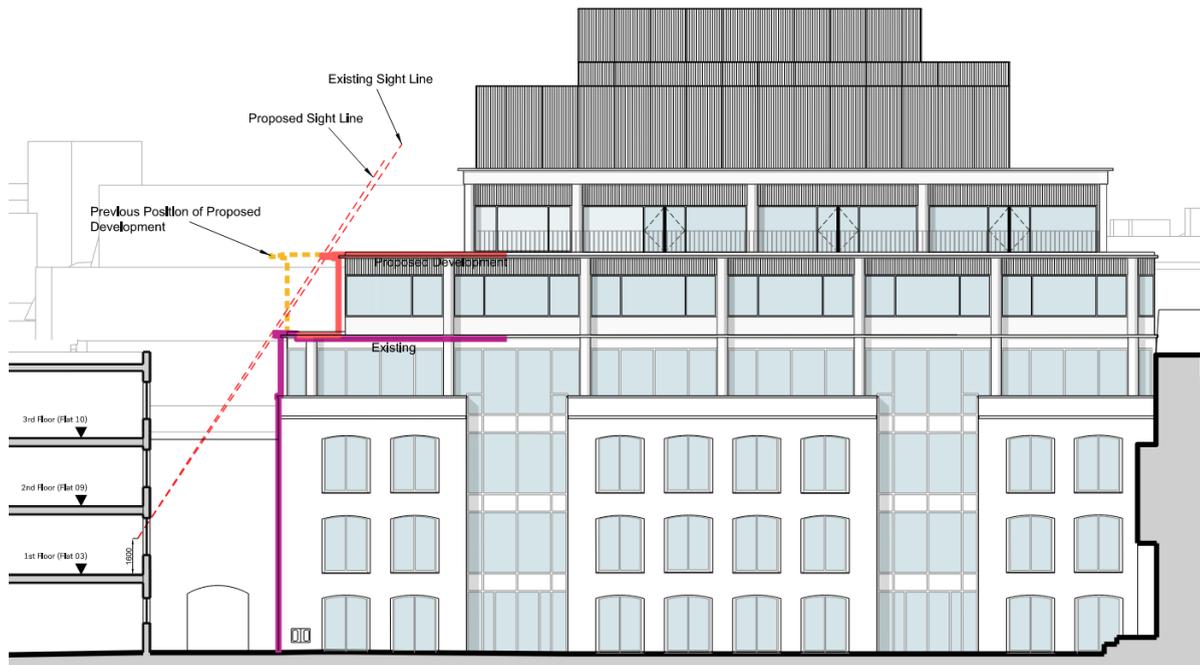


Image 48 – Existing and Proposed sightlines from Flat 3 in the Copperworks

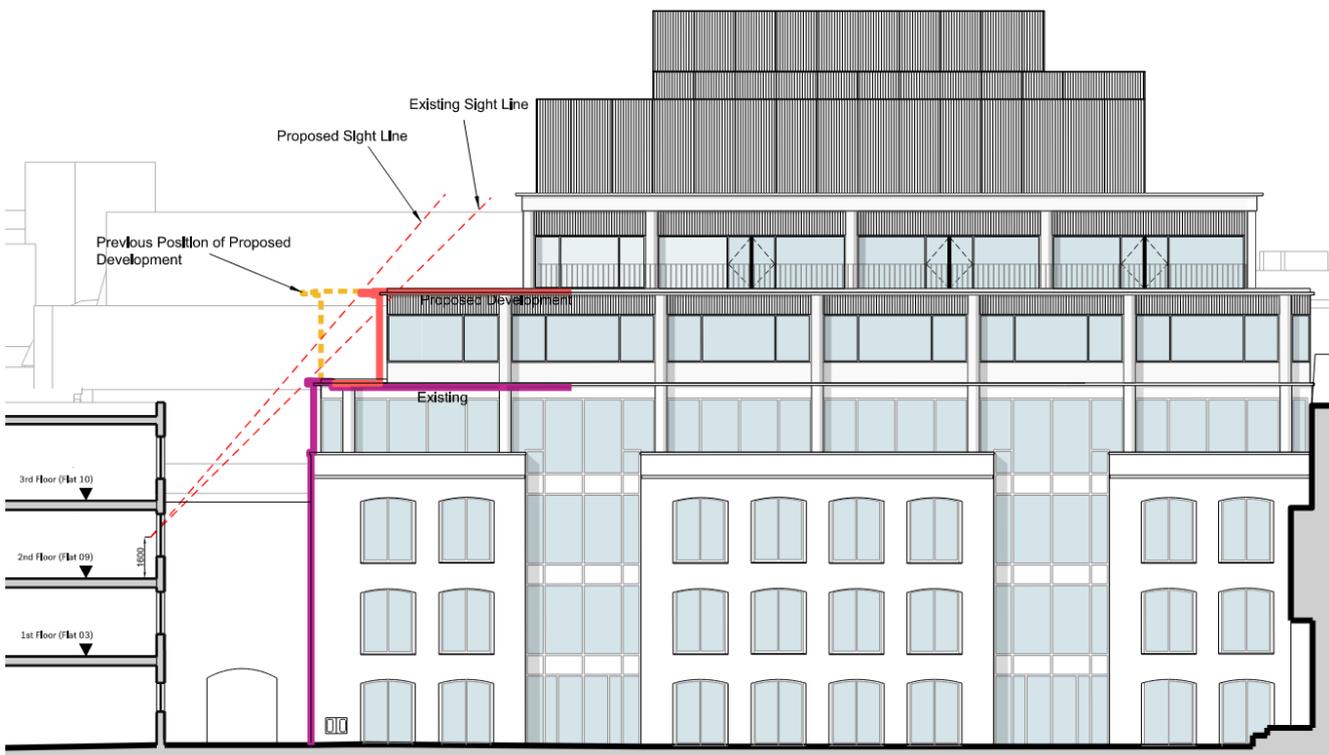


Image 49 – Existing and Proposed sightlines from Flat 9 in the Copperworks

10.295 Taking into account the existing setting and the existing distance between the surrounding properties, as a result of the amendments, it is considered that the proposed development would not pose unacceptable harm to the adjoining neighbours in terms of outlook and perceived sense of enclosure, and would not lead to an overbearing or over dominant impact given the scale of the additional height, bulk and massing on the existing building and the relationship to the neighbouring properties.

Noise and disturbance

10.296 Noise and disturbance are likely to be generated from the proposed construction works, as well as the commercial operations proposed under this application, including the office uses on the upper levels, and the flexible commercial uses on the ground floor.

10.297 In regard to the plant noise, the Council's Acoustic Officer has reviewed the submitted noise assessment. The proposal includes plant at sixth floor (known as Fifth Floor Gallery) and on the rooftop and the specification of the proposed plant has been reviewed. It is recommended that the acoustic specifications of the plant to be controlled by **condition 11**, and post installation verification report secured by condition **12**, to ensure that the noise impacts are minimised and that it would not adversely affect the surrounding occupiers in terms of noise.

10.298 The Acoustic Officer comments that the proposal includes building services plant, with the noise report advising 24 x air source heat pumps for air conditioning and 3 x ASHP for hot water. These will all have to be on the roof and acoustically enclosed. The units haven't been confirmed so it's not clear on the dimensions and the officer considers that planning officers will need to consider the visual impact for the appropriate enclosures. Therefore officers consider that appropriate details can be secured by condition **33**.

10.299 The proposals include a roof terrace for the office spaces at fifth floor level. It is referred to in the noise report but there isn't a direct assessment. Therefore the Acoustic officer has requested that a Noise Management Plan is secured by condition **13** prior to use of the terrace, covering management of the space, hours of use, controls of noise, numbers etc.

10.300 An objector has commented: *EL's noise level estimations for their plant machinery are lower than rated noise levels for this machinery. EL's report takes a "predicted value" of 38dB - nearly 30dB lower than the rated output 67dB for heat pumps. This low estimation appears to be based on the acoustic properties of a proposed screen. However this screen only attenuates 30dB at a frequency of 2000Hz. At all other frequencies the noise attenuation is much less. For example, at 125 Hz the attenuation is only 7dB. This would give a "predicted value" of 60dB - which is 15dB above the guidance.*

10.301 The Council's Acoustic Officer has provided the following response:
'The quoted 67dBA is the manufacturer's data for the sound pressure level at 1m away from the heat pump. The prediction of 38dBA is at 1m from the façade of the residential at the Ironworks. The prediction is made by calculating the attenuation provided by

the acoustic screens around the plant area, the building and the distance between the pumps and receptor. The required attenuation for the acoustic screen has been taken from a 300mm deep acoustic louvre. An acoustic screen provides less attenuation at lower frequencies but with the attenuation over distance, Islington's plant noise criterion is predicted to be complied with. The plant enclosure is at roof level and significantly higher than the Ironworks receptors and the building itself provides screening. The objection comments do not take into account this or the distance attenuation.

It is noted that the report has used the lowest 15 minute period for daytime background sound level (recorded at the weekend daytime) and lowest 15 minute period for night time (weekend night time). It also assumes all plant is operating in heating mode (the higher sound generating of the two modes). Therefore you could say it is a conservative assessment. The plant noise level is assessed as 6 dB below background at 1m from the façade of the Ironworks during the quietest weekend daytime period and 9dB below background during the loudest daytime period (weekday evening).

The noise report states that plant will be enclosed on all four sides and this is recommended as good acoustic design albeit the nearest residential is to the north at the Ironworks and north-west/west at the Copperworks.'

10.302 On the basis of the response received from the Council's Acoustics Officer, officers do not consider that the objection raises an issue not already considered and addressed (and mitigation to be secured via condition).

Construction Impacts

10.303 The construction works proposed under this application would inevitably cause some degree of noise and disruption which would affect neighbouring residents. It is considered that the construction works under this application would need to be carefully managed and controlled to minimise disturbance to the neighbours.

10.304 A Construction and Environmental Management Plan is required to be submitted to and approved by the Council (in consultation with TfL) prior to the commencement of development, the plan shall include details including methods of demolition, quiet periods and noise mitigation, in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by **condition 5** should the application be approved. It is worth noting that 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.

10.305 The transportation and highways impact during the construction stage is further discussed in the Highways and Transportation section below.

Hours of operations

10.306 In terms of hours of use, it is considered that the operational hours of the proposed flexible commercial uses would need to be controlled to ensure that the surrounding

neighbours would not be unreasonably affected. It is recommended that the hours of operations are restricted as follows:

Use	Recommended hours of operations
E (a) – retail	7am - 10pm Monday to Saturday 8am - 8pm Sundays
E (b) – café/restaurant	7am - 10pm Monday to Thursday 7am - 11pm Friday and Saturday 7am - 9pm Sundays
E (d) – indoor sport, recreation or fitness	7am - 10pm Monday to Saturday 8am - 8pm Sundays
E (g)(i) - Office	No restrictions commonly added (terraces to be restricted via noise management plan).

10.307 The hours of operations are controlled under **condition 20**.

Odour control

10.308 The proposed flexible use on the ground floor comprises of restaurant use in which the potential for odours would need to be addressed adequately.

10.309 **Condition 10** is recommended to secure details of extract ventilation system to be submitted prior to commencement of any restaurant uses on site to ensure that any potential odour impact caused by the restaurant operations would be adequately mitigated through management and design / other measures.

Air Quality

10.310 IDMP Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

10.311 The application submission includes an Air Quality Assessment and Air Quality draft Dust Management Plan. The EPPP officer notes that this states NRMM should meet Stage IIIA. Inside the CAZ, NRMM should achieve at least Stage IV and outside the CAZ should achieve at least IIIB. The officer does not raise an objection in this regard.

10.312 The Dust Management Plan report states that prior to the implementation of appropriate mitigation measures, the potential impact significance of dust emissions associated with the preparation works of the proposed development has potential as 'medium' at some worst affected receptors without mitigation. The document states that appropriate site-specific mitigation measures have been proposed based on Section 8 of the IAQM 'Guidance on the Assessment of Dust from Demolition and Construction', 2014. The document concludes that with these appropriate mitigation

measures in place, the risk of adverse effects due to emissions from the preparation works will not be significant.

10.313 The Officer from the EPPP Team has reviewed the scheme and raised no objection in this regard. It is judged that mitigation measures for dust suppression during the construction stage should form part of the Construction and Environmental Management Plan.

10.314 In regard to the operational phase of the development, it was concluded that the proposal would not adversely affect the air quality of the local area, as the proposals would be car free and most of the trips generated would be through public transport.

Light pollution

10.315 The site has been established as a commercial building. The proposal would not alter the commercial nature of the site and therefore, it is not recommended that the hours of occupation of the development to be restricted for commercial use. However, the proposal raises the possibility of night time light pollution occurring, should office staff need to work outside normal office hours; due to the proposed intensification of commercial use of the site, the cumulative impact is likely to be greater than existing and therefore, it is considered that adequate measures would need to be in place to mitigate any adverse light pollution impact.

10.316 To address this, **condition 7** is recommended for details of measures to adequately mitigate light pollution affecting neighbouring residential properties. The measures that are suggested and could be used include automated roller blinds, lighting strategies that reduce the output of luminaires closer to the façades or light fittings controlled through the use of sensors.

10.317 It is considered that this condition would ensure the extent of light being used within the building is reduced and help minimise any impact on neighbouring properties, and address any light pollution concerns as well as minimise energy use/waste.

Neighbouring amenity summary

10.318 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity, except the adverse impact identified in daylight/sunlight terms in accordance with the requirements of policies DM2.1 and DM6.1. The level of harm caused by the daylight/sunlight impact is discussed in the planning balance assessment below.

Biodiversity, Landscaping and Trees

10.319 LP policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure network. Policy G5 further 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.

- 10.320 ICS policy CS15 and IDMP policy DM6.5 state that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 10.321 The existing building has no green coverage or soft landscaping, and the existing trees in the courtyards are to be retained. Therefore, it is judged that the proposal would not adversely affect the existing natural environment.
- 10.322 The applicant has submitted details of green roofs in support of the application and during the application in response to responses from the Sustainability Officer, this has been revised to include blue roofs. The green roof is proposed under and around the PV panels to form a bio-solar roof. The proposed green/blue roofs are welcomed and would enhance the biodiversity and ecological value of the building.
- 10.323 It is considered that details of the green roof would need to be submitted prior to commencement of development to ensure it would promote and enhance the biodiversity of the site and surrounding area (**Condition 6**).

Urban Greening Factor

- 10.324 The London Plan 2021 has introduced an Urban Greening Factor assessment required by Policy G5 (Urban greening) which states that all 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 to increase the overall urban greening factor of sites. The policy also expects councils to develop their own urban greening factor.
- 10.325 Draft Local Plan policy G1 (Green infrastructure) states that 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 predominantly commercial development.
- 10.326 Policy G1 received minor objections so has limited to moderate weight. An Urban Greening Factor assessment gives a rating to each type of surface on the site, with more biodiverse and permeable surfaces achieving a higher rating than hard landscaping and similar surfaces.
- 10.327 Currently the building has minimal ecological activity, with existing trees in the yards providing the only source of greening. The proposals amount roof extensions, infill extension and refurbishment of the existing building. The proposals include the addition of a green roof across much of the new rooftop.
- 10.328 The applicant has submitted a Biodiversity Net Gain Assessment and Urban Greening Factor Review. Following the removal of the previously proposed planters from Albion Yard and Ironworks Yard, the UGF has been confirmed as 0.15. The report considers that opportunities for greening have been maximised in what is predominantly a refurbishment scheme in a sensitive heritage location. In addition to the retention of all

existing ecological features and the provision of a green roof, there will be other ecological features created, such as bird, bat and invertebrate boxes.

- 10.329 Whilst acknowledging the scheme comprises of refurbishment and infill development so it may not be able to reach a UGF of 0.3, the sustainability officer queried whether there are opportunities for the Urban Greening Factor score to be increased. The applicant has commented that given the heritage matters relating to both Albion Yard and Ironworks Yard, there are no opportunities for tree pits within these yards. In respect of the forecourt to Jahn Court, tree pits are unsuitable because of the existing geo-cellular storage.
- 10.330 The Sustainability Officer has accepted that the site's physical and heritage constraints prevent the UGF from increasing towards the required 0.3 rating and raises no objections in this regard. Therefore the proposal is not considered to raise conflict with London Plan policy G5.

Energy and Sustainability

- 10.331 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.
- 10.332 The NPPF para 157 states that in determining planning applications, LPAs should expect new development to a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.333 LP policy GG6 seeks to make London 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.
- 10.334 LP 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 will 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.

- 10.335 In regard to Energy Infrastructure, policy SI 3 part D states that all major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system, which should be selected in accordance with the following heating hierarchy:
- connect to local existing or planned heat networks
 - use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
 - use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
 - use ultra-low NOx gas boilers
- 10.336 Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.
- 10.337 Policy SI 4 'Managing Heat Risk' of the new London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure; The submitted energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.
- 10.338 Core Strategy Policy CS10 requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.
- 10.339 IDMP 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.
- 10.340 The applicant has submitted the relevant details within an Energy Statement prepared by Norman Disney & Young dated 29 July 2021 (Version 3.0).

Carbon Emissions

- 10.341 The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 10.342 Based on SAP10 carbon factors, a saving of 59.0% is estimated, against a Part L 2013 baseline. This meets the London Plan target. For reference, based on SAP 2012

carbon factors, a 40.2% reduction is anticipated. No objection was raised from the Energy Officer in this regard.

- 10.343 In terms of Islington's policies, the council 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 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 10.344 The initial submission indicates that the development would achieve an overall saving of 37.5% on total emissions . However, for the existing building, the baseline is derived using the GLA's specification (in Appendix 4 of their 2020 Energy Assessment Guidance). For assessment against the Islington target, a baseline of an equivalent development complying with Part L 2013 should be used.
- 10.345 A subsequent comparison against a Part L 2013 notional building has been undertaken. This shows that the development is anticipated to achieve an 11.2% reduction on total emissions (SAP10 figures) which falls short against the council target.
- 10.346 However the Energy Officer has accepted that given the substantial refurbishment elements of both developments, it is extremely unlikely that either could make sufficient improvements to hit the 27% target – and the 11-13% reductions made are not insignificant in the circumstances. The officer notes that it might be possible to make some small improvements to the efficiency specifications and the PV capacities, but even if this is possible, this is only likely to have a small impact on overall emissions.
- 10.347 It is noted that latest updates provided by the applicant's energy consultant, mention detailed design stage, while the Environmental Design SPD places the onus on applicants to demonstrate that, for refurbishments not achieving the 27%, emissions have been minimised as far as reasonably possible. Given this, the Energy Officer has accepted the current energy position, and requested that an assessment of any potential further improvements is required by condition **23** prior to implementation.

Zero Carbon Policy

- 10.348 As mentioned above, the London Plan Policy SI 2 stipulates development proposals to aim to be zero carbon, this is supported by Islington Core Strategy Policy CS10 which states that development will need to promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO₂ emissions associated with the building through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.
- 10.349 The council's Environmental Design SPD states that "*after minimising CO₂ emissions onsite, developments are required to offset all remaining CO₂ emissions (Policy CS10) through a financial contribution*", this includes both regulated and unregulated emissions. The SPD further states that the calculation of the amount of CO₂ to be

offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.

- 10.350 The latest energy statement quotes an offset contribution of **£172,025** based on residual emissions of 187.0 tonnes, which includes both the regulated and unregulated CO2 emission. This has been confirmed by the Energy Officer that this value is correct. If improvements are secured via condition **23**, then this amount will reduce.

BE LEAN – Reduce Energy Demand

- 10.351 IDMP 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.*” It further states that “*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*”.
- 10.352 The proposed U-values for the development are new walls = 0.18; existing walls = 0.70, new roof = 0.13, existing roof = 0.35 and floors = 0.70. The proposed U-values for windows are new = 1.30 & 1.60, with retained windows = 2.20.
- 10.353 An air permeability of 3m³/hr/m² is specified for new-build areas, with 10m³/hr/m² anticipated for refurbished areas at Jahn Court. Since mechanical ventilation with heat recovery is proposed, the Energy Officer recommends that further improvements in air permeability for the existing building areas are considered.
- 10.354 Lighting controls including absence detection and daylight dimming are proposed. The luminous efficacies shown are relatively good, but the Energy Officer would suggest investigating further improvements to these.
- 10.355 The officer notes that for existing walls and roofs, the applicant has assumed that these meet the maximum thresholds under Part L2B, with the proposal that, if further investigation shows this not to be the case, insulation will be added.
- 10.356 The Energy Officer has accepted that no further amendments to the energy efficiency specifications are proposed for now, although there may be scope for further improvements at detailed design stage and this is secured by condition **23**.

Overheating and Cooling

- 10.357 IDMP Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by including details of internal temperature modelling under projected increased future summer temperatures.
- 10.358 Dynamic thermal modelling in line with CIBSE TM52 has been carried out. In general, the underlying assumptions for this analysis were considered to be reasonable. However, the analysis states that modelling was undertaken using the starting point

of a mechanically ventilated building (natural ventilation has been considered unfeasible due to local noise and pollution issues). The Energy Officer noted that the results of the analysis show no areas failing the assessment but in the conclusions, in seeming contradiction, it is stated that the results demonstrate the need for active cooling. As a result the Energy Officer requested that this is clarified, and to confirm the results of the analysis in the scenario of a mechanically ventilated building with no active cooling.

10.359 Subsequently further details of the overheating modelling have been provided, including the results for modelling of the development with mechanical ventilation alone. This scenario shows many areas of the building failing the criteria by a significant margin. Therefore, it is now accepted by the Energy Officer that active cooling can be used within the development.

The need for active cooling

10.360 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”.

10.361 The use of active cooling in order to prevent overheating has been accepted by the Energy Officer as outlined above.

BE CLEAN - Low Carbon Energy Supply

10.362 The development is identified as being relatively close to both the Somers Town Heat Network and the Kings Cross Heat Network, and contact has been made with both network operators. However, on the basis of this, it would appear that neither network is likely to extend in the direction of the development in the short or medium term. In addition, there are issues regarding capacity constraints as well as distance to the networks – and therefore, it has been decided that the development will not connect to either network. This is accepted by the Energy Officer.

10.363 Space heating and cooling will be provided to the development via a VRF system. Domestic hot water will be provided via an air source heat pump system. No objection was raised by the Energy Officer in this regard.

Connection to a DEN

10.364 IDMP Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”

10.365 The energy statement does not propose connection to a network as neither of the local heat networks is likely to extend in the direction of the development in the short or medium term and this is accepted by the Energy Officer.

Site-wide communal system/network and design for district network connection

- 10.366 London Plan Policy 5.6C states “where future network opportunities are identified, proposals should be designed to connect to these networks.” Council Policy DM7.3A states “all major developments are required to be designed to be able to connect to a Decentralised Energy Network (DEN)”. The Council’s Environmental Design Guide states “to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development (technical design standards to enable future connection are set out in Appendix 1).”
- 10.367 Council Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”
- 10.368 The Council’s Environmental Design Guide states “to enable this and to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development (technical design standards to enable future connection are set out in Appendix 1).”
- 10.369 GLA Guidance 10.14 states “the site heat network should be supplied from a central energy centre where all energy generating equipment, such as CHP and boilers, is located.”
- 10.370 The energy statement suggests that, given the development design, future-proofing for connection would be accomplished via reserved plant room space. This is agreed. The applicant has provided a drawing showing further details of protected pipework routes from the edge of the development to the plant room, which the Energy Officer has accepted as sufficient and nothing further is required at this stage.

Shared energy networks

- 10.371 Islington policy DM 7.3D states “Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.”
- 10.372 Potential for a shared heat network has not been assessed. The Energy Officer does not see that there is a clear opportunity for a shared heat network and longer-term, it would probably be more desirable to pursue a direct heat network connection in this area. Therefore, no further assessment of this is required.

CHP/CCHP or alternative low carbon on site plant

- 10.373 In accordance with the London Plan hierarchy (see 4.1 above) where connection to district heating or cooling networks are not viable, on-site low carbon heating plant should be proposed and CHP/CCHP prioritised (this may also form the basis of the alternative strategy, where the primary strategy is for connection to a district heating or cooling network if found viable through further investigation).
- 10.374 The Council’s Environmental Design Guide (page 12) states “Combined Heat and Power (CHP) should be incorporated wherever technically feasible and viable. Large

schemes of 50 units or more, or 10,000sqm floorspace or more, should provide detailed evidence in the form of an hourly heating profile (and details of electrical baseload) where the applicant considers that CHP is not viable; simpler evidence will be accepted on smaller schemes.”

10.375 On-site CHP is not proposed, on grounds of low heat loads and carbon factors. Given this, and the current GLA position on CHP, this is considered to be acceptable by the Energy Officer.

BE GREEN – Renewable Energy Supply

10.376 The Mayor’s SD&C SPD states “although the final element of the Mayor’s energy hierarchy, major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible.”

10.377 The Council’s Environmental Design SPD (page 12) states “use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets.”

10.378 A solar PV array covering an area of 109m² and ~20,000kWh/yr outputs is proposed, and this is supported. The latest update confirms that the PV array has outputs of 21.9kWp and now 14,550kWh/yr.

10.379 The Energy Officer has asked for further information to be provided regarding the potential to increase the solar PV capacity and this is secured by condition **23**

BREEAM - Sustainable Design Standards

10.380 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”.

10.381 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”.

10.382 The submitted BREEAM pre-assessment tracker shows the development achieving a rating of ‘Excellent’ as required, with an overall score of 74.59%. This offers a fair margin of comfort over the minimum 70% required to achieve an ‘Excellent’ rating. This is secured through **Condition 24**.

Draft Green Performance Plan

10.383 IDMP policy DM7.1 and the Environmental Design SPD 8.0.12 – 8.0.18 states “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.

10.384 The initial draft Green Performance Plan did not include targets for renewable energy generation, based on the energy modelling of the building and more details were required in terms of Arrangements for Addressing Performance. Subsequently an amended GPP has been provided. At this stage, the Energy Officer has accepted the GPP, although there will need to be further updates under the s106 Draft and Full GPP requirements.

Circular Economy

10.385 LP Policy SI.7 'Reducing waste' states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.

10.386 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.

10.387 The proposal comprises of significant building works, including the alterations to the existing building as well as the new roof level and infill extension.

10.388 It is required to demonstrate that materials extracted from demolition can be re-used where possible, and that the building will adapt to change over its lifetime. The development also needs to minimise the environmental impact of materials through the use of sustainably-sourced, low impact and recycled materials. The application includes a Site Waste Management and Circular Economy Statement. The Statement sets out how Circular Economy considerations have been a key part of the Development's sustainability strategy and have informed the Whole Life Cycle Assessment. The statement provides key circular economy commitments including minimising the quantities of materials and other resources used, prioritising materials that are responsibly sourced and with a high recycled content, designing for reusability, and to design out construction waste arising. The statement sets out the plans for implementation of the circular economy and the end-of-life strategy.

10.389 It is recommended that the details within the Sustainable Design and Construction Statement including Site Waste Management and Circular Economy Statement are secured and implemented by **condition 34**.

Sustainable Drainage

10.390 LP Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.

10.391 ICS Policy CS10 requires all development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating

and incorporates sustainable drainage systems. IDMP Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water runoff to a 'greenfield rate', where feasible.

- 10.392 The Sustainability officer queried if the surface water runoff rates could be reduced beyond offsetting the increase in foul water flows, including evidence of the structural limitations imposed by the existing structure and foundations to determine if there are further opportunities for blue roofs or attenuation tanks. The applicant has confirmed that all of the new roofs are additional storeys supported on the existing structure which load the existing foundations. The strategy used to determine structural loading is a "load balance" approach where the engineers have observed that the original structure was overdesigned for high floor loads, and by re-assessing the actual floor loads needed, the developers have freed up spare capacity in the foundations which is used for building the additional structure. Along with the floor and roof loads and building extra storeys, to ensure the foundations are not overloaded, it has been identified that 100mm blue roof thickness can be spared for blue roof in certain areas. The limited information on the foundations which means the applicant can't carry out calculations to add more load, and therefore must stay within the loads they were originally designed for.
- 10.393 In relation to the surface water drainage, the applicant states that 'flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer to meet local authority requirements.' This detail is secured by condition **39**.
- 10.394 In response to a further query by the Sustainability Officer, the applicant has confirmed that whilst rainwater and grey water recycling have been considered, the additional plant space and pipework distribution provision required would not make this feasible with the current schemes. The officer has reviewed the proposal and has welcomed the reduction of runoff rates and accepts that the proposal to reduce surface water runoff to offset the increase in foul water flows only.
- 10.395 The applicant has provided plans demonstrating there the extent of opportunities for geo-cellular storage is limited due to existing and proposed utilities in Albion Yard and Ironworks Yard and has been maximised in the circumstances.

Highways and Transportation

- 10.396 The NPPF para 110 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.
- 10.397 The New London Plan Chapter 10 relates to highways and transportation. LP Policy T4 (A) states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Part (B) requires Transport Statements to 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, will be required to address adverse transport impacts that are identified.

- 10.398 The IDMP 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.
- 10.399 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 6b (Best). The site is located opposite Kings Cross Rail Station which sits adjacent to St Pancras International Rail Station and also provides Kings Cross St Pancras underground station. The station provides train services on several London underground lines and National Rail lines as well as international train services. The site is also located at relative proximity to a number of bus routes including on York Way, Euston Road and Pentonville Road.

Proposal

- 10.400 The main entrance to the existing building at Jahn Court is accessed via York Way, with a secondary entrance via Albion Yard which is accessed from Balfe Street to the east, Railway Street to the north and Caledonia Street to the south. 34b York Way is a self-contained building with access via York Way. Whilst there are alterations to both entrances, the position and access points remain largely the same.
- 10.401 The development is proposed to be car free, with no vehicle parking proposed on-site.
- 10.402 In regard to disabled parking, due to the constraints of the current site, no dedicated vehicle access or parking can be facilitated on-site and any provision of new disabled parking facilities will therefore need to be accommodated on the adjacent carriageways. The applicant identifies potential capacity for up to 2 designated parking bays across both applications (P2021/2269/FUL and P2021/2270/FUL), 1 no. located within the existing general use bays provided on York Way and 1 no. located within the existing general use bays adjacent to the Albion Yard entrance to Block C, on Balfe Street. The Council's Highways Officer has no objections to these proposals.
- 10.403 In terms of cycle parking, it is proposed to provide 125 secure cycle spaces and associated shower and changing facilities and mobility scooter charging points to be located in the reconfigured basement for use by the office workers. Visitor cycle parking is provided in the form of 9 short stay cycle stands for 18 cycle spaces across the courtyards in Block C and on the highways including 6 stands within Albion Yard, and the remaining 3 additional stands are located within the courtyard entrance to Jahn Court, adjacent to York Way. There are also a number of existing on-street cycle parking areas in close proximity to the site.

Vehicle parking

- 10.404 No vehicle parking is proposed on-site, this is considered acceptable and in line with Islington's policies CS10 and DM8.5, which requires development to be car free. TfL has reviewed the application and has also expressed their support of the proposal being car free.
- 10.405 The site has a PTAL rating of 6b(Best), which indicates that the site benefit by excellent public transport provision. There are on street parking spaces within close proximity to the site on York Way; however, based on the scale and nature of the proposed development, it is considered that the proposed commercial development is unlikely to generate an unacceptable level of vehicle trips to the site to adversely affect the local highways network. The Council's Highways Team has commented on the application and no objection was raised in this regard.
- 10.406 In regard to disabled parking, there is no disabled parking proposed on site, however, it is anticipated that the need for disabled parking provision would increase as a result of the development. In accordance with Policy DM8.5 and the guidance with the Planning Obligation SPD, a financial contribution of £2,000 per space is required to secure additional on-street blue badge parking bays, or alternative accessibility improvements to be agreed by the Council's highway officers. The financial contribution is to be secured by the s.106 agreement.

Cycling

- 10.407 In terms of cycling, LP Policy T5 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.
- 10.408 The London Plan states that office development should provide 1 space per 75sqm of office floorspace.
- 10.409 IDMP Policy DM8.4(C) requires the provision of cycle parking in accordance with the minimum standards set out in Appendix 6 of the Development Management Policies document. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. Cycle parking shall include an adequate element of parking suitable for accessible bicycles and tricycles.
- 10.410 Appendix 6 sets out the cycle parking requirements for each use (the area relates to Gross Internal Area for the purpose of calculations). It is required to provide 1 space per 60sqm of retail, café/restaurant floorspace, 1 space per 80sqm of office floorspace, and for leisure and sports 1 space per 275sqm.
- 10.411 Based on the total floorspace of the refurbished and extended office building of 10,304sqm the proposal would be required to provide 137 spaces to fully accord with the London Plan requirement and 128 spaces to accord with the adopted Local Plan requirements. The flexible Office (Class E Retail(a), Cafe/Restaurant(b), Fitness(d) or Office(g)(i) floorspace active unit of 7.17sqm (NIA) would necessitate 1-2 additional cycle parking spaces to accord with the London Plan policy requirements.

- 10.412 The proposed cycle storage would be located in the basement floor level, it would provide 90 doubled stacked spaces, with 3 oversized accessible spaces, 2 spaces will be adaptable spaces provided by Sheffield stands which could be used as oversized spaces; and 30 spaces will be provided as folding bike lockers.
- 10.413 Given the site's constraints, the provision of 125 secure spaces and 18 short-stay cycle parking spaces provided for visitors, located within and around Block C, is considered to accord with the aims of the new London Plan. **Condition 4** is to secure these details.
- 10.414 As per the requirement under Policy T5, 9 short stay cycle stands are required to meet the expected demand following the development. The cost of providing 9 short stay stands includes the design, consultation, approvals and implementation of the stands by the Traffic and Parking Team. This is to be secured by s106 obligation.
- 10.415 It is considered that overall, the proposal would provide an acceptable level of cycle facilities to support the development and to encourage use of alternative transport modes, which complies with the objectives of LP Policy T5, and IDMP Policy DM8.4.

Servicing and Waste management

- 10.416 IDMP Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.417 The site has access points on foot from York Way, Caledonia Street, Railway Street and Balfe Street. York Way is a busy main road within the area.
- 10.418 The southern end of York Way, extending from Pentonville Road to its junction with Caledonia Street, forms part of the Transport for London Road Network (TLRN). To the north of Caledonia Street, York Way is managed by LBI.
- 10.419 York Way provides a one-way route in a northbound direction along the western boundary of the site, connecting Euston Road / Pentonville Road to the A503 Camden Road. York Road feeds vehicular traffic onto Caledonia Street through Regent Quarter in an eastbound direction, whilst receiving westbound traffic from Railway Street at the northern edge of Regent Quarter. York Way is utilised as a major bus corridor by TfL with the western side of the carriageway reserved as a bus stand in the vicinity of the site. The eastern side of the carriageway is characterised by a series of loading bays, controlled parking bays and marked drop-off bays.
- 10.420 The site falls within Zone B of Islington's Controlled Parking Zone (CPZ) and as such the 2 controlled parking bays located adjacent to the southern portion of Regent Quarter are operational between the hours of 08:00 – 18:30 (Monday to Friday) and 08:00 – 13:30 (Saturdays), consistent with the other local parking bays. There are

also 2 loading bays provided on the southern (TLRN) section of York Way, whereby stopping is not permitted between the hours 08:00-19:00, except for disabled parking and deliveries, with loading activity permitted between 10:00 and 16:00 hours for a maximum duration of 20 minutes.

- 10.421 The applicant has submitted a Transport Statement (RGP – 30 July 2021), and a Delivery and Servicing Management Plan (DSMP) (RGP - 30 July 2021) in support of the application, to demonstrate the proposed servicing arrangements and how waste would be managed on site. During the course of the application a Transport Statement Addendum has been submitted (RGP – October 2021).
- 10.422 TfL have confirmed their acceptance of the locations for the short-stay cycle parking, the proposed arrangements for the disabled parking on the eastern side of York Way, and the loading bays on York Way.
- 10.423 The submitted Transport Statement Addendum anticipates that the additional office floor space to be provided as part of the proposed development at Jan Court and the hub would likely generate a net increase of 23 two-way vehicle trips over the course of a typical weekday. As a worst-case scenario, 4 additional two-way movements could occur during the AM peak hour period, representing on average 1 additional vehicle arrival / departure every 15 minutes. It is noted that some of the collections and deliveries trips generated by this development are unlikely to be new but already on the highway serving neighbouring properties.
- 10.424 The DSMP has not been updated to reflect the proposed change of use from office to flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit in Laundry Building. As a result, the details of the Delivery and servicing Arrangements are proposed to be secured by condition **(26)**.
- 10.425 The Council's Highways officer has reviewed the documents including latest Transport Statement Addendum and has not raised an objection to the details.

Refuse and recycling

- 10.426 The DSMP anticipates that the office accommodation will generate 2-3 weekly refuse collections, which would be undertaken from Railway Street and Balfe Street by a private waste removal contractor. All collections would be scheduled outside of the conventional highway peak hour periods.
- 10.427 The DSMP considers that based on local waste storage guidance, the office would be required to provide a capacity of 26,000L to accommodate a single weekly collection of waste and recycling on-site, equating to 24 x 1,100L Eurobins.
- 10.428 It is proposed that a total of 11 x 1,100L Eurobins would be provided across the site, generating a requirement for 2-3 weekly collections to be scheduled as part of the site's operation post-development. 7 x 1,100L Eurobins would be provided in the basement, as well as a further 4 x 1,100L Eurobins within the temporary holding location at ground floor to the rear of the Jahn Court building, accessible from Ironworks Yard. As per existing arrangements, all waste collections would be carried out from Railway Street and Balfe Street and scheduled with a private waste removal contractor. The DSMP storage areas would be shared between the office and flexible

Class E commercial use and would accommodate bins allocated for the disposal of general waste and mixed dry recycling.

- 10.429 Officers consider the arrangements for the office use to broadly accord with the council's guidance on refuse and recycling storage requirements, noting that that 50% of this capacity should be retained for the storage of separated waste for recycling.
- 10.430 Waste / recycling capacity is also required on-site for the use of the active flexible Class E commercial unit, as the uses include retail, café/restaurant, fitness and office. The requirements of the retail or restaurant use is dependent on the type of retail or food outlet. The Council's guidance indicates that Street Environment Services will assess each proposal individually. Therefore it is considered that some of the flexible commercial uses (i.e. restaurant) may require additional and separate refuse storage to accommodate the use. As a result it is recommended that final details of refuse storage are to be submitted and agreed by the council prior to the occupation of this part of the development (**Condition 8**), on how waste would be managed on site, in regard to the proposed flexible commercial unit.

Construction impacts - Highways

- 10.431 The proposed construction works would inevitably have some impact to the local area during the construction period.
- 10.432 The draft Construction Traffic Management Plan was noted to have included arrangements are for the Highway Footway on the eastern side of York Way to remain open however the Council's Highways officer has objected to this, and as such, a final revised version would need to be submitted and agreed by the Council prior to any construction work commencing on site.
- 10.433 The Council's EPPP Team also recommended submission of a final version of a CEMP prior to commencement of development and to include measures set out by the Air Quality and Dust Assessment and should adhere to the guidance of Islington's CoPCS.
- 10.434 A full Construction and Environmental Management Plan should outline measures for the routing, accommodation, loading and unloading of construction vehicles during the entirety of the construction phase. A construction programme should also be provided within the CEMP and once a contractor has been appointed. This will set out indicative timescales for each phase of construction. This is secured in **condition 5**, to ensure that the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbouring amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.435 The council's Highways Team has recommended that the applicant would need to cover any cost to repair any damages to the public footway/carriageway caused by the development. This would be secured under section 106 agreement.
- 10.436 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together

with a payment of £4,809 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

10.437 The applicant has agreed to a financial contribution of £71,000 towards public realm improvement works in the streets immediately abutting the development site. This amount is split equally between the two applications (£35,500).

Highways summary

10.438 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The proposal would be acceptable subject to conditions (4) and planning obligations, and would comply with London Plan (2021) Policy T5 and T6, Islington Core Strategy (2011) Policies CS10, CS11 and CS13; Islington Development Management Policies DM8.2, DM8.4, DM8.5 and 8.6.

Safety and Security

10.439 The surrounding area is mixed with commercial and residential uses. Block C has existing pedestrian access points from York Way, Caledonia Street, Railway Street and Balfe Street.

10.440 As per consent P000434 (s106A) the existing gates in Block C are open between 08:00 and 18:00 hours on Mondays to Saturdays, and between 10:00 and 18:00 hours on Sundays from 1 October to 31 March; and between 08:00 and 19:00 hours on Mondays to Saturdays and between 10:00 and 19:00 hours on Sundays from 1 April to 30 September each year. The relevant parts of this condition are reattached at condition **36**.

10.441 In response to comments made by objectors, the applicant has confirmed that no changes are proposed to the opening hours of the gates to Block C and that no changes are proposed to reduce the existing on-site security strategy, CCTV, security team. Details regarding CCTV and external lighting are to be conditioned so that the DOCO is able to review the details prior to the discharge of condition (27).

10.442 Cycling is prohibited within all the courtyards in Block C, which is indicated on the existing signage on all the gates providing access into the block. No changes are proposed to these existing arrangements. In response to objections received, regarding safety concerns over cyclists accessing the rear of Jahn Court, it is proposed to include an informative requiring the draft Travel Plan to include measures to remind cyclists that cycling is prohibited within the block, and to promote responsible cycling to the site and to discourage inappropriate cycling the wrong way down Balfe street.

10.443 The applicant has responded to queries from the Design Out Crime Officer at the Metropolitan Police (DOCO) as follows:

- The applicant has confirmed that the Estate Security Control Room is unaffected by this application, and the client plans to retain that capability to serve both these buildings and the wider estate. The applicant states that a security management capability and security presence is described for each building in this application

- on top of the estate security measures.
- The latest plans show a secure line between the flexible use retail/café/gym/office unit and the main office building, with the option to open up for specific events. Generally, a member of the public will not be able to go through and enter the main Jahn Court building.
 - The DOCO recommends that any new door between the flexible use unit and the main office space should be security rated and a LPS 1175 SR2 or STS 202 BR2 and should be single leaf. The SNA recommends LPS 1175 B3 (SR2) doors to the building envelope. This is secured by condition **(27)**.
 - The DOCO recommends that if access for general public between the flexible use unit and the main office space is not permitted then the interconnecting doors should have some form of access control, in the form of an encrypted key fob with data logging to record usage and the interconnecting door be either PAS24:2016 or LPS 2081 security rated. The door should have an auto close feature, should be single leaf and use maglocks (minimum of two placed top third and bottom third of frame with a pull weight of 600kg per plate) integral to the frame. This is secured by condition **(27)**.
 - The DOCO recommends emergency egress is considered at this location and the means by which this is achieved. The new large window would also need to be security rated. The glazing would need to be a minimum of P4A or PAS24:2016 with enhanced glazing (dependant on manufacturer's guidelines) or an internal retractable grille to LPS 1175 SR2. The applicant has confirmed that emergency egress and security will be coordinated by the relevant consultants as they are for all projects. Glazing security rating to these standards will be met. This is secured by condition **(27)**.
 - The DOCO has expressed concern that through the removal of the existing railings in front of Jahn Court on York Way, will open up the courtyard and invite potential antisocial behaviour due to the street population around this main transport hub, and this could become a hotspot overnight if it is not secured. The applicant has responded, with reference to security, reception attendance, and the new active ground floor use, citing there will be more natural surveillance in the entrance area to deter antisocial behaviour. In addition there will be lighting around the existing brewers chimney and there is existing CCTV covering this area. Officers recommend that a condition **(28)** is imposed requiring a review of anti-social behaviour by the applicant, after 3 months following first occupation of the development, to review if there is an issue with anti-social behaviour taking place in this location.
 - The applicant has commented that the door to the flexible use unit, has been reviewed by relevant consultants. If occupancy of this unit is under 60, it may open inwards. The door has been recessed to allow space for ramping to create a level access from the entrance area. The door will be recessed less than 500mm as per SBD recommendations.
 - The DOCO has suggested the use of ground level bedding within the recess between the chimney and the main entrance and putting in plants with a high prickly content or rail the area off to prevent anti-social behaviour. Officers consider the condition **(28)** outlined above to review the issues after 3 months is sufficient to address these queries given the constraints and need to ensure animation of the York Way frontage.
 - The DOCO recommends the use of London Cycle Stands due to the use of a tapping bar. These details are to be secured by condition **(27)**.

- The DOCO recommends lighting to comply with BS 5489-1:2020 and be complimentary to any proposed or existing CCTV system. CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). The officer recommends a formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system would need to be registered with the Information Commissioner's Office, as it would be recording public areas. Appropriate signage indicating this fact needs to be displayed. These details are to be secured by condition (27).
- The DOCO suggests the use of anti-graffiti treatments for exposed gable ends. There are treatments for both concrete/brick as well as metal textured materials. Also consider defensive planting or a rail or a combination of both to create a defensive space and provide a layer of additional security. Officers note the heritage considerations of the site and as such an informative is attached recommending consideration is given to these measures.
- The DOCO recommends further consultation is required in the pursuit of achieving SBD certification for the development. The applicant has commented that a Suitably Qualified Security Specialist has been engaged to assess the security risk and recommended security measures are to be designed by the architect and a specialist electronic security engineer.

10.444 Officers consider that following consultation with the DOCO, the applicant's responses and proposed conditions (27 and 28 that require consultation with the DOCO), these measures ensure that the proposals will accord with the principles of Secure By Design.

Fire Safety

10.445 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 third party, suitably qualified assessor.

10.446 The Fire Statement submitted with the application, has been prepared by Richard Sherwood of Norman Disney & Young, consulting engineers, a suitably qualified person, a member of the Royal Institute of Fire Engineers. The development has been consulted with the London Fire Brigade, who on 17/6/2021 provided a written response to the approved inspector.

10.447 In response to queries from the Council's Building Control Officer relating to the requirements of the London Plan policy D12b), a revised document has been submitted and amended dated 3 February 2022.

10.448 The submitted information is specific and relevant to the proposal and the fire statement form references compliance with BS9999.

London Plan policy D12(b) requires all major development proposals should be submitted with a Fire Statement which	Response:
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<p>details how the development proposal will function in terms of:</p>	
<p>1. The building's construction: methods, products and materials used, including manufacturers' details</p>	<p>Existing retail and office building structure will be retained and external wall cladding retained where possible, with new rooftop and infill extensions to be added. The extension elements consist of steel frame construction, with metal deck slabs. The external walls are predominantly a metal rainscreen cladding. The proposed roof is a flat roof with areas of green and blue roof. The top storey is Level 5, which is below 18m. Level 5 contains an internal raised gallery which is above 18m, but is considered part of Level 5. The gallery is to be used as office as part of the tenancy of the 5th floor, although the gallery is +18m above adjacent ground level, building control and LFB has agreed that the gallery will not contribute to the overall height assessment of the building.</p>
<p>2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach</p>	<p>Level 5 has access to two stairs for means of escape: the central stair and satellite protected stair. The Level 5 gallery has access to the protected satellite stair via two protected alternative routes. Level 5 gallery has an additional stair down to Level 5, from which the central protected stair can be accessed.</p> <p>The satellite escape stair terminates into a protected lobby at ground floor with a direct protected escape route out of the building. A separate escape stair from the basement also discharges into this lobby. The central stair also terminates at ground floor, with a protected escape route out of the building. There is a separate escape stair from the basement that also discharges into this escape route. A plan has been included indicating the Ground Floor Separation Between Basement and Above Ground Storeys.</p>
<p>3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans</p>	<p>A Category L1 fire detection and alarm system is proposed with increased lobby protection to the satellite stair and disabled refuge points on all floors. A compliant basement smoke clearance</p>

	system will be provided within the basement.
4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these	The primary firefighting access is via a protected escape route within the central core. The fire control room is accessible off the protected escape route of the central core. The control room provides a muster point for the firefighters and has been added as an improvement to the fire provisions within the building. (Firefighting access to the central stair is not accessed via the fire control room itself) The design proposals have considered basement smoke clearance options of natural ventilation and mechanical ventilation with sprinklers. The current proposals aim to maintain the existing natural ventilation smoke clearance strategy and utilise the existing vents with the aid of additional vents where required to achieve a naturally ventilated basement. Further exterior changes maybe required once this is confirmed and the appropriate approvals will be obtained.
5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building	The satellite escape stair and central stair each have an existing dry riser inlet. The existing dry riser inlets are within sight of the appliance location, both accessed off Railway Street. A plan is included indicating the Fire Service Vehicle Access, the distance and the position of the existing dry riser. The building is not currently sprinklered and sprinklers are not proposed nor required to meet Building Regulation guidance. The design proposals have considered mains fed sprinklers with mechanical ventilation as an option for basement smoke clearance, however we are now looking to maintaining the existing strategy and utilise the existing vents with the aid of additional vents where required to achieve a naturally ventilated basement.
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.	There are no proposed further landlord modifications. Tenant fit-out modifications on floor would be in compliance with the buildings fire strategy. Any future modifications will be

	considered in conjunction with the basebuild fire strategy, with building control and LFB approval.
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10.449 It is proposed that any permission should be subject to a condition (35) ensuring that the development should only be occupied and managed in accordance with the submitted fire strategy.

Resident Engagement/Consultation

10.450 Paragraph 39 of the NPPF (2021) states:

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

10.451 Paragraph 132 of the NPPF (2021) states:

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

10.452 A number of residents have submitted comments concerning the applicant's consultation with residents.

10.453 Details of the pre-application consultation can be found within the Statement of Community Involvement (SCI) that was submitted with the application. During the course of the application, the applicant has provided the following additional comments:

As the long-term owner and steward of the Regent Quarter estate, the Applicant has committed to continuing its dialogue with residents beyond the life of the planning application that has been submitted. This includes discussions around the management of the estate and public spaces, with the aim to create an informed approach to the positive regeneration of the Regent Quarter.

This engagement has been undertaken by a range of methods including public meetings, one to one meetings with residents and newsletters and has led to the Applicant making significant alterations to the plans being brought forward and additional commitments to residents in order to respond to the concerns raised.

Post-submission engagement

On 28 August the Applicant issued a newsletter to all on-site residents and those living within close proximity to the Regent Quarter, summarising the planning applications that were submitted and notifying recipients of their opportunity to send comments on these applications directly to the local authority. This also outlined the Applicant's desire to continuing dialogue with residents going forward.

The Applicant has since hosted three resident meetings on site, on 13 July, 18 November and 30 November 2021 respectively. Both meetings were attended by representatives of the Applicant and the project team, including planning consultants, Savills, and architects, Piercy & Company. These meetings offered a chance for the project team to present the schemes coming forward and listen to residents' views, specifically about issues relating to the public realm and management of public spaces.

The Ward Councillors were also notified of both meetings and offered a chance to attend. In light of this Cllr Una O'Halloran joined the event on 18 November.

In addition to these meetings, the Applicant has continued to host one-to-one meetings with residents. So far, 25 separate meetings have been held to this end and the Applicant remains committed to continuing this open and direct dialogue going forward.

Since the planning application was submitted, the Applicant has also held follow up meetings and site tours with key community stakeholders, including the Learning Quarter Partnership (Hugh Myddelton and Winton primary schools) and the Knowledge Quarter. This engagement has led to an ongoing collaboration and steps toward a formal partnership.

The Applicant also took the opportunity to present the scheme to members of the planning committee and local ward councillors at a briefing that was held by the London Borough of Islington on 8 October.

Feedback and Applicant's response

The Applicant has carefully considered the feedback it has received from residents and ward councillors during this period of engagement and in response has made a number of changes to the plans and commitments going forward. These include:

- *Excluding noise generating uses within Jahn Court's internal courtyards such as cafes, restaurants and bars or fitness uses and maintaining the existing office use in this location.*
- *Removing the benches, seating and pergola from Ironworks Yard and Albion Yard in order to limit the potential for noise and disturbance to residents on the Estate;*
- *Producing daylight and sunlight reports for individual properties, and drawings that show the impact from their windows upon request;*
- *Appointing TOREN security consultants to improve on-site security management;*
- *Committing to the appointment of a contractor who is part of the Considerate Constructors Scheme;*
- *Providing on-site cycle spaces for residents.*
- *Improving the interface of the development with York Way by providing more active uses and frontages where possible (within 34 and 34 B York Way).*

Planning Obligations and CIL

10.454 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.

10.455 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if

specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.

10.456 ICS Policy CS 18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. As mentioned in the previous section in the report, the proposed development would be subject to section 106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution and a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.

10.457 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a separate s.106 agreement for each application. The contributions outlined below relate solely to application P2021/2270/FUL:

- A contribution towards provision of off-site affordable housing of: £320,627.00.
- Provision of Affordable Workspace at 34b York Way for 10 years at peppercorn rent with a 50% reduction in service charge.(Note this provision addresses the requirement for both this application and application reference: P2021/2269/FUL).
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of £26,237 to improve the prospects of local people accessing new jobs created in the proposed development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount for this application is £172,025.00, although further efficiencies via condition **23** may see this contribution reduced.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £10,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £4,809 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.
- The provision of 5 accessible parking bays or a contribution of £10,000 towards accessible transport measures.

- The costs of delivering 9 short stay cycle spaces within the public realm.
- A financial contribution of £35,500) towards public realm improvement works in the streets immediately abutting the development site.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Engagement Plan with named local schools. During construction – Endurance Land will host site visits and seminars on construction and property matters for two local schools where there is an existing relationship with the developer:
 - Winton Primary School – close to the site;
 - Hugh Myddelton Primary School;
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

Planning Balance Assessment

- 10.458 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*".
- 10.459 The proposed development is considered acceptable in principle and in land use terms, the scheme is considered to be compliant with the London Plan policy SD5 and E1, Islington Core Strategy policies CS6 and CS13, Islington Development Management Policies DM5.1. The proposal includes an on-site provision of 388sqm of affordable workspace to be secured at peppercorn rent for 10 years with a 50% reduction in service charge which accords with policy E3 of the London Plan 2021, and exceeds the minimum requirements of policy DM5.4 of the Islington Development Management Policies 2013 for this scheme and also for the associated planning application ref: P2021/2269/FUL.

- 10.460 The scheme would also comply with policies relating to design, energy, sustainability, accessibility and transportation.
- 10.461 There is a degree of conflict with policies relating to amenity (policy DM2.1) and specifically in relation to daylight/sunlight impacts. This has been carefully examined and while some of the adverse daylight/sunlight impact is considered to be material and would therefore weigh against the scheme, regard is given to the site's urban context and its physical constraints; it is considered that the level of harm to neighbouring amenity would not be significant to justify a warrant of refusal of planning permission on this ground.
- 10.462 The conclusions of Conservation Officers is that the proposals would cause less than substantial harm to the setting of the King's Cross Station (Grade I) building, 34B York Way and to the conservation area. However this harm is considered at the lower end of the scale and policy allows for this harm to be balanced against public benefits.
- 10.463 The public benefits which should be afforded weight have been discussed throughout the report, and include:
- Uplift in commercial floorspace uplift of 2,404.7sqm GIA within this application within the CAZ, refurbishment to the existing office building, with flexible commercial uses on ground floor level to provide greater degree of active frontage on York Way;
 - Provision of an on-site affordable workspace (stand-alone building) to support the council to provide affordable workspace within the borough at peppercorn rent levels for 10 years including a 50% reduction in service charges, exceeding the minimum 5 percent stipulated in the adopted policy;
 - Provision of financial contributions towards affordable housing provision in the borough amounting to £320,627.00;
 - Increase in employment at the site, as well as the relevant jobs and training contributions set out in the Planning Obligations SPD;
 - Enhancement to the appearance of the facades of the building;
 - Improvements to the energy efficiency and the operation of the building and reuse of structural elements of the existing building in its redevelopment.
 - Engagement Plan with named local schools to be secured by s106 agreement.
- 10.464 In summary, Officers consider that the aforementioned public benefits 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 Ironworks, in the overall planning balance as well as the less than substantial harm caused to the heritage assets as identified above.

11. CONCLUSION

- 11.1 As set out in the above assessment, the proposal has been assessed against the adopted Development Plan, the emerging Local Development Plan and the comments made by residents and consultees.
- 11.2 A summary of the proposals and their assessment is provided at paragraphs 4.0 – 4.10.

- 11.3 As such, the proposal represents sustainable development and would comply with the relevant national, regional, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies, and associated Supplementary Planning Documents).
- 11.4 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations in relation to application P2021/2270/FUL 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 towards provision of off-site affordable housing of: £320,627.00.
- Provision of Affordable Workspace at 34b York Way for 10 years at peppercorn rent with a 50% reduction in service charge.(Note this provision addresses the requirement for both this application and application reference: P2021/2269/FUL).
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of £26,237 to improve the prospects of local people accessing new jobs created in the proposed development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount for this application is £172,025.00, although further efficiencies via condition 23 may see this contribution reduced.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £10,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £4,809 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.
- The provision of 5 accessible parking bays or a contribution of £10,000 towards accessible transport measures.
- Costs associated with delivering 9 short stay cycle parking stands within the public realm.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.

- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Engagement Plan with named local schools.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Site location Plan - 13601-A-Z3-LXX-00-001; Existing Site Plan (1:500) - 13601-A-Z3-L00-01-020; Existing Site Plan (1:200) - 13601-A-L00-01-050; Existing Ground Floor Plan - 13601-A-L00-01-100; Existing First Floor Plan - 13601-A-01-01-101; Existing Second Floor Plan - 13601-A-02-01-102; Existing Third Floor Plan - 13601-A-03-01-103; Existing Fourth Floor Plan - 13601-A-04-01-104; Existing Roof Plan - 13601-A-05-01-105; Existing Basement Floor plan - 13601-A-LB1-01-099; Existing West Site Elevation - 13601-A-LXX-01-150; Existing East Site Elevation - 13601-A-LXX-01-151; Existing Site Section AA - 13601-A-LXX-01-160; Existing Site Section DD - 13601-A-LXX-01-161; Existing West Elevation - 13601-A-LXX-01-200; Existing East Elevation - 13601-A-LXX-01-201; Existing South Elevation - 13601-A-LXX-01-202; Existing North Elevation - 13601-A-LXX-01-203; Existing Section AA - 13601-A-LXX-01-300; Existing Section BB - 13601-A-LXX-01-301; Existing Section CC - 13601-A-LXX-01-302; Existing Section DD - 13601-A-LXX-01-303; L00- Demolition - 13601-A-L00-02-099; L00 - Demolition - 13601-A-L00-02-100; L01 - Demolition - 13601-A-L00-02-101; L02 - Demolition - 13601-A-L00-02-102; L03 - Demolition - 13601-A-L00-02-103; L04 - Demolition - 13601-A-L00-02-104; L05 - Demolition - 13601-A-L00-02-105; LB1 - Demolition - 13601-A-L00-02-099; West Elevation - Demolition - 13601-A-LXX-02-200; East Elevation - Demolition - 13601-A-LXX-02-201; South Elevation - Demolition - 13601-A-LXX-02-202; North Elevation - Demolition - 13601-A-LXX-02-203; Section CC - Demolition - 13601-A-LXX-02-204; Section DD - Demolition - 13601-A-LXX-02-205; Proposed Site Plan (1:500) - 13601-A-Z3-LXX-07-020 P1; Proposed Site Plan (1:200) - 13601-A-L00-07-050 P1; Proposed Ground Floor Plan - 13601-A-L00-07-100 P1; Proposed First Floor Plan - 13601-A-L01-07-101 P1; Proposed Second Floor Plan - 13601-A-L02-07-102 P1; Proposed Third Floor Plan - 13601-A-L03-07-103; Proposed Fourth Floor Plan - 13601-A-04-07-104 P2; Proposed Fifth Floor Plan - 13601-A-L05-07-105 P 2; Proposed Fifth Floor Gallery Plan - 13601-A-L06-07-106 P2 ; Proposed Roof Plan - 13601-A-RF-07-107 P 2; Proposed Basement Plan - 13601-A-L00-07-100; Proposed West Site Elevation - 13601-A-LXX-07-150 P1; Proposed East Site Elevation - 13601-A-LXX-07-151 P2; Proposed Site Section AA - 13601-A-LXX-07-160 P1; Proposed Site Section CC - 13601-A-LXX-07-161 P1; Proposed West Elevation - 13601-A-LXX-07-200 P1; Proposed East Elevation - 13601-A-LXX-07-201 P 3; Proposed South Elevation - 13601-A-LXX-07-202 P 2; Proposed North Elevation - 13601-A-LXX-07-203 P 2; Proposed Section AA - 13601-A-LXX-07-300 P2; Proposed Section BB - 13601-A-LXX-07-301 P1; Proposed Section CC - 13601-A-LXX-07-302 P 2; Proposed Section DD - 13601-A-LXX-07-303 P1;</p> <p>Albion Yard Existing Plan 0182c_PR2-P-X-AY-01 rev B; 0182C-PR2-P-X-AY-02 Rev B; 0182C-PR2-P-X-JCAY-01 Rev B; 0182C-PR2-P-X-JCYW-01 Rev B; 0182C-PR2-P-X-IY-01 Rev B; 0182C-PR2-P-X-IY-02 Rev B; 0182C-PR2-P-X-IY-03 Rev B; 0182C-</p>

PR2-P-GA-AY-01 Rev B; 0182C-PR2-P-GA-AY-02 Rev B; 0182C-PR2-P-DT-AY-02 Rev B; 0182C-PR2-P-GA-JCAY-01 Rev B; 0182C-PR2-P-GA-JCYW-01 Rev B; 0182C-PR2-P-GA-IY-01 Rev B; 0182C-PR2-P-GA-IY-02 Rev B; 0182C-PR2-P-GA-IY-03 Rev B; 0182c-PR2-P-GA-BlockC;

Air Quality Assessment - Tetra Tech July 2021; Air Quality Dust Management Plan - Tetra Tech July 2021; Arboricultural Impact Assessment - TMA July 2021; Archaeological Desk Based Assessment - Savills August 2021; Biodiversity Net Gain Assessment and Urban Greening Factor Review - MKA Ecology July 2021; Construction Traffic Management Plan - RGP July 2021; Cover letter - Savills 2 Aug 2021; Daylight sunlight and overshadowing report - Point 2 Surveyor July 2021; Delivery and Servicing Management Plan - RGP July 2021; Design and Access Statement - Piercy and Company July 2021; Economic Benefits and Social Value Infographic July 2021; Flood Risk Assessment and Drainage Strategy Report - Arup July 2021; Framework Travel Plan - RGP July 2021; Geoenvironmental and Geotechnical Report - Campbell Reith July 2021; Health Impact Assessment Screening Form - Savills July 2021; Heritage and Townscape Statement - Turley July 2021; Noise Impact Assessment - Scotch Partners July 2021; Planning Statement - Savills July 2021; Preliminary Ecological Appraisal and Preliminary Roost Assessment - MKA Ecology July 2021; Public Realm report - Publica July 2021; Statement of Community Involvement - London Communications Agency July 2021; Sustainable Design and Construction Statement - Normal Disney and Young July 2021; Transport Statement - RGP July 2021; DRP Response Schedule 27.08.21; Letter from Point2 dated 8 October 2021; Noise Impact Assessment Addendum Revision 02 27 October 2021; Transport Statement Addendum October 2021 Ref: 19/4978/TN11; Energy Statement Responses to Planning Comments 18 October 2021; Heritage and Townscape Statement October 2021; NDY-G-SK-049[1.0]; Letter from Savills 8 December 2021; Regent Quarter - Affordable Workspace Statement November 2021; Letter from Savills 26 January 2022; Design & Access Statement Addendum January 2022; Indicative Sightline Section Through Copperworks Building 13601-A-LXX-SK-203; Fire Planning Statement dated 3 February 2022 ref: 14220-004;

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.

3 Materials and Samples (Details)

CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:

- a) Solid Brickwork (including brick panels and mortar courses)
- b) Entrance soffit
- c) Metalwork
- d) Metal cladding
- e) Glazed facades
- f) Window treatment (including sections and reveals);
- g) Roofing materials including roof extension facing;
- h) Balustrading treatment (including sections);
- i) Green Procurement Plan
- j) New entrance door on the ground floor of northern elevation of 34 Jahn Court for use in connection with the proposed Flexible Use unit,
- k) Any other materials to be used

The development shall be carried out strictly in accordance with the details so approved and shall be maintained thereafter.

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Cycle Parking (Compliance)</p>
	<p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings Proposed Basement Plan 13601-A-L00-07-100 and Proposed Ground Floor Plan 13601-A-L00-07-100-P1, shall be covered, secure and comprise of no less than:</p> <ul style="list-style-type: none"> - 125 secure cycle spaces with associated shower, changing facilities, lockers and mobility scooter charging points. - 9 short stay cycle stands for 18 cycle spaces; <p>The secure bicycle spaces 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>
5	<p>Construction and Environmental Management Plan (Details)</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction and Environmental Management Plan 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 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; e) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from construction works; f) 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 neighbouring 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 of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.

The report shall assess the impacts during the preparation and construction phases of the development, 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 CEMP must refer to the new LBI Code of Practice for Construction Sites. The CEMP shall specify the hours of construction, vehicle movements are restricted to take place outside of the peak times of 8am-10am and 4pm and 6pm. It should also provide details on method of demolition, quiet periods and noise mitigation.

No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Construction and Environmental Management Plan.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

6	<p>Green/Blue roofs (Details)</p> <p>CONDITION: Notwithstanding the approved plans, details of all proposed green/blue/brown roofs across the approved development shall be submitted and approved by the Local Planning Authority prior the commencement of superstructure works on site. The proposed green/blue/brown roofs shall be designed, installed and maintained in a manner that meets the following criteria:</p> <ul style="list-style-type: none"> a) green roofs shall be biodiversity based with extensive substrate base (depth 120 - 150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency. d) Details of Blue Roof. <p>The green/blue roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p>
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	<p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
7	<p>Light Spill Prevention (Details)</p> <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <p>Automated roller blinds; Lighting strategies that reduce the output of luminaires closer to the façades; Light fittings controlled through the use of sensors.</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
8	<p>Refuse and Recycling (Details)</p> <p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan; and c) any additional or separate refuse storage required for the flexible commercial uses, including Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) uses,</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	<p>Bird and Bat Nesting Boxes (Details)</p> <p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of a minimum of 12 bird and bat boxes shall be submitted and approved by the Local Planning Authority.</p>

	<p>The details approved shall be installed prior to the first occupation of the building, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	Extract ventilation for restaurant use (Details)
	<p>CONDITION: Notwithstanding the approved plans, the restaurant use (Class E(b)) hereby permitted under the Flexible Class E use, shall not commence unless details of extraction/ventilation system and odour assessment in relation to such use, is submitted to and approved by the Local Planning Authority.</p> <p>The approved extraction/ventilation system shall be fully installed and operational prior to the commencement of the restaurant use, and shall be maintained in perpetuity.</p> <p>REASON: To protect the neighbouring occupiers and ensure that the restaurant operation would have an acceptable impact in terms of noise and odour control.</p>
11	Plant Equipment (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,T}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>The development shall be carried out strictly in accordance with the scheme prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
12	Plant Equipment Post-Installation Verification (Details)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 12. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>
13	Noise Management Plan
	<p>CONDITION: Prior to the first use of the fifth floor roof terrace hereby approved and indicated on Proposed Fifth Floor Plan drawing 13601-A-L05-07-105-P 2, a Noise Management Plan for use of the terrace, covering management of the space, hours of use, control of noise, and maximum numbers of users at any one time shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The use of the fifth floor roof terrace shall be conducted in accordance with the approved Noise Management Plan at all times.</p>

	<p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>
14	<p>Restricted use - roof terraces (Compliance)</p> <p>CONDITION: The fifth floor roof terrace hereby approved shall not be used for any purpose except as an ancillary outdoor space in association with the office use (Class E(g)(i)).</p> <p>The roof terrace hereby approved shall not operate outside the hours of:</p> <ul style="list-style-type: none"> - 0800 to 1800 hours Monday to Friday <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policy DM2.1 of Islington's Development Management Policies 2013.</p>
15	<p>Restriction of PD rights - Class E to residential (Compliance)</p> <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 retains control over the change of use of the building in the future.</p>
16	<p>Restriction of office use (upper levels) (Compliance)</p> <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. With the exception of the ground floor unit specified under condition 18, the building hereby approved shall only be used for office use and for no other purpose (including any other purpose within Class E 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 and retains control over the change of use of the building in the future.</p>
17	<p>Restriction of flexible commercial uses (ground floor front unit) (Compliance)</p>

	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible unit on the ground floor level, except the permitted use(s) hereby approved:</p> <p>A) Ground floor front unit only - as shown on plan no. 13601-A-L00-07-100-P1; Class E (a) – retail Class E (b) – café/restaurant Class E (d) - indoor sport, recreation or fitness Class E (g)(i) - office</p> <p>and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or 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 commercial use(s) only and retains control over the change of use of the building in the future.</p>
18	Accessible Showers/WC's (Compliance)
	<p>CONDITION: For the hereby approved development the accessible showers and WC's shall be implemented in accordance with drawing no's 13601-A-L00-07-100 P1; 13601-A-L00-07-100-P1; 13601-A-L01-07-101-P1; 13601-A-L02-07-102 P1; 13601-A-L03-07-103; 13601-A-L04-07-104 P2; 13601-A-L05-07-105-P 2; and shall be available for users upon the first occupation of the development.</p> <p>The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
19	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
20	Hours of Operation (Compliance)
	<p>CONDITION: The flexible uses on the ground floor levels hereby approved shall only operate between the following hours:</p> <p><u>Class E (a) – Retail:</u> 7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p><u>Class E (b) – café/restaurant:</u> 7am - 10pm Monday to Thursday 7am - 11pm Fridays and Saturdays 8am - 9pm Sundays</p> <p><u>Class E (d) – indoor sport, recreation or fitness:</u></p>

	<p>7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity.</p>
21	No Plumbing or Pipes (Compliance)
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the northern external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>
22	No obscure glazing or vinyl graphics (Compliance)
	<p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area.</p>
23	Energy (Details)
	<p>CONDITION: Prior to commencement of superstructure works updated Energy information shall be submitted to the Local Planning Authority and approved in writing:</p> <ul style="list-style-type: none"> a) Potential improvements to energy efficiency specifications; b) Potential increase to solar PV capacity. c) Details regarding solar PVs: <ul style="list-style-type: none"> - Location; - Area of panels; - Design (including elevation plans); - PV specification / efficiency; and - How the design of the PVs would not adversely affect the provisions of green roofs on site <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter. The development shall be constructed in accordance with the updated energy information and retained as such permanently thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features are met.</p>
24	BREEAM (Compliance)
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>

25	Flattening of Cobbles (Details)
	<p>CONDITION: Prior to commencement of superstructure works of the development hereby approved, the following details and samples shall be submitted to, and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) A sample flattened/adapted cobble stone; b) Details of the mortar/pointing; c) Section details showing the profile of the cobble stone and mortar when laid. <p>The works shall be carried out prior to first occupation of the hereby approved development, and strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
26	Servicing and Delivery Plan (Flexible Use Unit) (Details)
	<p>DELIVERY & SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements for the proposed Flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit, 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 unit hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
27	Crime Prevention (Details)
	<p>CONDITION: Details of measures to prevent crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority prior to occupation including:</p> <ul style="list-style-type: none"> a) Details of any new doors between the flexible use unit and the main office building should be single leaf and security rated at LPS 1175 SR2 or STS 202 BR2. The interconnecting doors between the flexible use unit and the main office building should have some form of access control in the form of an encrypted key fob with data logging to record usage. The interconnecting door be either PAS24:2016 or LPS 2081 security rated. The door should have an auto close feature to reduce the risk of this being propped or just left open. This should be single leaf. Maglocks (minimum of two placed top third and bottom third of frame with a pull weight of 600kg per plate) should be integral to the frame. b) Details of emergency egress should at this location should be provided and the means by which this is achieved. The new large window would also need to be security rated. The glazing would need to be a minimum of P4A or PAS24:2016 with enhanced glazing (dependant on manufacturer's guidelines) or an internal retractable grille to LPS 1175 SR2. c) Details of the London Cycle stands. d) Details of CCTV coverage and lighting strategy and design shall be submitted. The lighting should comply with BS 5489-1:2020. The CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system would need to be registered with the Information Commissioner's Office, as it

	<p>would be recording public areas. Appropriate signage indicating this fact needs to be displayed.</p> <p>e) Details of Anti-graffiti treatments for exposed gable ends where appropriate.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
28	Review of Anti-social Behaviour (Details)
	<p>CONDITION: Between 3 and 6 months following first occupation of the Flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit hereby approved, a review of anti-social behaviour incidents and any proposed remediation measures to address security and safety within the courtyard adjacent to the front entrance to Jahn Court on York Way shall be submitted to the Local Planning Authority and approved in writing in consultation with the Metropolitan Police.</p> <p>Should the outcome of the review necessitate further measures to prevent anti-social behaviour, these measures shall be implemented in consultation with the Metropolitan Police, within 3 months of the date of the approval of the details and retained as such unless agreed in writing with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
29	Flat Roofs (Compliance)
	<p>CONDITION: The flat roof areas on the Proposed First Floor Plan shown on plan no. 13601-A-L01-07-101-P1 and the Proposed Fifth floor Gallery Plan shown on plan no. 13601-A-L06-07-106-P2 hereby approved, shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
30	Network Rail – Construction Methodology
	<p>CONDITION: Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.</p> <p>The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The safety, operational needs and integrity of the railway.</p>
31	Network Rail – Ground investigation
	<p>CONDITION: No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.</p>

	<p>Such details to be approved in writing by the local planning authority in conjunction with Network Rail.</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 LPAs approval in writing.</p> <p>REASON: To ensure the maintenance of the safety, operational needs and integrity of the railway.</p>
32	Tree Protection
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

	<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>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>
33	Roof-Top Plant & Lift Overrun (Details)
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding, including colour palletes and shall relate to:</p> <p>a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
34	Site Waste Management and Circular Economy (Compliance)
	<p>CONDITION: The details and measures regarding the Site Waste Management and Circular Economy Statement within the submitted Sustainable Design and Construction Statement dated July 2021 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
35	Fire Strategy (Compliance)
	<p>CONDITION: The details and measures set out in the Fire Planning Statement dated 3 February 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 Safety Strategy, a revised Fire Safety 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 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>
36	<p>Hours of opening – Gates (Compliance)</p> <p>CONDITION: The hours of opening of the gates to Block C shall remain as follows: (a) the period from 0800-1800 on Monday to Saturday inclusive and 1000-1800 on Sundays from 1 October to 31 March each year (but excluding in both cases Christmas Day, Boxing Day and New Year's Day); (b) the period from 0800-1900 on Monday to Saturday inclusive and 1000-1900 on Sundays from 1 April to 30 September each year,</p> <p>Or such other periods as may from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party;</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
37	<p>Inclusive Design (Compliance)</p> <p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design and the measures shown in the drawings hereby approved shall be implemented prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
38	<p>Future connection to a district energy network (Compliance)</p> <p>CONDITION: The details of the plant room allocated for the future connection to a district energy network shall be provided prior to first occupation of the development hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided and allows for the future connection to a district heating system.</p>
39	<p>Surface Water Discharge (Compliance)</p> <p>CONDITION: Prior to the occupation of the development hereby approved, in accordance with the submitted details, flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer, and maintained as such throughout the lifetime of the development.</p> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates</p>
40	<p>Air Quality Assessment</p> <p>CONDITION: During the construction of the development hereby approved, the proposals shall achieve a Non-Road Mobile Machinery score of at least Stage IV as outlined in the Air Quality Assessment and dust management plan, and shall be maintained as such thereafter.</p>

	REASON: To ensure the construction of the development would not adversely affect the air quality of the local area.

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Car-Free Development
	<p>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.</p>
4	Roof top plant
	<p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
5	Construction works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
6	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to</p>

	<p>“Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <u>. All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <u>streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <u>streetworks@islington.gov.uk.</u></p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <u>streetworks@islington.gov.uk.</u></p>
7	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <u>highways.maintenance@islington.gov.uk</u> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <u>streetworks@islington.gov.uk</u>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>
8	Highways Requirements (3)

	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
9	Secured by Design:
	You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures.
10	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 .
11	Thames Water – Ground Water
	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

	<p>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>
12	Thames Water – Surface Water
	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p>
13	Thames Water - WASTE WATER NETWORK and SEWAGE TREATMENT WORKS
	<p>The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. “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.” 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. Please read our 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/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>
14	Draft Travel Plan
	<p>The draft Travel Plan to be submitted as part of the discharge of the Planning Obligations shall include measures to remind cyclists that cycling is prohibited within the block, and to promote responsible cycling to the site, and to discourage inappropriate cycling the wrong way down York Way and Balfe street.</p>

15	Network Rail
	<p>Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.</p> <p>Given the proximity of the site to operational railway tunnels and the nature of the works proposed, it is imperative that the below requirements are met prior to any work commencing on site.</p> <p>The relationship between the work proposed and the York Road Cure railway tunnel is unclear from the information submitted. The developer must provide a survey showing the position of this work in relation to the tunnel. Additionally, the documentation provided in support of this application indicates that the design will result in increases in loads on Network Rail assets beneath and adjacent to the site. Detail relating to this design and loading must be agreed with our Asset Protection Team (details below) prior to work commencing on site. The developer will also be required to liaise with our Asset Protection Team during construction works. Early engagement with Network Rail to address these points is strongly recommended.</p> <p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <ul style="list-style-type: none"> " The type and method of construction of foundations " Any increase/decrease of loading on the tunnel both temporary and permanent. <p>Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.</p> <p>Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</p> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.</p> <p>Works in Proximity to the Operational Railway Environment Development Construction Phase and Asset Protection</p> <p>Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.</p>

	<p>Additional Requirements</p> <p>Tunnels</p> <p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <ul style="list-style-type: none"> " The type and method of construction of foundations " Any increase/decrease of loading on the tunnel both temporary and permanent. <p>Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.</p> <p>Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</p> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.</p>
16	Network Rail
	<p>Fail Safe Use of Crane and Plant</p> <p>All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following.</p> <p>Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.</p> <p>Excavations/Earthworks</p> <p>All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.</p> <p>Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.</p>

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

	<p>Two Metre Boundary Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.</p> <p>ENCROACHMENT The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.</p> <p>Access to the Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.</p>
17	Trees
	<p>With regards to the works to protect trees, the following British Standards should be referred to:</p> <p>BS: 3998:2010 Tree work – Recommendations.</p> <p>BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.</p>
18	Transport for London
	<ul style="list-style-type: none"> - To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide

safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic.

- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- Any hoarding for the proposed development would be subject to a separate Section 172 licence application under the Highways Act 1980 to the Asset Operations team at TfL.

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 GG1 Building strong and Inclusive Communities

Policy GG2 Making best use of land

Policy GG3 Creating a healthy city

Policy GG4 Delivering homes Londoners need

Policy GG5 Growing a good economy

Policy GG6 Increasing efficiency and resilience

2 Spatial Development Patterns

Policy SD4 The Central Activities Zone

Policy SD5 Offices, other strategic functions and residential development in CAZ

3 Design

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D5 Inclusive Design

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

4 Housing

Policy H4 Delivering affordable housing

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

Policy HC3 Strategic and Local Views

Policy HC6 Supporting the night-time economy

B) Islington Core Strategy 2011

Spatial strategy

Policy CS6 King's Cross Road and Pentonville Road

8 Green Infrastructure and Natural Environment

Policy G1 Green Infrastructure

Policy G5 Urban Greening

Policy G6 Biodiversity and access to nature

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI3 Energy Infrastructure

Policy SI4 Managing heat risk

Policy SI5 Water infrastructure

Policy SI7 Reducing waste and support 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 Parking

Policy T6.2 Office parking

Policy T6.5 Non-residential disable persons parking

Policy T7 Deliveries, servicing and construction

Policy T9 Funding transport infrastructure through planning

11 Funding the London Plan

Policy DF1 Delivery of the Plan and Planning Obligations

Policy CS11 Waste

Policy CS12 Meeting the housing challenge

Policy CS13 Employment Space

Strategic Policies

Policy CS8 Enhancing Islington's character

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

Policy CS10 Sustainable Design

Infrastructure and Implementation

Policy CS18 Delivery and Infrastructure

C) Development Management Policies June 2013

2. Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

5. Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

6. Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

7. 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

8. 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

9. Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Affordable Housing Small Sites Contributions (October 2012)
- Development Viability (January 2016)
- Environmental Design (October 2012)
- Inclusive Design in Islington (February 2014)
- Islington Urban Design Guide (January 2017)

London Plan

- Affordable Housing & Viability (August 2017)
- Crossrail Funding (March 2016)
- Housing (March 2016)
- Central Activities Zone (March 2016)
- Accessible London: Achieving an Inclusive Environment (October 2014)

- Planning Obligations (Section 106) (December 2016)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- London Planning Statement (May 2014)
- Sustainable Design and Construction (April 2014)
- Planning for Equality and Diversity in London (October 2007)

Draft Islington Local Plan Policies

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

Draft Islington Local Plan Policies	
<p>Policy PLAN1 – Site appraisal, design principles and process</p> <p>Policy SP2 – Kings Cross and Pentonville Road</p> <p>Policy SC3 – Health Impact Assessment</p> <p>Policy B1 – Delivering business floorspace</p> <p>Policy B2 – New business floorspace</p> <p>Policy B4 – Affordable workspace</p> <p>Policy B5 – Jobs and training opportunities</p> <p>Policy R1 – Retail, leisure and services, culture and visitor accommodation</p> <p>Policy R4 – Local Shopping Areas</p> <p>Policy S1 – Delivering Sustainable Design</p> <p>Policy S2 – Sustainable Design and Construction</p> <p>Policy S3 – Sustainable Design Standards</p> <p>Policy S4 – Minimising greenhouse gas emissions</p> <p>Policy S5 – Energy Infrastructure</p> <p>Policy S6 – Managing heat risk</p> <p>Policy S7 – Improving Air Quality</p> <p>Policy S8 – Flood Risk Management</p> <p>Policy S9 – Integrated Water Management and Sustainable Drainage</p> <p>Policy S10 – Circular Economy and Adaptive Design</p>	<p>Policy T1 – Enhancing the public realm and sustainable transport</p> <p>Policy T2 – Sustainable Transport Choices</p> <p>Policy T3 – Car-free development</p> <p>Policy T4 – Public realm</p> <p>Policy T5 – Delivery, servicing and construction</p> <p>Policy DH1 – Fostering innovation and conserving and enhancing the historic environment</p> <p>Policy DH2 – Heritage assets</p> <p>Policy DH3 – Building heights</p> <p>Policy DH4 – Basement development</p> <p>Policy DH5 – Agent of change, noise and vibration</p> <p>Policy DH7 – Shopfronts</p> <p>Policy ST1 – Infrastructure Planning and Smarter City Approach</p> <p>Policy ST2 – Waste</p> <p>Policy ST3 – Telecommunications, communications and utilities equipment</p> <p>Policy ST4 – Water and wastewater infrastructure</p>

APPENDIX 3 – INITIAL DRP COMMENTS ON PRE-APPLICATION SCHEME

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Our ref: Q2020/3318/PPA

Date: 19th April 2021

Dear Ms Forster,

ISLINGTON DESIGN REVIEW PANEL

RE: Regent Quarter, Kings Cross, London N1 (Pre-Application Ref. Q2020/3318/PPA)

Thank you for attending Islington's Design Review Panel meeting on 13/04/21 for a 1st Review of the above scheme. The proposal is for multiple development and (quasi) public realm interventions and insertions within two historic, fine grain, urban blocks with the primary focus being changes to Jahn Court and environs to the northern block, and to the Laundry and Times Buildings to the southern block together with associated improvements and rationalisation of the public realm.

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. Given the Covid 19 Pandemic situation, this DRP was carried out virtually.

The scheme was reviewed by Richard Portchmouth (Chair), Tim Ronalds; Sarah Featherstone; Martin Pearson; and George Saumarez Smith

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals. The site visit was presented virtually, as part of the presentation by the applicant team.

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

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment on the scheme and thanked the design team for such a clear presentation. A question and answer session then took place followed by a commentary on the scheme provided by each panel member. The meeting concluded with the Chair's summing up. Each section is therefore recorded below.

Questions and Answers

Panel Query: The Panel sought clarification with regard to cycle infrastructure including connectivity to existing or planned cycle routes. Also would like to understand the hierarchy of movement through and adjacent to the site – existing and proposed.

Answer: Secure cycle parking is to be accommodated within each block, in two distinct locations. Visitor cycle parking proposed to be located to Caledonia Street. Servicing strategy currently being formulated.

Panel Query: How has the applicant arrived at the phasing strategy? Queried the benefits of first investing in the heart of the blocks and not the periphery given the latter more likely to draw people in. The pedestrianisation of Caledonia Street seems an obvious 'early win'.

Answer: All about the financing. Must demonstrate a commercial return on the principal buildings before going further with public realm. But investing early in a major upgrade of Laundry Yard will further enhance and support the already successful uses and activities within the adjacent Varnishers Yard.

Panel Query: Concerned at the claim that some buildings are wrongly identified as Locally Listed. Clarification was sought.

Answer: Jahn building has been significantly altered including a large element that was demolished to create a new and enlarged opening. The fenestration to the flank is also not therefore original and the proportions at odds with those of the host. These changes detract from its significance leading the team to consider the listing potentially faulty.

Council response: The site lies within a conservation area which protects all buildings from unregulated demolition. The guidance states that all 19th C buildings are positive contributors, regardless of listing status, and should therefore be protected and enhanced. The Grade I and II listings across the site are all accurate.

Panel Query: Was it the design team's intention to create a unified identity for the whole masterplan area as well as an inter-relationship between the 2 sites? The two buildings are quite different in their approach – the southern being more granular and crumbly with extensions that sit amidst the roof tops while Jahn Court reads almost as a standalone. Also routes such as Bravington Walk are excluded and yet seem integral from the outset.

Answer: The Southern block is to be more civic and more active - more "city". The Northern block is more residential and more "Islington".

Overall the conception for the 2 main buildings is very different. This is to reflect the more granular and crumbly form of the southern block which is of a more complex character. Scale and massing to north is larger therefore requires a different form and approach.

Focusing on improved connections as a unifying element and together with devices such as proposed use of a pigmented base material to new build elements throughout.

Panel Query: Panel queried how the masterplan could be achieved given the number of sites that are outside of the applicant's control.

Answer: The applicant has a strong commercial relationship with the hotel owners and other landholdings that are outside of their demise. Does not see this as a barrier to change given the likely benefits arising from the changes proposed that will enhance neighbouring buildings and their settings.

Panel Query: How does the planned removal of gates and railings create a safe and defensible place? Is access to be offered 24/7 or will it be controlled in some way?

Answer: There will be a managed programme with some parts being closed relatively early, particularly those with residential adjacencies, while less sensitive spaces will be open for longer and later. A nuanced approach is proposed to hours of operation and access. Removal of some railings and gates is also needed to remove clutter and to upgrade boundary treatments not to threaten safety.

Panel Query: Is the approach to the ground floor social and hospitality activities and interactions similar to both north and south blocks?

Answer: No. The southern block will be much livelier reflecting its existing uses and proximity to the station forecourt and to the busy Pentonville Road while the northern block will be less active and quieter given it contains more residential uses with less commercial adjacencies.

Panel Commentary

SF: How do you attract and draw people in? Public realm changes will signal some change but would suggest that earlier intervention on improvements to the exterior faces of the blocks, rather than the focus on the interior, may be more beneficial and make the invitation to enter into the heart of the block clearer.

Routes and desire lines through the blocks as well as to the blocks need to be better explored and explained. Are there existing barriers to be overcome? Where are people coming from – who are they? Is it a new audience being catered for? Is the scheme competing with the Kings Cross offer to the west or looking to move towards a greener and more local character? What are you offering that is different? Didn't get the sense that the proposals are actively building on the strengths of the existing food and cultural offers.

Concerned that there may be conflicts arising between the realities of servicing requirements and the pedestrian environment including movement. Transforming Caledonia Street from vehicle to pedestrian would be a big win.

Inputs and commentary from residents living in the northern block would be useful to be fed back to the next DRP.

GSS: Not convinced about the merit of challenging classifications of some locally listed buildings and would advise against it.

Found it difficult to fully appreciate the change proposed to the movement routes and spaces. An overlay of the proposed on the existing plan would have been useful.

Advised team to consider the function and quality of the public realm just outside of the site's boundary and how it could inform change.

There needs to be clarity that the scheme is deliverable in its entirety by the current owners of the site given the position of the redline boundary.

Security and surveillance of the yards needs to be factored into the design process.

The architecture is still quite high level but a bit more integration between the two sites might be needed, in terms of materials and palette. Any increase in bulk and mass will need to be justified if it has an impact on heritage assets. Additional height and mass may not be a problem, but justification would be expected given there is a visual impact.

TR: There has been lots of discussion about public realm inside the blocks. But the public realm on the perimeter of the blocks/street is horrendous at the moment. Could the scheme improve the public pavement and street junctions in conjunction with TFL/Islington/relevant owners?

There needs to be a sunlight/daylight study assessing the impact of the proposed blocks on the internal courtyards as there is reduced benefit in creating an attractive courtyard which is permanently in shade.

At the moment there is a strong contrast between the old and the new buildings in terms of materials, glass against brick, void vs solid etc. The existing site isn't particularly successful in this sense. The proposed new and re-faced buildings are also very glazed. A less contrasting palette may be preferable and allow for a more detailed architectural conversation between old and new.

MP: There is some confusion as to what is driving the design decisions. The base-pavilion-crown arrangement on the north block and the interlocking volumes on the south block seem to lack a context in the retained form of the rest of the site. An overarching architectural narrative is needed.

The public realm feels too distinct from the architecture and composite drawings showing the landscape and architecture engaging with one another would be helpful.

The Times House extension is bulky and a more consistent approach to the roofscape as a whole would provide more articulation to the site as a piece of cityscape.

Chair's Summing Up

DRP is supportive of the principles of the project which have the potential to contribute positively to the area. There is tremendous ambition to make this somewhat underused

precinct a more permeable and inviting quarter of the city and to see the location of the blocks as a hinge site within a wider rich and varied urban context.

The analysis and background study, to date, is very responsible and informative in its approach. Identifying key opportunities is a constructive outcome from all of this initial work.

The Panel has highlighted the development of the north and south blocks as an opportunity to bring forward proposals for the perimeters of the blocks to ensure that the outside and inside are consistently inviting. The materials within the public realm could form a stronger and more cohesive link between the two blocks.

Servicing for food/beverage and retail will need to be considered soon as this will have an impact on the design and character of the public space.

There is a need to work closely with the existing heritage of the site and not to challenge designations. The different ownerships of the site needs to be better understood in terms of the connections etc being proposed. As the design moves forward the need to avoid or justify any non-positive impacts on heritage assets will need to be demonstrated and the role and form of the roofscape in long views and key views will require refinement. Views 05 of Jahn Court from York Way and View 10 from Caledonian Road of the Times House & Laundry Buildings were noted as being of particular significance within the Key View Study document.

The detailed architectural design needs to be developed to offer more sense of what is driving the contextual development of the site, a clearer architectural narrative. A process of questioning the conjunction of the old and new and considering how the two address each other is needed. A more conversational approach might be more enriching and sophisticated and lend greater quality to the buildings and spaces. The sense of detachment between the public realm and the architecture could be avoided by more collaboration in the design process and both could better inform and enrich the other. The opportunities to improve Kings Cross/ York Way/Pentonville public realm are there and need to be explored.

There is a question of how much consistency and inter-relationship is legible between the proposed blocks. Having said that, Laundry Yard and the other yards have their own historical character and the proposals could capitalise on the history of the site to lend to the character and atmosphere of the spaces. The new elevations could be more referential to the historic street elevations and more use of brick might be made. Generally a more homogenous approach to materials may give greater coherence and legibility across the quarter.

The roof-form of Jahn Court has industrial northlights which then change direction at the south, undermining the authenticity of the form. There needs to be a more logical relationship between the form and roofscape references to create a convincing relationship with the surrounding heritage context.

The proposals have a lot of potential, but a considerable amount of detailed development is needed. The DRP would be pleased to consider future iterations of this scheme.

Confidentiality

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

Yours sincerely

Linda Aitken
Principal Design Officer

APPENDIX 4 – SECOND DRP REVIEW

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Our ref: Q2020/3318/PPA

Date: 23rd December 2021

Dear Ms Forster

ISLINGTON DESIGN REVIEW PANEL

RE: Regent Quarter, Kings Cross, London N1 (Pre-Application Ref. Q2020/3318/PPA)

Thank you for attending Islington's Design Review Panel, Chair's Review, meeting on 17th December 2021 for a 2nd Review of the above scheme.

The proposal is for multiple development and (quasi) public realm interventions and insertions within two historic, fine grain, urban blocks with the primary focus being changes to Jahn Court and environs to the northern block, and to the Laundry and Times Buildings to the southern block together with associated improvements and rationalisation of the public realm.

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. Given the Covid 19 Pandemic situation, this DRP was carried out virtually.

The scheme was reviewed by Richard Portchmouth (Chair), and Martin Pearson.

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals.

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

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment further on the scheme and thanked the design team for such a clear presentation noting that 'untangling' such a complex site with its pair of intricate urban blocks and associated issues is not an easy task. He acknowledged the amount of detailed design work that had gone into the proposals to produce such a coherent and successful response.

A question and answer session then took place followed by a commentary on the scheme provided by the two members. The meeting concluded with the Chair's summing up.

Each section is therefore recorded below.

Questions and Answers

Panel Query: The applicant team was commended on its very clear presentation and the considerable amount of work that has gone into this scheme since the Panel last saw it in April 2021.

It was noted from last DRP meeting that there had been a lot of discussion around the potential wider public realm benefits that lie outside of the red line and sought an update on the progress of any opportunities beyond the red line. Was there still a reliance on the spaces and routes outside of the applicant's control? To what extent, for example, is the applicant physically proposing changes to connections such as Bravington's Walk as a key threshold into the site?

Answer: The most recent revisions focused on improvements onto York Way. While there are relatively limited opportunities to do this, due in part to the heritage buildings to the frontage and the amount of building line actually within the red line boundary which is quite limited, solid doors have been replaced with clear glazed doors and opaque glazing replaced with clear glazing. Changes have also been made to the ground floor to the corner unit to Jahn Court to increase the site's visual permeability to the York Way edge. Sensitive signage is being considered to further promote the uses and spaces within the blocks and encourage and welcome people into the core of the blocks.

The applicant team is examining how to comprehensively treat the multiple entrance points off the surrounding streets to the entire estate. This is an extensive exercise which will take time. But there is an intention to produce that study going forward.

The applicant confirmed that Piercy & Co have just been instructed to consider design changes for Bravington's Walk and environs as a next phase of the project. So while the proposed changes to the Times Court block establish new and improved connections with this important Bravington's Walk route, actual works to Bravington's Walk will come forward following the Times House and Laundry Yard project.

The applicant team has been in discussion with Transport for London with regard proposals to improve the pedestrian environment to the junction of York Way with Pentonville Road.

The team reported that TfL's intention is to widen the pavement and reorganise the crossing points to make them safer and to improve the alignment of the cycle lane. This work was not expected to be undertaken for two to three years.

Panel Query: It seems a shame to have lost the pergola and seating initiatives to the northern block and these particular spaces now feel as though they are lacking something as a result.

Answer: The applicant acknowledges that these features did contribute to the richness of the area but that these changes are because of resident objections. The applicant confirmed their preference to do something more interesting and so will engage with residents going forward to find a middle ground.

Panel Query: Clarification was sought on the sunlight and daylight impacts to both the squares and to residential amenity

Answer: The applicant confirmed that the proposal will result in some limited over shadowing on the courtyards. However these are already quite overshadowed but nevertheless, the spaces will continue to meet the BRE 21st March assessment date standards.

Some impacts on the flats in the Ironworks building is also evident but those impacts are to some degree worsened by the existing overhang providing reasonable mitigating reasons for the impact. Where impacts affect residential homes these are mostly to bedrooms – or to rooms with additional windows/dual aspect.

Panel Query: Is there a sustainability and energy strategy for the revamped offices

Answer: The design team confirmed that the Mayoral required target for urban greening factor would be achieved.

BREEAM excellent is demonstrated as being achieved on both buildings. Carbon reductions are to GLA standards and will significantly exceed these standards.

Renewable energy and green factors – both new build elements have green roofs.

A net increase in biodiversity is being achieved on both sites.

Panel Query: Are you planning on reusing any existing materials after demolition?

Answer: Yes.

To Jahn Court – there is very limited demolition and therefore little opportunity for this. However to Times House, with a greater element of demolition, as much of the existing fabric as possible will be reused.

Both schemes, with their limited amounts of demolition, are highly sustainable and make good use of retaining materials and their reuse. Looking internally to retain existing floors as well.

Panel Commentary

Times House and Laundry Building

The Panel commented it considers this to be a very carefully considered and successful scheme. While there had been some concerns expressed in the spring at the earlier DRP review about the impact on longer views, the subsequent refinement of the massing has been successful, particularly to the backdrop to the heritage sensitive Kings Cross Station.

The choice of materials and applied materiality is also successful which coupled to the change to the massing has had a really positive impact. The colours of the materials proposed were also supported.

The evolution of the designs of the roof form have created a more sympathetic response to the broader townscape including in its response to Kings Cross and as seen in the longer views. The historic referencing to Victorian water tanks is a particular delight.

Struggled to fully understand the approach to the landscape design to the yard spaces which historically are generally quite fluid spaces that evolve over time. And yet there are rather 'civic' styled interventions proposed.

However consider the proposed interventions to York Way, including visual connections are negotiated very well. Since the first DRP the applicant has made beneficial improvements to the new 'Times Yard. This space opens up oblique views, improves legibility, and creates a better sense of connection with Laundry Yard.

There is a real distinction between the two blocks, their characters and nature are quite different.

The paving to the Laundry Yard is working at 2 levels – the orientation of the joining creating a suggestion of movement through the yard as one transitions from York Way to Caledonia Street and the triangle patterning successfully responding at a larger scale responding to the buildings that address and hold the space.

If the scheme gets the materials right, i.e. a good stone or granite – this will result in an interesting duality of geometries going on there – simple and subtle but influential as to how one experiences that space.

Times Yard – considers this is working well as a sequential space – an ante room. This is commended as a very important element as it is this intervention around the new Times Yard in particular that heightens the block's overall legibility.

The balconies to the offices above significantly help to animate the space and are supported.

The new Bravington's Walk link is also greatly helping in terms of opening up this key route. The importance of that link is stressed given connections to it create the opportunity for the success of this route in the future.

The Panel very much liked the way the arcade is enhancing the public realm and the circular light motive gives coherence and consistency for the route through Block B.

Caledonia Street – new frontage at street level is successful, creating an enhanced rhythm and transparency to the street. Coupled with the planned removal of the railings will help activate this as an important east/west link street. The Panel supports the work that has been done to this street edge.

In respect of the architecture, previously struggled to understand the overarching architectural approach. However, consider there is now a really strong materiality and that the refinement of detail and language are all really successful.

The Panel commend the design team on a very interesting architectural narrative with Times House. It supports the more filigree top and crown with its integrated glazing and this contrast with the more solid base.

The Panel consider this to be a well-crafted, sensitive and tailored response and consider that the modifications have enhanced the buildings. The Panel now feels very positive about the scheme.

Jahn Court

The Panel acknowledges the considerable amount of work that has gone into the evolution of the massing. Combined with the work undertaken to reduce the heights, the building now feels calmer and recessive – a suitable backdrop to the heritage buildings to the fore. This works well.

The Panel therefore considers that changes to the Jahn Court building are now appropriate and successful having moved forward from the earlier interesting and characterful reference to industrial buildings with the saw tooth roof form, which perhaps was not quite appropriate in this location.

The concept around the revised and simplified crown is successful including the reference to Victorian water towers. The result is a much calmer appearance on the street front but with a very effective jostling of volumes on the courtyard side.

The massing, particularly the way the top floors in the longer views have been addressed, now creates a calmer, more coherent backdrop including in relation to the classic heritage views and settings.

As such, the design team has created a fine backdrop with proportions that work very well including the suitably recessive treatment to roof top plant. This all evidently follows a series of sophisticated and clever moves.

It was particularly noted how the design has succeeded in taking an interesting ensemble of buildings and elements on York Way – the Chimney, Jahn and Hub building and created a complimentary 4th element – the entrance – as a positive contribution to the other trilogy of elements.

The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.

The design is referential and the way key elements have been picked out and celebrated – the gatehouse, pavilion, plinth, and crown, coupled with making the base more permeable – are all part of a successful scheme design.

Publica's, and others, work on York Way to create active uses, and to changes to the ground floor of the Jahn building, now create positive contributions and enhancements to the busy York Way and to the broader conservation area. The proposals will make an interesting and subtle backdrop to the activities and events of this street.

The Panel feels fully comfortable and supportive of these moves which reflect the design teams long and hard thinking about the narrative it seeks and which now it successfully portrays.

The Panel considered it a shame to have lost the earlier proposed pergola and the public seating within courtyards, losses which now somewhat diminish the character of the spaces. It was suggested that perhaps they could be subsequently softened, perhaps just with planting rather than simply stripping out all the characterful features in response to public objections?

The applicant's amendments to the courtyards in response to resident concerns is understood. However it would be interesting to see what could be introduced that adds character and give something back to the residents while promoting a rich journey through the interiors of the urban blocks – designs that reflect to the transitional nature of moving through the lanes and courtyards.

The choice of materials and the refinement of the character and approach to materiality is coming through very successfully. This is considered to be a particularly successful element of the proposal.

The Panel commended the applicant and design team on the work that has been done – including in particular the pedestrian movement and wheelchair users and cyclists – all can now access the activities and functions at ground floor level throughout the block making everyone feel much better connected.

Chair's Summing Up

The Panel supports what you have created and enhanced – a great, high quality and sympathetic range of new office and workshop spaces. This will be a fantastic place to come and visit and to work in. Every aspect of the place will be much better as a result and will likely continue to improve over time.

The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes and these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.

There will also be a significant upgrading of the office space.

The Chair wished to credit the applicant team with the work undertaken beyond the red line, particularly to York Way and to the Pentonville Road junction at the threshold of the development.

The Chair considers that the team has now developed a successful approach to scale and massing. These important elements respond well to the immediate and wider context. In addition to that, a significant amount of public benefit is evident that The Panel would support and agree with which encompasses economic, social and environment benefits.

A last thought – in all of this demonstrable enhancement and improvement it is important that at the end of the day, in terms of the public realm and using it, that these urban blocks feel like they are a part of the city, and not separated from it.

In a recent visit the Chair felt overly surveilled, as though there were cameras all over the place. Guards were popping out and the effect was a feel of trespassing as one moved through an urban block.

The Panel do not want these blocks to feel like they are gated communities. Rather the aspiration should be to feel like you are strolling through the lanes and courtyards of Covent Garden and Soho. This is the sort of ambience the proposals should strive for.

Confidentiality

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

Yours sincerely

Linda Aitken
Principal Design Officer

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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.

Planning Committee - 22 February 2022

- 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.

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- 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.

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- 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:

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- 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 stand out 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.

Planning Committee - 22 February 2022

- 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.

Planning Committee - 22 February 2022

- 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:

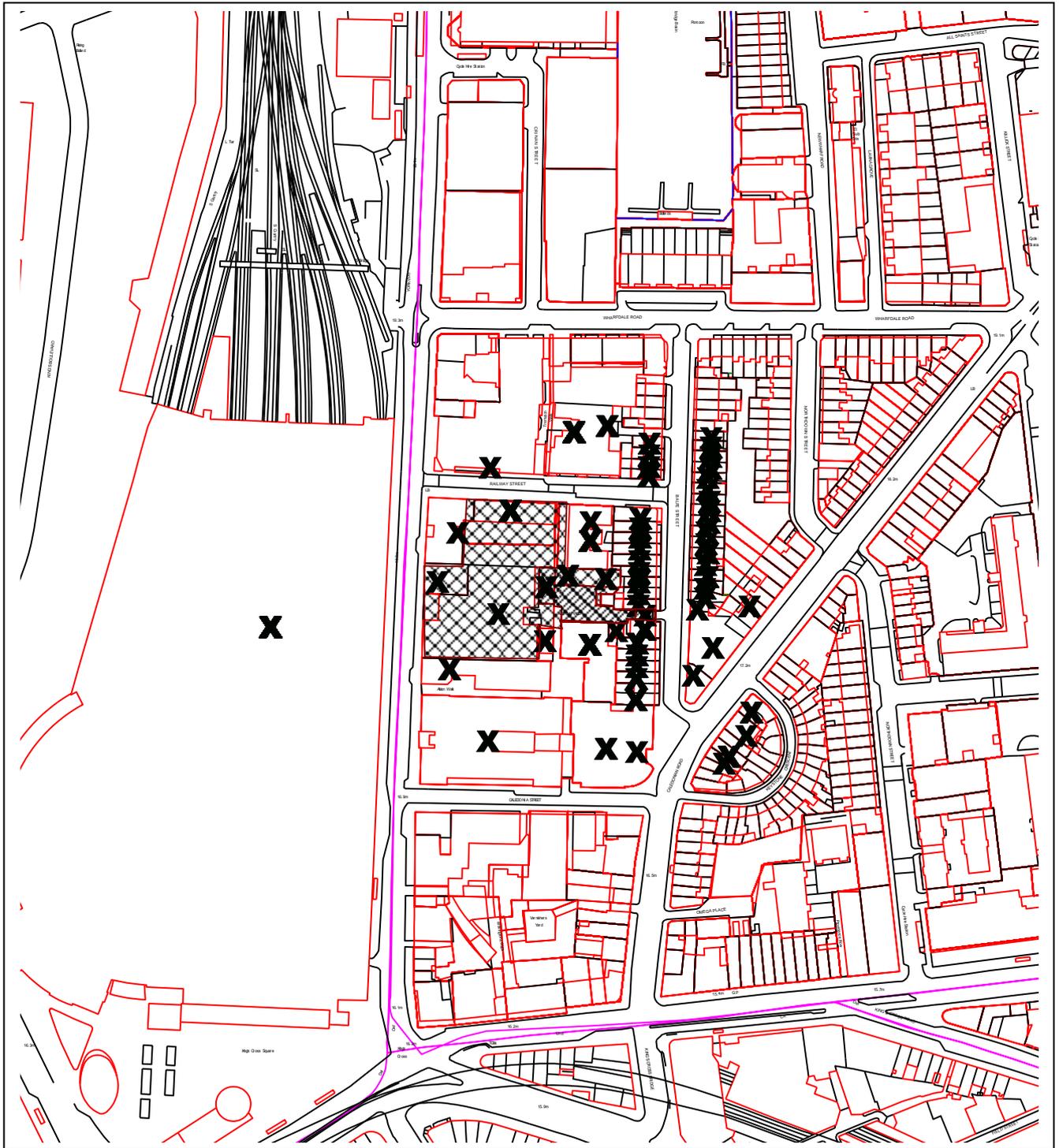
That consideration of the application be deferred for the reasons outlined above.

The meeting ended at 0.25 am

CHAIR

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Islington SE GIS Print Template



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P2021/2270/FUL

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PLANNING COMMITTEE REPORT
ADDENDUM

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 7 June 2022	

Application number	P2021/2360/LBC
Application type	Listed Building Consent
Site Address	34 York Way (Jahn Court), 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1
Ward	Caledonian
Listed building	34B York Way - Grade II Adj. 5-35 Balfe Street - Grade II
Conservation area	Kings Cross Conservation Area (CA21) Adj. Keystone Crescent Conservation Area (CA14) Adj Kings Cross Conservation Area (LB Camden)
Development Plan Context	Core Strategy Key Area – Kings Cross and Pentonville Road Central Activities Zone Employment Growth Areas (Kings Cross) Protected vistas - Parliament Hill summit to St Pauls Cathedral Protected vistas - Kenwood viewing gazebo to St Pauls Cathedral Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Article 4 Direction Flexible uses Article 4 Direction Office to residential
Licensing Implications	None
Proposal	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.

INTRODUCTION

- 1.1 Planning application P2021/2360/LBC 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.
- 1.2 During the 22 February 2022 Committee Meeting, Members expressed concerns regarding the works proposed by the associated planning application P2021/2270/FUL. Noting 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. Members also commented that an improved affordable workspace, possibly with an extended lease from 10 to 20 years would be welcomed. The views of committee members are captured in the agreed minutes from this meeting. The minutes from the committee meeting are appended to the report for P2021/2270/FUL.
- 1.3 As such, this item was deferred due to the deferral of the associated planning application P2021/2270/FUL. Since the 22 February 2022 Committee Meeting, the Applicant has submitted revised documents. No changes have been made to the works proposed by this application.

CONCLUSION

- 1.4 Officers continue to recommend approval of the application subject to the conditions attached to the report. Officers refer members to the Committee Report for this meeting which is appended as **Appendix 2** for reference.

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 22 February 2022	

Application number	P2021/2360/LBC
Application type	Listed Building Consent
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Licensing Implications	None
Proposal	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.

Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

1. RECOMMENDATION

1.1 The Committee is asked to resolve to **GRANT** listed building consent:

a) Subject to the conditions set out at paragraph 10 Recommendations and specifically 10.1.

SITE PLAN

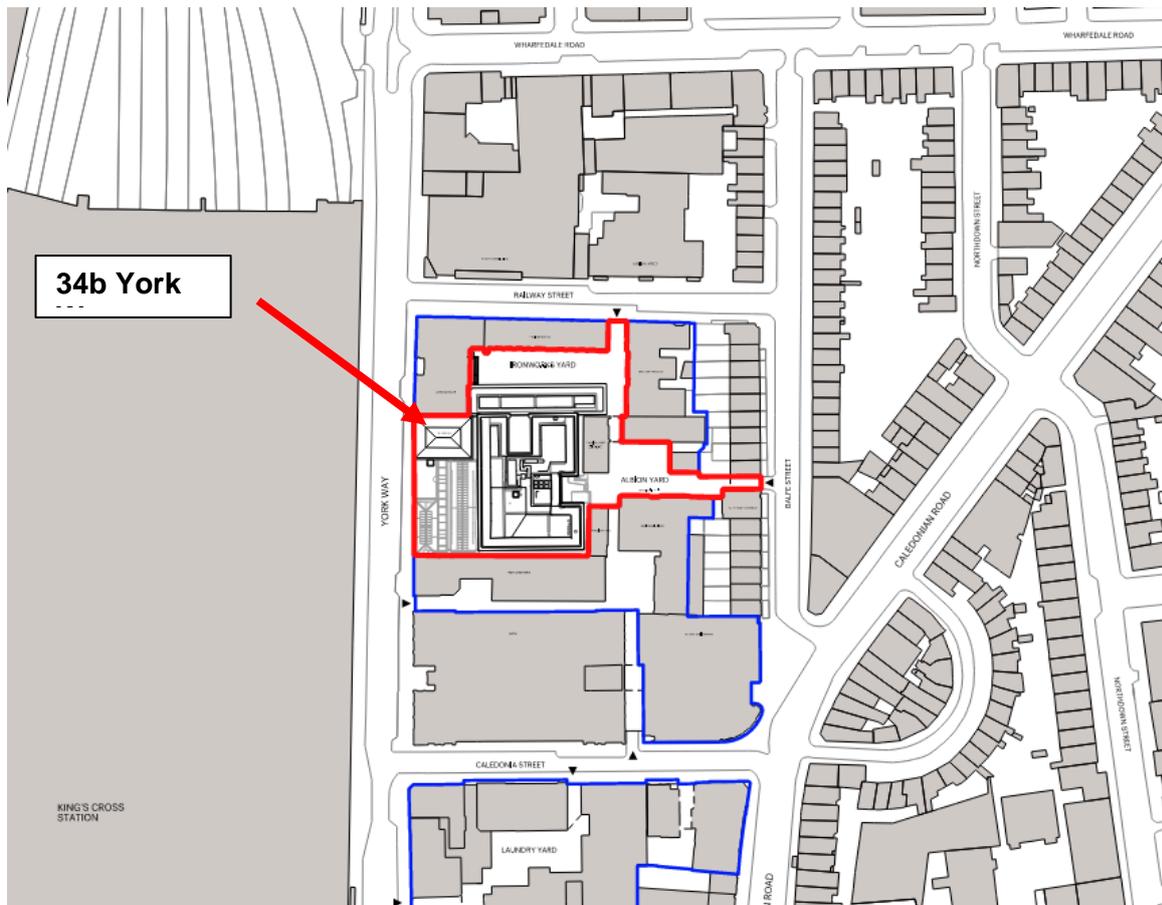


Fig 2.1 Site Plan. Application site outlined in red.

1.0 Introduction

1.1 This application is for Listed Building Consent 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. It is also proposed to replace the existing entrance door on the front elevation with a glazed door.

- 1.2 The works are in connection with an accompanying planning application (ref: P2021/2270/FUL) for:

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.

- 1.3 At: 34 York Way (Jahn Court), 34B York Way (The Hub), Albion Yard and Ironworks Yard, Regent Quarter, Kings Cross, London N1

- 1.4 This associated planning application is to be determined at the same Planning Committee meeting.

2.0 Site Description

- 2.1 The site at 34B York Way is an existing two storey Grade II Listed office building, is located fronting onto the eastern side of York Way. The building abuts the existing modern office building known as Jahn Court at 34 York Way which is the subject of planning application P2021/2270/FUL.

- 2.2 The listed building fabric also includes a large chimney which abuts the southern elevation of the building.

3.0 Proposal:

- 3.1 The proposed works are for 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, which are in connection with the works submitted under planning application P2021/2270/FUL.

- 3.2 The proposals also include the replacement of the existing part timber part glazed main entrance door with a glazed door to increase the level of active frontage on York Way.

- 3.3 No works are proposed to the interior of the Listed Building.

- 3.4 The images 1, 2 and 3 indicate the existing and proposed elevations, plans and the extent of structures to be removed which adjoin the listed building.



Image 1 – Existing and proposed elevations - Entrance to Jahn Court adjoining 34b York Way

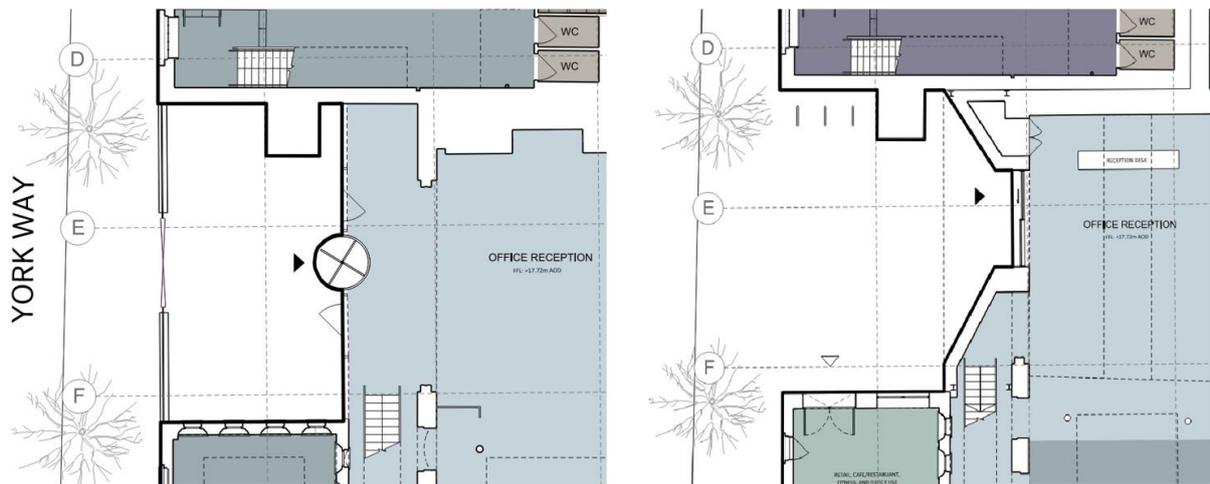


Image 2 – Existing and proposed plans - Entrance to Jahn Court adjoining 34b York Way

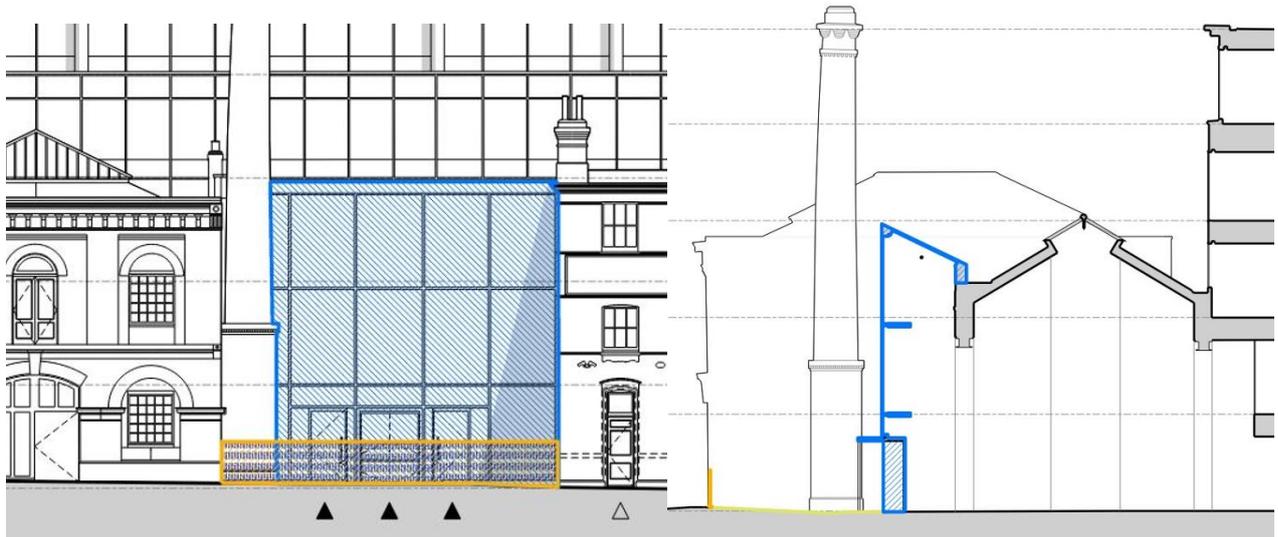


Image 3 – Extent of structures removed adjoining listed building at 34b York Way (Elevation and Section)

4.0 Relevant History

4.1 **Application ref:** P000432

Listed Building Consent in connection with refurbishment, alteration and repair at 34B York Way, 7 Caledonian Road and the stables to the rear of 55 Balfe Street.

At: 7, CALEDONIAN ROAD, N1

Decision: Approved 10/06/2002

4.2 **Application ref:** P070909

Listed building consent in connection with internal alterations.

At: York Gallery, 34B, York Way, Islington, London, N1 9AB

Decision: Approved 29/05/2007

4.3 **Application ref:** P080439

Installation of 2 no. chiller units at roof level of existing building.

At: York Gallery, 34B, York Way, Islington, London, N1 9AB

Decision: Approved 17/04/2008

5.0 Consultation

Statutory and Internal Consultation

5.1 English Heritage: Response received. No objection.

5.2 Design and Conservation Officer: Response received. No objection.

6.0 RELEVANT POLICY

6.1 National and Regional Policy and Guidance

- **National Planning Policy Framework (2021)** - Chapter 16: Conserving and Enhancing the Historic Environment
- **The Planning Practice Guidance (2019)** - Conserving and enhancing the historic environment
- **Conservation Principles (English Heritage, 2008)**
- **Historic England GPA2: Managing Significance in Decision-Taking in the Historic Environment**
- **Historic England Advice Note 2: Making Changes to Heritage Assets (2016)**
- **Historic England GPA3: The Setting of Heritage Assets (2nd edition)**

6.2 Development Plan

- **London Plan (2021)** - Policy HC1: Heritage conservation and growth; Chapter 3: Design / Chapter 4: Housing/ Chapter 7: Heritage and Culture
- **Islington's Core Strategy (2011)** - Strategic Policy CS9
- **Development Management Policies (2013)** – DM2.1 (Design), DM2.3 (Heritage)
- **Conservation Area Design Guidelines (2002)** - Kings Cross CA and Keystone Crescent CA
- **Islington's Urban Design Guide (2017)**

Emerging Local Plan:

6.3 The council submitted the Islington Local Plan to the Secretary of State on 12 February 2020. The Examination in Public has taken place in September and October 2021. Once the Islington Local Plan has been adopted it will be the Local Plan for Islington and will replace the existing Local Plan which was adopted in 2011 and 2013.

6.1 Emerging Local Plan policies relevant to the proposals are set out below:

Local Plan: Strategic and Development Management Policies - Regulation 19 draft September 2019

- Policy PLAN1: Site appraisal, design principles and processes
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage Assets

7.0 ASSESSMENT OF ARCHITECTURAL AND HISTORIC SIGNIFICANCE

7.1 34B York Way is listed at Grade II, is of architectural interest as an example of a purpose built warehouse, with an innovative roof design reflective of the advances in building engineering in the late 19th century. The building has a functional design, reflecting its use as an industrial warehouse, with a central carriageway and first floor doorway for hoisting goods.

7.2 The functional elements of the design allow for the historic use of the building to remain legible and make an important contribution to the buildings heritage interest.

7.3 The block in which 34B York Way is located retains a number of 19th century buildings related to industrial and commercial uses, including those adjacent to the application building on York Way: 36-40 York Way (Cottam House and Ironworks Building); 34 York Way (Jahn

Court) and 32 York Way (The Brassworks). The close proximity and visual relationship of these associated buildings form a coherent 19th century commercial character that contributes to the heritage interest of 34B York Way. Other 19th century buildings and areas, such as Albion Yard and Ironworks Yard, which relate to the historic function and use of 34B York Way also contribute to its heritage interest.

8.0 ASSESSMENT OF THE PROPOSALS

- 8.1 The proposal has had pre application advice as part of the wider scheme involving works to Jahn Court which require planning permission.
- 8.2 The proposed works are for 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.
- 8.3 The proposals will affect a limited area on a secondary elevation of the listed building. It is understood that historically this elevation was not visible from the street.
- 8.4 The works proposed on the Jahn Court site will not only affect its setting but also its fabric as the proposed façade to Jahn Court at ground and first floor level will abut the listed building at ground and first floor level. The existing Jahn Court structure abuts the listed building in a similar manner. The proposed junction will not involve the demolition of historic fabric or a change to the depth of the junction. The proposed junction will be a reduction in height when compared to the existing, i.e. the new work will sit below the cornice level of the listed building when compared to the existing.
- 8.5 The removal of the existing modern fabric and fixings attached to 34B York Way is not considered to have a harmful impact to its heritage interest or significance. Therefore the proposed works abutting the listed building are not considered to cause harm to planform, evidential value or fabric.
- 8.6 A condition is suggested to secure details of a schedule of works including a method statement (3) to ensure the works are sensitively undertaken and an informative added to remind that a further listed building consent may be needed if there are works that affect the special interest that are subsequently needed to comply with other regulations such as building control.
- 8.7 The proposals also include the replacement of the existing part timber part glazed main entrance door with a glazed door to increase the level of active frontage on York Way. It is proposed to secure the details via condition (4).

9.0 CONCLUSION

- 9.1 In line with Sections 16(2) and 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 listed building, its setting and any of its features of special architectural or historic interest.

- 9.2 Overall, the proposed external works would not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed external works would not adversely affect the special architectural or historic interest of the listed building.
- 9.3 In line with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.4 Overall, it is considered that the proposed external works are small in scale and whilst visible from within the conservation area, would continue to preserve the character and appearance of the conservation area.
- 9.5 The proposals are therefore, considered to satisfy the objectives of the policies listed below, in particular Chapter 16 of the NPPF (2021) which seek to conserve and enhance the historic environment, Policy HC1 of the London Plan 2021 which seek to preserve and enhance the significance of heritage assets as well as the provisions of policy CS9 of Islington's Core Strategy 2011 which seek to protect and enhance Islington's built and historic environment and policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment. The proposed works are not considered to conflict with the aims of the emerging policies in the Islington Local Plan (policies DH1 and DH2).

10.1 Recommendation

10.2 That the grant of listed building consent be subject to **conditions** to secure the following:

List of Conditions:

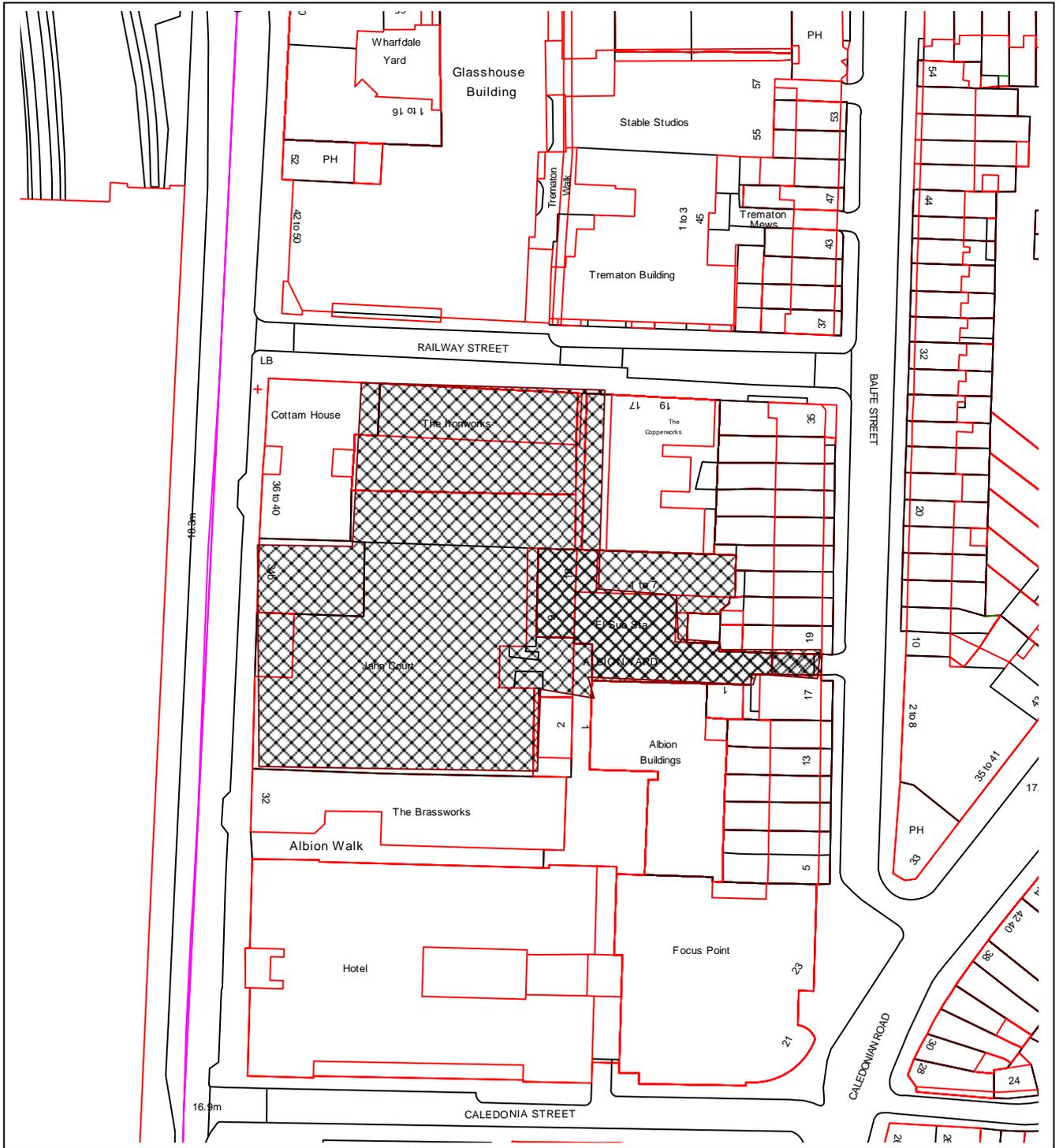
1	<p>3 YEAR CONSENT PERIOD FOR LBC:</p> <p>3 YEAR CONSENT PERIOD FOR LBC : The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE):</p> <p>ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE): All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
3	<p>Schedule of works (Details)</p> <p>CONDITION: A schedule of works including Method Statement setting out the steps to be followed for the implementation of the scheme/works affecting 34b York Way hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant works on site.</p> <p>The works shall then be carried out strictly in accordance with the Method Statement subsequently approved.</p>

	REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
4	Glazed Door to 34b York Way (Details)
	<p>CONDITION: Prior to commencement of relevant works, full details including large scale detailed sections and elevations, of the proposed replacement glazed door to the Listed Building at 34b York Way shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved details shall be installed prior to first occupation of 34b York Way as an affordable workspace unit and shall be retained as such permanently thereafter.</p> <p>REASON: For the enhancement of the heritage asset, the improved quality of the space as an affordable workspace facility and to increase the informal surveillance along York Way.</p>

Informative:

1	Building Regulations Approval
	This consent relates solely to listed building matters. Should it become necessary to make alterations to the consented scheme in order to comply with other legislation, such as Building Regulations, a further consent may be required. Such a consent should be sought and obtained prior to the relevant works being undertaken.

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT
ADDENDUM

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	7 June 2022	NON-EXEMPT

Application number	P2021/2269/FUL
Application type	Full Application
Ward	Caledonian
Listed building	None on site. Close proximity to Kings Cross Station (Grade I), 7 Caledonian Road (Grade II) and 295-297 Pentonville Road (Grade II)
Conservation area	Kings Cross Conservation Area (CA21) Close proximity to Keystone Crescent Conservation Area (CA14), and Kings Cross Conservation Area (LB Camden)
Development Plan Context	Core Strategy Key Area – Kings Cross and Pentonville Road Central Activities Zone Employment Growth Areas (General) Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Rail Safeguarding Area (Crossrail 2)
Licensing Implications	Kings Cross - Cumulative Impact Areas
Site Address	Times House and Laundry Building, Regent Quarter, Kings Cross, Islington, London, N1 9AW
Proposal	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 one 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 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.

Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

1. RECOMMENDATION

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

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

2. BACKGROUND OF DEFERRAL

2.1 Planning application P2021/2269/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, Members expressed concerns 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. Members also commented that an improved affordable workspace, possibly with an extended lease from 10 to 20 years would be welcomed. The views of committee members is captured in the agreed minutes from this meeting. The minutes are appended to this report (see **Appendix 3**).

2.3 As such, the item was deferred in order for the applicant to review the massing of the building in order for betterments to the daylight and sunlight transgressions, in order to reduce perceived harm to neighbouring amenity and to reduce the heritage impacts.

2.4 Since the 22 February 2022 Committee Meeting, the Applicant has submitted revised documents as follows:

- 13601-A-02-L00-07-050-P2 – Proposed Site Plan
- 13601-A-02-L00-07-100-P3 – Proposed Ground Floor Plan
- 13601-A-02-L04-07-104-P3 – Proposed Fourth Floor Plan
- 13601-A-02-L05-07-105-P3 – Proposed Fifth Floor Plan
- 13601-A-02-L06-07-106-P3 – Proposed Roof Plan – Lower
- 13601-A-02-LRF-07-107-P3 – Proposed Roof Plan – Upper
- 13601-A-02-LXX-07-150-P3 – Street Elevations – Proposed
- 13601-A-02-LXX-07-160-P3 – Context Section North-South - Proposed
- 13601-A-02-LXX-07-161-P1 – Context Section East-West – Proposed
- 13601-A-02-LXX-07-200-P3 – Proposed North Elevation
- 13601-A-02-LXX-07-201-P3 – Proposed West Elevation
- 13601-A-02-LXX-07-202-P1 – Proposed South Elevation
- 13601-A-02-LXX-07-203-P3 – Proposed East Elevation
- 13601-A-02-LXX-07-300-P2 – Proposed Section AA
- 13601-A-02-LXX-07-301-P3 – Proposed Section BB
- 13601-A-02-LXX-07-302-P3 – Proposed Section CC
- 13601-A-02-LXX-07-304-P3 – Proposed Section EE
- 13601-A-02-LXX-07-305-P1 – Proposed Section FF
- 13601-A-02-LXX-07-306-P1 – Proposed Section GG
- 13601-A-02-LXX-07-307-P2 – Proposed Section HH
- 13601-A-02-LXX-07-308-P2 – Proposed Section II

- 0182c_PR3-P-GA-LY-01_RevC – Laundry Yard + Times Yard Proposed Ground Floor Plan
- 0182C-PR3-P-DT-LY-02_RevC - Laundry Yard + Times Yard Proposed Services Plan
- Design & Access Statement Addendum B – May 2022
- Heritage and Townscape Statement Addendum April 2022
- Daylight, Sunlight and Overshadowing Report – May 2022 Version V1 – Ref: P2593
- Letter from Savills dated 5 May 2022

2.5 As a result of the amendments to the scheme the description of development has been revised to reflect the removal of one storey to the proposed roof extension and removal of the proposed flexible (Class E) unit within Laundry Building. The description of development should now read as follows:

“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 one 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 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.”

2.6 This addendum report addresses the reasons for the committee’s deferral of this application and the consequential amendments to the proposal to address these. As such, the areas of assessment in regards to this application which have not been directly addressed in the addendum report still stand. The February Committee report has been appended. A period of approximately 4 months has passed since this application was last presented to members on 22nd February 2022. Officers have had due consideration to the most up-to-date Development Plan, as well as the Draft Local Plan which currently going through the Examination process. There have been no changes to the Development Plan or Draft Local Plan which would alter Officers’ assessment of material planning considerations as outlined in the February Committee Report. There have also been no other material changes to the site nor its surroundings which was alter the Council’s assessment.

3. FURTHER CONSULTATION UNDERTAKEN

Public Consultation Responses

3.1 The Council has chosen to reconsult on the applications following receipt of amendments to the proposals. Given the previous consultation where the applications have previously been subject to statutory consultation including site and press notices, the Council has exceeded its statutory requirements for consultation through reconsulting at this stage.

3.2 The amendments to the applications amount to reductions to the proposals and therefore are not considered to be significant in the overall context of the applications. As such the 14-day reconsultation period is in line with the Council’s Statement of

Community Involvement. The 14-day re-consultation on the application began on 10 May 2022 until 24 May 2022.

- 3.3 Notwithstanding this, it is the Council's practice to continue to consider representations made up until the date of a decision. 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 Officer's presentation.
- 3.4 Objections were received from 22 residents during this latest re-consultation period.
- 3.5 Representations have been received from a total of 40 residents forming objections to the proposal during the course of the application. Further correspondence has been received by the Case Officer from a number of these objectors. Officers consider as the amendments amount to reductions, no new material planning considerations have been raised, which haven't already been addressed in the 22 February 2022 Committee Report (e.g. relating to building heights, impact on heritage assets, reductions to daylight and sunlight etc.). This is outlined in section 8.8 of the appended committee report. However, given that the scheme has been revised, officers have responded to the planning considerations that have been raised during the latest period of reconsultation. The main issues raised relate to:
- Impact on heritage assets of the height and massing (**Officer comment:** In the committee report dated 22 February 2022 officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the listed buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. The scheme has been reduced in height and massing and officers note the reductions in the visibility as indicated in the images indicating the views from Euston Road, Caledonian Road, Caledonia Street, and York Way (As demonstrated in the Design and Access Statement Addendum and the Heritage and Townscape Statement Addendum) and the overall reductions in height and massing. The Council's Design and Conservation Officers and Historic England raised no objections to the previous scheme and have continued to raise no objections to the revised scheme. Officers consider the amendments to the scheme reduce the impact on heritage assets and provide an increased level of public benefits with increases in the percentage and lease terms of the proposed affordable workspace. Therefore the scheme is acceptable in accordance with the requirements of the NPPF and the development plan.)
 - Loss of daylight (**Officer comment:** In the committee report dated 22 February 2022 officers have considered the impacts of the proposals on the daylight, sunlight and overshadowing to the neighbouring residential properties. The amendments to the scheme result in a significant reduction in the impact of the proposals on the levels of daylight and sunlight to the neighbouring residential properties. Officers consider the impacts are acceptable. This is considered in detail below, in the reductions in impacts to Daylight section of this report.)
 - Applicant's consultation with residents; (**Officer comment:** The Council notes the comments made by the applicant and has undertaken its own reconsultation to obtain the views of residents which have been considered in this latest assessment of the application.)

- Reduced cycle parking for residents from 65 to 10 secure spaces (**Officer comment:** Given that the lack of any formal consent or allocation for residential cycle parking, the provision of 10 dedicated cycle parking spaces for residents is considered to amount to an improvement on the existing situation and an overall benefit. This is considered in more detail in the assessment of this report and would be secured by condition 41.)
- Requests additional elements are added to the wording of the CEMP condition to include construction across the site should be restricted to 0900-16.00 only on weekdays and no Saturday working in addition to no working on Sundays and Bank Holidays. (**Officer comment:** The details of the Construction Environmental Management Plan are required to be submitted by condition (5) and will be discharged in consultation with the Council's Environmental Health Officer and Highways officers.)
- Has undertaken research to suggest there is a lack of demand for office accommodation in this area. (**Officer comment:** The adopted and emerging planning policy basis for the land use for the site has been considered in detail in the committee report dated 22 February 2022. There has been no material change to the Council's land use policies relevant to the scheme, since the publication of this report.)
- Lack of consultation with residents of Keystone Crescent (**Officer comment:** During the course of the application the Council has undertaken a number of rounds of public consultation and has exceeded its statutory requirements and accords with the requirements of the Council's Statement of Community Involvement.)

Islington Society:

- 3.6 In response to the further re-consultation and the revised description of the two planning applications P2021/2269 and P2021/2270 The Islington Society wishes to resubmit its objections to these schemes. The society believes that the revised submissions by the applicant do not address its concerns about the application's contraventions of the Conservation Area Guidelines, in particular the additional height and mass above the roof line of the surrounding historic locally listed buildings. The society accepts that the developer has made some effort to reduce the height of the new developments but these are insufficient to address its concerns. For example, while the developer has reduced the number of floors in the redeveloped "Times House" by one, the height of the proposed new building is only cut by a single metre. The society is also concerned that the application still does not retain the spirit of the highly successful early 2000s redevelopment of the area, particularly around Albion Yard and behind the Laundry Building. (**Officer comment:** In the committee report dated 22 February 2022 officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets. Officers consider the amendments to the scheme reduce the impact on heritage assets. The impact on the conservation area is considered in the assessment below, in the reductions to roof extensions section.)
- 3.7 Transport for London - With regards to the proposed residential cycle parking spaces, the applicant should provide a minimum of 5% larger cycle parking spaces and should meet the design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS) and London Plan policy T5 (cycling). (**Officer comment:** Officers note that the

proposed scheme does not propose any residential units, there are no residential units within the site, and there is no policy requirement for the provision of residential cycle parking within the site. The provision of dedicated cycle parking for residential use amounts to a benefit of the scheme. Notwithstanding this, it is proposed to attach an additional condition (42) to secure details of the proposed residential cycle parking to be submitted to and approved by the Local Planning Authority.)

UPDATED ASSESSMENT

3.8 Following the deferral, the Applicant submitted revised elevation/floorplan/section drawings, revised landscape drawings, revised 'Daylight & Sunlight' reports, a Design & Access Statement Addendum, a Heritage and Townscape Statement Addendum and a cover letter setting out the extent of the amendments.

3.9 It should be noted that the scheme has not been amended beyond the following revisions outlined in this addendum report.

3.10 A summary of the amendments are as follows:

- The massing of the proposed roof extensions has been reduced at various levels as follows:
 - The overall height of the proposed development across the scheme has been reduced by 0.5 metres.
 - Removal of one floor from the east wing of Times House, resulting in a 3.3 metre reduction in height.
 - Height of fifth floor reduced by 0.3 metres.
 - A minor additional single storey infill extension on the southern part of the site at fourth floor level, leading to a minor reduction in the extent of the proposed fourth floor roof terrace.
- As a result of the amendments to the application, the proposed uplift in GIA floorspace has been reduced from 1,723sqm to 1,559sqm which equates to a reduction of 164sqm of floorspace from the previous scheme. This is not considered to raise conflict with the Council's land use policies.
- The affordable workspace offer of 207.7sqm is to be provided within Laundry Building on the ground floor. As part of the latest amendments this has now been separated from the Jahn Court application. The proposed offer has increased to 13.3% of the uplift in floor area, relating only to this application, for a period of 20 years on a peppercorn rent (increased from the previous offer of 10 years).
- Provision of 10 dedicated secure cycle spaces within the basement of Times House for the residents of Regents Quarter to be secured by condition.

3.11 These amendments are assessed in the following sections of this report.

Reductions to Roof Extensions

3.12 The reductions made to the height and massing are considered to respond to the concerns raised at Planning Committee.

3.13 The proposed height and massing is slightly reduced within the views to Kings Cross Station. Importantly, it should be emphasised that the existing roof of Times House is already visible in this view and whilst the proposed development will be more visible,

the impact of this is considered to be acceptable as the height of the extension is in line with the shoulder height of Kings Cross Station. Furthermore, the design/materials blend in with the skyline and are an improvement to the existing roofline design.

- 3.14 In addition, the view of the east wing of the development is now significantly reduced and blends in with the existing modern roof top extensions of the surrounding buildings. The development is also now not visible from York Way or Caledonia Street.
- 3.15 Following this reduction in the height and massing, the southern area of the fourth floor level has been slightly extended by reducing the extent of the proposed fourth floor roof terrace, to mitigate the loss of some floor area elsewhere. The extent of this addition is minor, and is located adjacent to commercial properties, and is not in close proximity to residential properties.

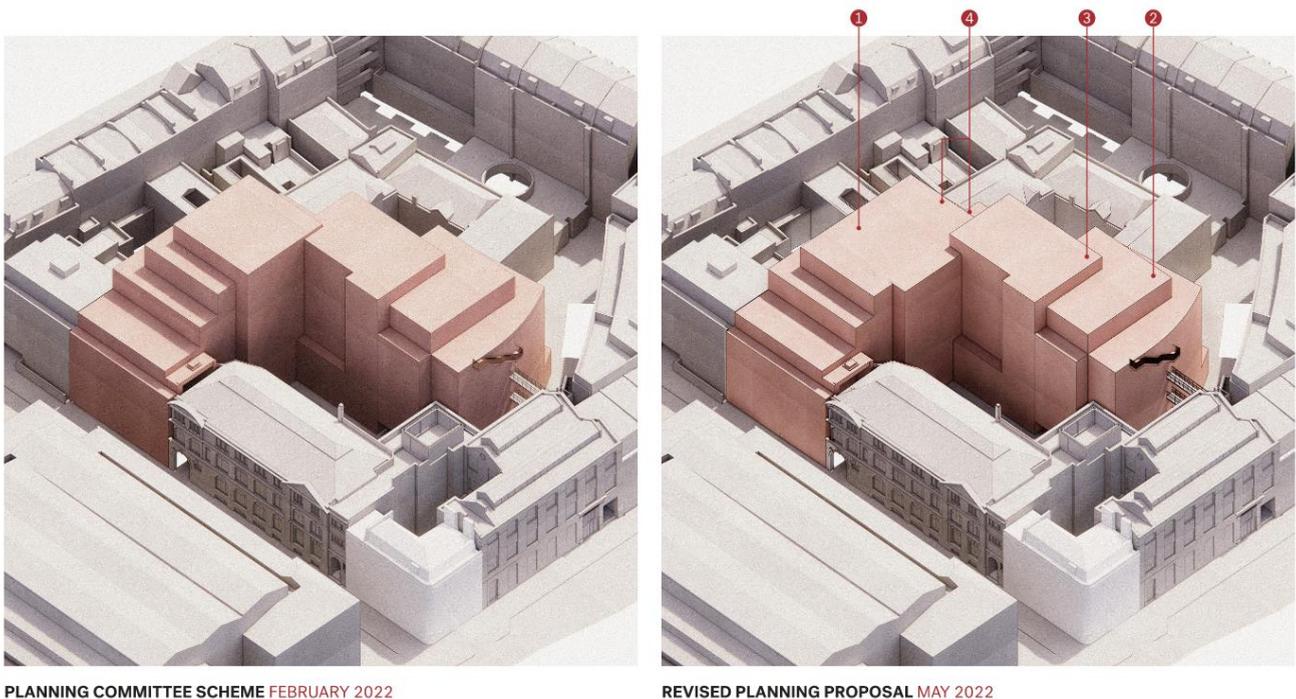
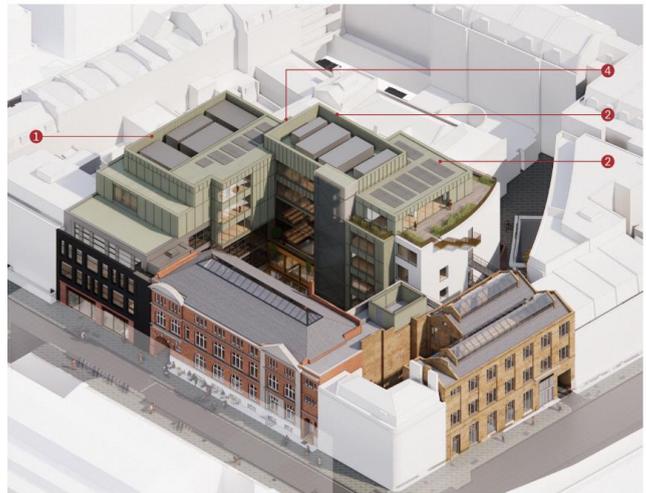


Image 1 – Proposed and Revised changes to massing

- 3.16 Image 1 shows a comparison between the massing of the proposed roof extensions on the previous scheme and those now proposed as part of the revised scheme.



PLANNING COMMITTEE SCHEME FEBRUARY 2022



REVISED PLANNING PROPOSAL MAY 2022

Image 2 – Proposed and Revised – Axonometric View

3.17 Image 2 shows a comparison between the visual massing of the proposed roof extensions on the previous scheme and those now proposed as part of the revised scheme.



PLANNING COMMITTEE SCHEME FEBRUARY 2022



REVISED PLANNING PROPOSAL MAY 2022

Image 3 - Proposed and Revised View 10 south from Caledonian Road

3.18 Image 3 shows a comparison between the visibility of the proposed roof extension to Times House as shown from Caledonian Road, between the previously proposed scheme and the revised scheme. The images demonstrate that the visibility of the massing of the roof extension has been significantly reduced in this view.

3.19 The proposed total height of the building following the proposed roof extensions has been reduced. The eastern wing is now proposed to increase in height from 17.2m (east wing) to 21.6m to the top of the roof plant (down from 24.9m as previously proposed) and to increase the height of the west wing from 20.9m to 23.9m to the top of plant (down from 24.4m as previously proposed). The proposed heights to the top of the roof have also been reduced. The west wing roof rises from 17.9m to 21.6m (down from 21.9m as previously proposed) and for the east wing roof rises from 14.4m to 21.6m (down from 21.9m as previously proposed). The overall height reduction of

the east wing is 3.3m (43% of the extension height), and the overall reduction in height of the west wing is 0.5m (15% of the extension height).

- 3.20 The revised massing incorporates an uplift in the proposed provision of blue and green roofs from the previous scheme, now providing 288.2sqm of blue roof and 256.3sqm of blue/green roof.
- 3.21 While there were no design or heritage objections from officers to the earlier iteration that was considered at committee, given the proposed reductions to height and mass, and the resulting beneficial impact to the amenity of the adjacent properties, together with the high quality of architecture demonstrated within the detailed designs, including innovative materiality, there are no design objections to the amended scheme design.
- 3.22 Overall, the height and massing of the proposed extensions have been sufficiently reduced in scale resulting in the building being less prominent from the public realm. Further to the design changes, a revised Heritage and Townscape Statement has been prepared which outlines that the proposals will have an even lesser impact than the previous scheme which was considered to be acceptable in heritage terms.
- 3.23 It is worth reiterating that no objections have been raised by the Council's Design and Conservation Officers, the Design Review Panel and Historic England. The proposals therefore positively respond to the local context and heritage assets within the area and improve the heritage case. The proposals remain acceptable in heritage terms in line with the NPPF, London Plan Policy D3 and Policy HC1 and Emerging Local Plan policies, PLAN1, SP2, DH1, DH2, and DH3.

Reductions in impacts to Daylight

- 3.24 The reduction in mass to the fourth storey has led to betterments, in the reductions to daylight and sunlight to neighbouring properties.

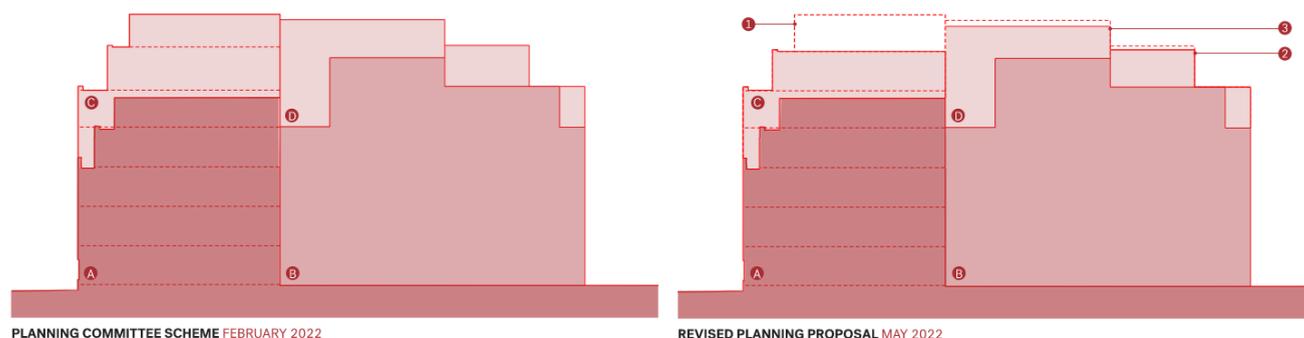


Image 4 – Proposed and Revised East West Section

- 3.25 In image 4, parts A and B indicate existing massing, and parts C and D indicate the proposed additional massing.
- 3.26 In the scheme presented to the planning committee on 22 February 2022, a total of 84 windows and 54 rooms to neighbouring properties were assessed, 3 (3.6%) of the windows and 3 (5.56%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).

3.27 Following the latest amendments to the scheme, the revised Daylight, Sunlight and Overshadowing Assessment confirms that of the same windows and rooms tested, now only 1 (1.2%) of the windows and 2 (3.7%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).

3.28 It is important to note that a number of windows and rooms would see a betterment to the reductions to neighbouring properties, albeit the reductions would remain beyond the BRE guidance. The reduced transgressions are reported to neighbouring properties at the Joiners Yard and Caledonian Road. These are outlined further below with a comparison between the impacts of the previous scheme and the revised scheme:

Table 1 – 8-15 Joiners Yard

		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
<i>Third floor</i>										
R1/223 - W1	Bedroom	22.6	17.7	22.24%	21.9%	15.3	15.4	15.3	0.6%	0.6%
<i>Fourth floor</i>										
R1/224 - W1	LKD	31.5	25.2	20.28%	19.9%	24.9	24.7	22.1	10.1%	10.1%

Table 2 - 1-3 Caledonian Road

		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
<i>First Floor</i>										
R2/306 - W3	Bedroom (assumed)	20.3	18.1	11.7%	10.7%	11.5	10.5	8.4	20.7%	19.7%

Table 3 – 11 Caledonian Road

		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
<i>First Floor</i>										
R2/251 - W2	Bedroom (assumed)	18.1	14.6	20.97%	19.7%	11.1	10	9	10.1%	10.8%

**Table 4 - 13-17
Caledonian Road**

		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
<i>First Floor</i>										
R2/231 – W4	Kitchen	16.4	14.1	14.4%	13.6%	6.2	2.2	1.6	33.6%	27%
<i>Second Floor</i>										
R2/232 – W3	Kitchen	23.4	20.8	12.4%	10.8%	6.2	3.5	2.6	29.1%	25.6%

3.29 Now only one window and two rooms would continue to see transgressions beyond the BRE criteria and the extent of the impacts have been significantly reduced. The greatest impacts under this revised scheme with regards to daylight are considered to be acceptable given the site’s central, dense and urban context.

Impacts to Sunlight

3.30 In the scheme presented to the planning committee on 22 February 2022, the submitted report indicated that there were no reported sunlight transgressions and all neighbouring properties met BRE guidance. Given that the scheme has been reduced in height and massing, this situation remains the same and all neighbouring properties continue to meet BRE guidance with regards to sunlight impacts.

Summary

3.31 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. Regarding the transgressions beyond BRE guidance with regard to daylight and sunlight, the overall quantum is minimal and the reductions themselves are considered to be minor given the circumstances and site context.

3.32 Overall, there has been a significant reduction in the impacts on the daylight levels to the surrounding residential properties as result of the amended scheme. The proposals are considered to be in line with BRE standards and guidelines and Policy DM2.1.

Changes to Affordable Workspace

3.33 The scheme previously presented to committee, proposed to provide affordable workspace within the Hub Building at 34b York Way with an allocation of 388sqm (GIA) of floorspace, representing 10.4% of the combined uplift of office floorspace across both the Jahn Court application scheme and the Times House and Laundry Building application scheme under Ref: P2021/2269/FUL. It was proposed to provide this affordable workspace on a peppercorn rent for a period of 10 years.

3.34 Following amendments to both applications, the affordable workspace is now proposed to be provided separately for each application and is to be located on-site within each application scheme. It should be noted that cumulatively, should both schemes be approved, the total floorspace to be provided separately across each application amounts to 448.7sqm which is an uplift in the total provision of affordable workspace from that proposed previously at 388sqm.

- 3.35 As a result of the revisions to the applications, the Hub Building at 34b York Way is intended to remain as market office accommodation.
- 3.36 For the current application, the affordable workspace is proposed to be located on the ground floor of the Laundry Building. The area of this allocated space will be 207.7sqm and this represents 13.3% of the uplift in office floorspace proposed by the application. This is shown below on the revised ground floor plan.

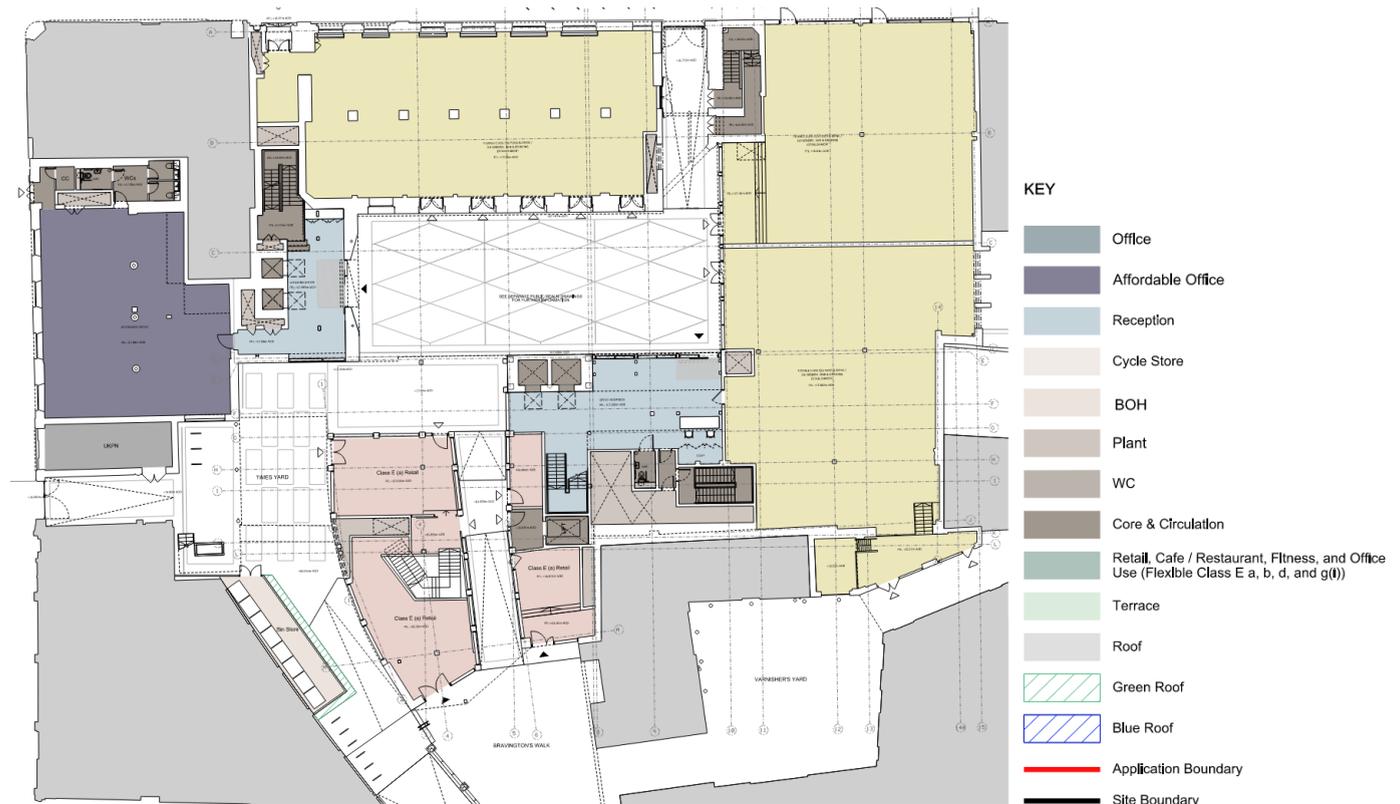


Image 5 – Revised proposed ground floor plan – Provision of Affordable Workspace

- 3.37 The space will be open plan and is proposed to be fit out to a Category A standard. The location on the ground floor of the main building enables access to the basement cycle storage and ground floor WC's. The lease length of the proposed affordable workspace offer has been increased from 10 years to 20 years on a peppercorn rent.
- 3.38 LB Islington's adopted affordable workspace Policy DM5.4 requires 5% of employment floorspace to be provided on a peppercorn rent for 10 years. The emerging Policy B4 requires 10% of floorspace to be provided for 20 years.
- 3.39 The revised offer therefore exceeds the adopted planning policy requirements as set out by London Plan Policy E3 and Policy DM5.4 and will be compliant with emerging planning policy.
- 3.40 The Council's Inclusive Economy Team has been consulted on the revisions to the proposals and have met with the applicant to discuss the amendments. The Inclusive Economy Team accepts the revised provision of affordable workspace.

Green Roof and Urban Green Factor

- 3.41 As the roof levels have been reduced and reconfigured from the previous proposals, it is understood that a review of the green and blue roofs has been undertaken, in this respect the roof of Times House will now comprise 260sqm of green roof (23sqm increase), whilst the blue roof will also increase in area to 552sqm (131sqm increase). This is considered to improve the sustainable drainage of the site, whilst also improving the urban greening factor and biodiversity net gain results, which now sit at 0.17% and 125.3 % respectively.

Cycle Parking

- 3.42 It is understood that some of the residents in the Regents Quarter have had access to the existing bike store within the courtyard in Block B which contains up to 65 spaces. However, there is no evidence of a formal allocation provided to residents as part of any previous planning consent and there is no evidence of a formal arrangement for residents.
- 3.43 In response to comments from residents, the applicant has provided the following statement (via email submitted by Nicola Forster dated 23 May 2022):

'The residents within Regent Quarter do not have a formal allocation or quantum of dedicated cycle parking spaces within the Estate or under their lease agreements. However, Endurance Land are aware that some residents have been using an external cycle store on an informal basis within Block B of the Estate which services the commercial units.'

This facility is being removed as part of the proposals for the Times House and Laundry Building scheme and will be re-provided within the basement of the new development. Whilst this will not result in a loss of formally allocated cycle spaces for residents, Endurance Land are proposing to formally allocate 10 of these new cycle spaces for residents. These spaces will be provided within a secure location for the benefit of the residents.'

Other locations for the residents cycle parking were considered, including the basement of The Copperworks and the car park of Joiners Yard. However, these options were not considered to be appropriate by residents. Other options in the courtyards were also explored which were constrained in design and heritage terms.'

Endurance Land has confirmed that if there is additional demand for residents cycle spaces, they will continue to work with the residents to consider where additional provision can be provided within the Estate.'

- 3.44 It is now proposed to provide 10 secure cycle parking spaces for residents which will be located within the basement of Times House to be secured by condition. Based on the revised scheme, the secure cycle parking provision remains at a total of 105 spaces to be provided for office workers, retail workers and now 10 of the spaces are to be allocated to the residents of the Regents Quarter.
- 3.45 As a result this would reduce the provision for the office and retail floorspace to 95 spaces. A London Plan policy compliant provision would require 103 spaces and therefore the scheme would provide 8 spaces less than this policy requirement. However, given the restrictions on the site and the attempts to find an alternative provision for residents, the minor shortfall for office and retail staff is not considered to

harmfully undermine the sustainable transportation measures of the proposal. As such, the scheme remains acceptable in this regard.

- 3.46 Given that the lack of formal allocation for residential cycle parking, and the lack of any policy requirement for such a provision, the provision of 10 dedicated cycle parking spaces for residents, is considered to amount to an improvement on the existing situation and an overall benefit of the scheme beyond the requirements of the development plan. This would be secured by condition 42 attached to the grant of consent.

4. CONSULTATION

- 4.1 The applicant's submission provides details of further engagement with residents. It is understood that Endurance Land has held four further meetings with the Regent Quarter Residents Group since the 22 February Planning Committee meeting. It is understood that these meetings took place on:

- 29 March 2022
- 21 April 2022
- 28 April 2022
- 4 May 2022.

- 4.2 The applicant states that the purpose of the meetings was to further consider resident's concerns relating to the development and to review whether any additional changes could be made to the scheme. The discussions have led to various changes being made to the scheme including:

- Reductions to the height and massing of the proposed roof extensions.
- Improvements to the Daylight and Sunlight impacts on the neighbouring residential properties from the previous scheme.
- Provision of new dedicated secure cycle parking spaces for residents.
- A commitment by Endurance Land to consider further management arrangements to improve the residential amenity of residents.

- 4.3 The Council notes the comments made by the applicant and has undertaken its own reconsultation to obtain the views of residents. These are reported in paragraphs 3.1 – 3.6 of this report.

5. CONCLUSION

- 5.1 Following the deferral of the application at 22 February 2022 Committee Meeting, the applicant has revised the proposal by making reductions to the height and massing of the proposed roof extensions. This has led to betterments in the reductions in both the number and level of impacts to daylight and sunlight and reductions in the visibility of the roof extensions, reducing the impacts on the surrounding heritage assets.

- 5.2 The scheme has been amended to relocate the position of the proposed affordable workspace from The Impact Hub at 34b York Way to Laundry Yard. The provision of affordable workspace is policy compliant with the adopted and emerging local plan including an increase to the length of the lease from 10 to 20 years.

- 5.3 In light of the amendments, officers have revisited the planning balance, noting the reduced impact on heritage assets as a result of the reduced height and massing which has reduced the visibility of the extensions, the reduced impacts on neighbouring amenity, the additional public benefits of an increase in the percentage of affordable

workspace and the extension to the length of the lease, and a formal provision of secure cycle parking for residents. Overall, there is less conflict with policy DM2.1, and the increase public benefits outweigh the limited harm to heritage assets caused by the development. As a result, the proposals are considered to be acceptable in accordance with the requirements of the NPPF and the development plan.

- 5.4 Overall the amendments to the scheme are considered to have addressed the reasons for the deferral of the application at the planning committee on 22 February 2022.
- 5.5 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**.
- 5.6 These replicate the original conditions, save for amended wording to some conditions as follows:
- Condition 2 has been amended to include the revised drawings and documents received since the 22 February 2022 Committee Meeting (those in **bold** are the revised drawings).
 - Condition 4 – Cycle parking compliance has been amended to include the revised drawings.
 - Condition 17 – reference to Class E flexible use unit has been removed to reflect this amendment to the application to incorporate the provision of Affordable Workspace within the Laundry Building.
 - Condition 18 – Accessible Showers/WC has been amended to include the revised plan drawings.
 - Condition 36 – Noise Management Plan - has been amended to include the revised drawings.
- 5.7 It is proposed to add a further condition (42) relating to the provision of secure cycle parking for residents.

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 in relation to application P2021/2269/FUL 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 (those in **bold** have been revised from the previous committee report):

- A contribution towards provision of off-site affordable housing of: **£207,920.**
- **Provision of 207.7sqm of Affordable Workspace within the Laundry Building for 20 years at peppercorn rent.**
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of **£24,582** to improve the prospects of local people accessing new jobs created in the proposed development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount for this application is £145,176.00. This amount may be reduced in the event that through addressing condition 23 further energy efficiency is obtained and the financial contribution can be reduced accordingly.
- Facilitation, during the construction phase of the development, of the following number of work placements: 1. This placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of **£2,679** 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.
- The provision of 4 accessible parking bays or a contribution of £8,000 towards accessible transport measures.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.
- Connection to a local energy network, if technically and economically viable

(burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Locations of 16 short stay cycle parking stands (32 spaces) to be accommodated within the Highway at locations that will serve the development, to be agreed through the S278 Agreement.
- Changes to the hours of opening of Block B entrance gates to Pentonville Road and Caledonian Road. The gates at Pentonville Road and Caledonian Road to close between midnight and 1am as the last gates to close following closing time at the bars and restaurants in Vanisher's Yard and Bravington's Walk.
- Engagement Plan to be agreed with Local Schools prior to implementation of the development.
 - During construction – Endurance Land will host site visits and seminars on construction and property matters for two local schools where there is an existing relationship with the developer:
 - Winton Primary School; and
 - Hugh Myddelton Primary School.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 4 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

LIST OF CONDITIONS:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Site location Plan - 13601-A-Z2-LXX-00-001; Existing Site Plan (1:500) - 13601-A-02-LXX-00-020; Existing Site Plan (1:200) - 13601-A-02-L00-01-050; Existing Basement Plan - 13601-A-02-LG1-01-099; Existing Ground Floor Plan - 13601-A-02-L00-01-100; Existing First Floor Plan - 13601-A-02-L02-01-101; Existing Second Floor Plan - 13601-A-02-L02-01-102; Existing Third Floor Plan - 13601-A-02-L03-01-103; Existing Fourth Floor Plan - 13601-A-02-L04-01-104; Existing Roof Plan - Lower - 13601-A-02-L05-01-105; Existing Roof Plan - Upper - 13601-A-02-L06-01-106; Street Elevations - Existing (North and West) - 13601-A-02-LXX-01-150; Context Section - Existing (North - South) - 13601-A-02-LXX-01-160; Context Section - Existing (East - West) - 13601-A-02-LXX-01-161; Existing North Elevation - 13601-A-02-LXX-01-200; Existing West Elevation - 13601-A-02-LXX-01-201; Existing South Elevation - 13601-A-02-LXX-01-202; Existing East Elevation - 13601-A-02-LXX-01-203; Existing Section AA - 13601-A-02-LXX-01-300; Existing Section BB - 13601-A-02-LXX-01-301; Existing Section CC - 13601-A-02-LXX-01-302; Existing Section DD - 13601-A-02-LXX-01-303; Existing Section EE - 13601-A-02-LXX-01-304; Existing Section FF - 13601-A-02-LXX-01-305; Existing Section GG - 13601-A-02-LXX-01-306; Existing Section HH - 13601-A-02-LXX-01-307; Existing Section II - 13601-A-02-LXX-01-308;</p> <p>Basement Plan - Demolition - 13601-A-02-LG1-02-099; L00 Plan - Demolition - 13601-A-02-L00-02-100; L01 Plan - Demolition - 13601-A-02-L02-02-101; L02 Plan - Demolition - 13601-A-02-L02-02-102; L03 Plan - Demolition - 13601-A-02-L03-02-103; L04 Plan - Demolition - 13601-A-02-L04-02-104; Lower Roof Plan - Demolition - 13601-A-02-L05-02-105; Upper Roof Plan - Demolition - 13601-A-02-L06-02-106; Times House North Elevations - Demolition - 13601-A-02-LXX-02-200; Times House West Elevations - Demolition - 13601-A-02-LXX-02-201; Times House South Elevation - Demolition - 13601-A-02-LXX-02-202; Times House East Elevation - Demolition - 13601-A-02-LXX-02-203; Laundry Buildings North Elevation - Demolition - 13601-A-02-LXX-02-204; Laundry Buildings West Elevation - Demolition - 13601-A-02-LXX-02-205; Laundry Buildings South Elevation - Demolition - 13601-A-02-LXX-02-206; Laundry Buildings East Elevation - Demolition - 13601-A-02-LXX-02-207;</p> <p>Proposed Site Plan (1:500) - 13601-A-02-LXX-07-020 P1; <u>Proposed Site Plan (1:200) - 13601-A-02-L00-07-050 P2; Proposed Basement Plan - 13601-A-02-LB1-07-099 P2; Proposed Ground Floor Plan - 13601-A-02-L00-07-100 P3;</u> Proposed First Floor Plan - 13601-A-02-L01-07-101 P1; Proposed Second Floor Plan - 13601-A-02-L02-07-102 P1; Proposed Third Floor Plan - 13601-A-02-L03-07-103 P1; <u>Proposed Fourth Floor Plan - 13601-A-02-L04-07-104 P3;</u> Proposed Fifth Floor Plan - 13601-A-02-</p>

L05-07-105 P3; Proposed Roof Plan - Lower - 13601-A-02-L06-07-106 P3; Proposed Roof Plan - Upper - 13601-A-02-LRF-07-107 P3; Street Elevations - Proposed (North and West) - 13601-A-02-LXX-07-150 P3; Context Section - Proposed (North - South) - 13601-A-02-LXX-07-160 P3; Context Section - Proposed (East - West) - 13601-A-02-LXX-07-161 P1; Proposed North Elevation (Caledonia Street) - 13601-A-02-LXX-07-200 P3; Proposed West Elevation - 13601-A-02-LXX-07-201 P3; Proposed South Elevation - 13601-A-02-LXX-07-202 P1; Proposed East Elevation - 13601-A-02-LXX-07-203 P3; Proposed Section AA - 13601-A-02-LXX-07-300 P2; Proposed Section BB - 13601-A-02-LXX-07-301 P3; Proposed Section CC - 13601-A-02-LXX-07-302 P3; Proposed Section DD - 13601-A-02-LXX-07-303; Proposed Section EE - 13601-A-02-LXX-07-304 P3; Proposed Section FF-13601-A-02-LXX-07-305 P1; Proposed Section GG-13601-A-02-LXX-07-306 P1; Proposed Section HH - 13601-A-02-LXX-07-307 P2; Proposed Section II-13601-A-02-LXX-07-308 P2;

Laundry Yard and Times Yard Existing Plan - 0182c_PR3-P-X-LY-01 rev B; Laundry Yard Existing Sections AA, BB, CC + DD - 0182c_PR3-P-X-LY-02 rev A; Laundry Yard Existing Sections EE, FF, GG + HH - 0182c_PR3-P-X-LY-03 rev A; **Laundry Yard + Times Yard Proposed Plan - 0182c PR3-P-GA-LY-01 rev C;** Times Yard Proposed Sections AA, BB, CC + DD - 0182c_PR3-P-GA-LY-02 rev A; Laundry Yard Proposed Sections EE, FF, GG + HH - 0182c_PR3-P-GA-LY-03 rev A; **Laundry Yard and Times Yard Proposed Services Plan - 0182c PR3-P-DT-LY-02 rev C;** 0182c-PR3-P-GA-BlockB Rev B; 0182c-PR3-P-GA-LY-04 Rev B; Laundry Yard Proposed Detail Plan + Isometric - 0182c_PR3-P-DT-LY-01 rev A; Laundry Yard Proposed Plan - 0182c_PR3-P-DT-LY-03 rev A;

Air Quality Assessment - Tetra Tech July 2021; Air Quality Dust Management Plan - Tetra Tech July 2021; Arboricultural Impact Assessment - TMA July 2021; Archaeological Desk Based Assessment - Savills August 2021; Biodiversity Net Gain Assessment and Urban Greening Factor Review - MKA Ecology July 2021; Construction Traffic Management Plan - RGP July 2021; Cover letter - Savills 2 Aug 2021; Delivery and Servicing Management Plan - RGP July 2021; Design and Access Statement - Piercy and Company July 2021; Economic Benefits and Social Value Infographic July 2021; Flood Risk Assessment and Drainage Strategy Report - Arup July 2021; Framework Travel Plan - RGP July 2021; Geo-environmental and Geotechnical Report - Campbell Reith July 2021; Health Impact Assessment Screening Form - Savills July 2021; Heritage and Townscape Statement - Turley July 2021; Noise Impact Assessment - Scotch Partners July 2021; Planning Statement - Savills July 2021; Preliminary Ecological Appraisal and Preliminary Roost Assessment - MKA Ecology July 2021; Public Realm report - Publica July 2021; Statement of Community Involvement - London Communications Agency July 2021; Sustainable Design and Construction Statement - Normal Disney and Young July 2021; Transport Statement - RGP July 2021; DRP Response Schedule 27.08.21; Letter from Point2 dated 8 October 2021; Noise Impact Assessment Addendum Revision 02 27 October 2021; Transport Statement Addendum October 2021 Ref: 19/4978/TN11; Energy Statement Responses to Planning Comments 18 October 2021; Heritage and Townscape Statement October 2021; NDY-G-SK-048[1.0]; MKA Ecology-Regents Quarter-Bat Mitigation Close Down Report 1.0; Letter from Savills 8 December 2021; Regent Quarter - Affordable Workspace Statement November 2021; Letter from Savills 26 January 2022; Times House - Massing & Materiality Progression Summary January 2022; Design & Access Statement Addendum January 2022; Fire Planning Statement dated 28 January 2022 ref: 14220-004; **Design & Access Statement Addendum B – May 2022; Heritage and Townscape Statement Addendum April 2022; Daylight, Sunlight and Overshadowing Report – May 2022 Version V1 – Ref: P2593; Letter from Savills dated 5 May 2022;**

	<p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<p>3</p>	<p>Materials and Samples (Details)</p>
	<p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Precast red entrance elements with complementary rendered facades; b) Pale yellow brickwork; c) Gold coloured metal work; d) White render; e) Articulated green coloured metal cladding; f) Profiled glass cladding; g) Metal cladding; h) Window treatment (including sections and reveals); i) Roofing materials including roof extension facing; j) Balustrading treatment (including sections); k) Green Procurement Plan l) Paving slabs and any other materials to be used as part of works to public realm in Laundry Yard and Times Yard m) 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>
<p>4</p>	<p>Cycle Parking (Compliance)</p>
	<p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings Proposed Basement Plan 13601-A-02-LB1-07-99-P1 and Proposed Ground Floor Plan <u>13601-A-02-L00-07-100-P3</u>, shall be covered, secure and comprise of no less than</p> <ul style="list-style-type: none"> - <u>95</u> secure cycle spaces with associated shower, changing facilities, lockers and mobility scooter charging points. - 25 short stay cycle spaces; <p>The secure bicycle spaces 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>
<p>5</p>	<p>Construction and Environmental Management Plan (Details)</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction and Environmental Management Plan shall include details and arrangements regarding:</p>

- 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 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;
- e) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from construction works;
- f) 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 neighbouring 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 of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.

The report shall assess the impacts during the preparation and construction phases of the development, 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 CEMP must refer to the new LBI Code of Practice for Construction Sites. The CEMP shall specify the hours of construction, vehicle movements are restricted to take place outside of the peak times of 8am-10am and 4pm and 6pm. It should also provide details on method of demolition, quiet periods and noise mitigation.

No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Construction and Environmental Management Plan.

	<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>
6	Green/Blue roofs (Details)
	<p>CONDITION: Notwithstanding the approved plans, details of all proposed green/blue/brown roofs across the approved development shall be submitted and approved by the Local Planning Authority prior the commencement of superstructure works on site. The proposed green/blue/brown roofs shall be designed, installed and maintained in a manner that meets the following criteria:</p> <p>a) green roofs shall be biodiversity based with extensive substrate base (depth 120 - 150mm);</p> <p>b) laid out in accordance with plans hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>d) Details of Blue Roof.</p> <p>e) Submission of a maintenance plan demonstrating how it will be maintained.</p> <p>The green roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site, help boost biodiversity and minimise run-off.</p>
7	Lighting (Details)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p>

	<p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
8	<p>Refuse and Recycling (Details)</p> <p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan c) Any additional or separate refuse storage required for the flexible commercial uses, including Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) uses.</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	<p>Bird and Bat Nesting Boxes (Details)</p> <p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of a minimum of 12 bird and bat boxes shall be submitted and approved by the Local Planning Authority.</p> <p>The details approved shall be installed prior to the first occupation of the building, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	<p>Extract ventilation for restaurant use (Details)</p> <p>CONDITION: Notwithstanding the approved plans, the restaurant uses (Class E(b)) as part of the flexible uses hereby permitted shall not commence operation unless details of extraction/ventilation system and odour assessment in relation to such use, is submitted to and approved by the Local Planning Authority.</p> <p>The approved extraction/ventilation system shall be fully installed and operational prior to the occupation of the restaurant use, and shall be maintained in perpetuity.</p> <p>REASON: To protect the neighbouring occupiers and ensure that the restaurant operation would have an acceptable impact in terms of noise and odour control.</p>
11	<p>Plant Equipment (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level</p>

	<p>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>The development shall be carried out strictly in accordance with the scheme prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
12	<p>Plant equipment - Post-Installation Verification (Details)</p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced and competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall include site measurements of the plant insitu.</p> <p>The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
13	<p>Scheme for the Management of Uses (Details)</p> <p>CONDITION: A scheme for the management of the Class E(b) Café/restaurant / Sui Generis uses within the development shall be submitted and approved by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <ul style="list-style-type: none"> a) sound insulation measures including walls/floors, glazing, ventilation, doors and lobbies; b) hours of use; c) a full dispersal policy and procedure; d) a door policy; e) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; f) servicing and delivery times/arrangements as part of a site wide plan; g) bottling out and waste management noise and times as part of a site wide plan; h) control and levels of noise from any amplified music within the unit; i) control of any noise from any designated smoking areas; j) control of noise from any external areas; k) close down policy with amplified music shut-off and increased lighting; l) security, including any additional proposed CCTV; m) any additional external or security lighting; n) capacity (of each use); o) private hire facilities/functions; p) any use of roll cages/trolleys <p>REASON: To protect the amenity of the neighbouring properties and the other commercial operations within the building.</p>
14	<p>Restricted use - roof terraces (Compliance)</p> <p>CONDITION: The roof terraces at first, fourth and fifth floor levels hereby approved shall not be used for any purpose except as an ancillary outdoor space in association with the office use (Class E(g)(i)).</p>

	<p>The roof terraces hereby approved shall not operate outside the hours of:</p> <ul style="list-style-type: none"> - 0800 to 1800 hours Monday to Friday <p>REASON: To protect the amenity of the neighbouring properties and the other commercial operations within the building.</p>
15	Restriction of PD rights - Class E to residential (Compliance)
	<p>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 retains control over the change of use of the building in the future.</p>
16	Restriction of office use (upper levels) (Compliance)
	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. With the exception of the ground floor level uses specified under condition 18, the upper floors of Times House building and Laundry Building hereby approved shall only be used for office use and for no other purpose (including any other purpose within Class E 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 and retains control over the change of use of the building in the future.</p>
17	Restriction of commercial uses (ground floor) (Compliance)
	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible units on the ground and first floor levels, except the permitted use(s) hereby approved (as shown on plan no. <u>13601-A-02-L00-07-100-P3</u>):</p> <p>A) Times House - 4no. Ground floor retail units only - Class E (a) – retail</p> <p>B) Times House – 2 No. Ground floor Flexible Use Units Class E (b) – Food and Drink Sui Generis Bar & Drinking Establishment</p> <p>C) Laundry Building 1no. Ground floor Flexible Use Unit Class E (b) – Food and Drink Sui Generis Bar & Drinking Establishment</p>

	<p>and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or 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 commercial use(s) only and retains control over the change of use of the building in the future.</p>
18	<p>Accessible Showers/WC's (Compliance)</p> <p>CONDITION: For the hereby approved development the accessible showers and WC's shall be installed in accordance with drawing no's 13601-A-02-LB1-07-099-P1; <u>13601-A-02-L00-07-100-P2</u>; 13601-A-02-L01-07-101 P1; 13601-A-02-L02-07-102 P1; 13601-A-02-L03-07-103 P1; <u>13601-A-02-L04-07-104 P3</u>; <u>13601-A-02-L05-07-105-P3</u>; and shall be available for users upon the first occupation of the development.</p> <p>The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
19	<p>Lifts (Compliance)</p> <p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
20	<p>Hours of Operation (Compliance)</p> <p>CONDITION: The flexible uses on the ground and first floor levels hereby approved shall only operate between the following hours:</p> <p><u>Class E (a) – Retail:</u></p> <p>7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p><u>Class E (b) – Restaurant:</u></p> <p>7am to 11pm - Monday to Thursday 7am to midnight - Friday and Saturday 8am to 9pm Sundays</p> <p><u>Sui Generis – Bar & Drinking Establishment</u></p> <p>8am to 11pm - Monday to Thursday 8am to midnight - Friday and Saturday 8am to 10pm Sundays</p> <p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p>

	REASON: In the interests of protecting neighbouring residential amenity.
21	No Plumbing or Pipes (Compliance)
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the northern external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>
22	No obscure glazing or vinyl graphics (Compliance)
	<p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area.</p>
23	Energy (Details)
	<p>CONDITION: Prior to commencement of superstructure works the following updated Energy information shall be submitted to the Local Planning Authority and approved in writing:</p> <ul style="list-style-type: none"> a) Potential improvements to air permeability for Times House and the Laundry Buildings (U-values), including internal wall insulation for the Laundry Building; b) Potential improvements to luminous efficacies; c) Potential increase to solar PV capacity and additionally to secure the following details (solar PVs): <ul style="list-style-type: none"> - Location; - Area of panels; - Design (including elevation plans); - PV specification / efficiency; and - How the design of the PVs would not adversely affect the provisions of green roofs on site <p>The updated Energy efficiency measures and increased solar photovoltaic panel capacity shall be installed prior to the first occupation of the development in accordance with the updated details so approved and retained as such permanently thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features are met.</p>
24	BREEAM (Compliance)
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
25	Inclusive Design Principles (Details)

	<p>CONDITION: Prior to occupation of the development, to ensure compliance with the principles of Inclusive Design, the following amendments/details shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing:</p> <p>a) The glazed entrance doors shall visually contrast with their frames, with a contrast of at least 30 LRV points.</p> <p>b) The cycle lift will have dimensions of 2300mm x 1200mm. The door to the cycle store will be power assisted and the secure entrance key fob will be located at height accessible to wheelchair users. Details shall be submitted to demonstrate this for approval.</p> <p>c) Audio-loops will be included within the reception desks.</p> <p>The development shall be designed in accordance with the principles of Inclusive Design and the measures shown in the drawings hereby approved shall be implemented prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be installed prior to first occupation of the relevant building shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
26	Servicing and Delivery Plan (Flexible Use Unit) (Details)
	<p>DELIVERY & SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements for the proposed non-office uses, including the flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit, 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 units hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
27	Crime Prevention (Details)
	<p>CONDITION: Details of measures to prevent crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority prior to occupation including:</p> <p>a) Access into the site is required to be gated and access controlled overnight. Security rated gates are to be used at the key entry points. LPS 1175 SR2 (issue 8 B3) or STS 202 BR 2 (issue 9) are the preferred specification.</p> <p>b) Details of any internal gates within the site.</p> <p>c) Details of the proposed London Cycle stands.</p> <p>d) Details of external lighting (including emergency lighting).</p> <p>e) Details of any externally accessed refuse stores should be LPS 1175 SR1 or STS 202 BR2 security rated doors. They should be single leaf and have an auto close feature.</p> <p>f) Details of the basement level cycle store door should be either PAS24:2016 or LPS 2081 security rated. Accessed through encrypted key fob with data logging facility (not a digital key pad). Auto-close and lock feature to prevent tail gating.</p>

	<p>g) Details of CCTV coverage and lighting strategy and design shall be submitted. The lighting should comply with BS 5489-1:2020. The CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system would need to be registered with the Information Commissioner's Office, as it would be recording public areas. Appropriate signage indicating this fact needs to be displayed.</p> <p>h) Details of Anti-graffiti treatments for exposed gable ends where appropriate.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
28	Wildlife friendly planting (Details)
	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the wildlife friendly shrub/perennial planting including species type and location, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
29	Public Realm Improvements (Details)
	<p>CONDITION: Details of the proposed public real improvements shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The proposed improvements to the public realm shall include the following works:</p> <ul style="list-style-type: none"> a) Reconfiguration of the ground floor of Times House to open up the pedestrian link to Bravington's walk and removal of the gate and replacement of paving slabs within courtyard; b) Installation of a new bin store enclosure with planter; c) Reinstatement of the entrance to Laundry Building from Caledonia Street, including associated passages and new Times Yard; d) Installation of new paving to the threshold of Times House south elevation on Bravington's Walk; e) Installation of circular light reflectors to all covered passages, and light reflectors and painting the wall in the passage way from Caledonia Street; f) Addition of planters adjacent to Bravington's Walk and vertical planting within Laundry Yard; g) Installation of wall mounted lighting to Laundry Building and Times House; h) Installation of cycle stands across courtyards and on Caledonia Street southern pavement, including 4 located on surrounding highway (outside of red-line); i) Replacement railings to the railway cutting adjacent to Bravington's Walk. <p>The public realm improvements shall be implemented strictly in accordance with the details so approved within six months of first occupation, and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure the scheme brings forward sufficient provide public realm improvements.</p>
30	<p>Network Rail – Construction Methodology</p> <p>CONDITION: Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The safety, operational needs and integrity of the railway. 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>
31	<p>Network Rail – Ground investigation</p> <p>CONDITION: No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.</p> <p>Such details to be approved in writing by the local planning authority in consultation with Network Rail.</p> <p>REASON: The safety, operational needs and integrity of the railway. 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>
32	<p>Tree Protection</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is

	<p>proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <ul style="list-style-type: none"> g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping <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. 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>
33	<p>Roof-Top Plant & Lift Overrun (Details)</p>
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
34	<p>Site Waste Management and Circular Economy (Compliance)</p>

	<p>CONDITION: The details and measures regarding the Site Waste Management and Circular Economy Statement within the submitted Sustainable Design and Construction Statement dated July 2021 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
35	Fire Strategy (Compliance)
	<p>CONDITION: The details and measures set out in the Fire Statement dated 28 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) required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Safety 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 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>
36	Noise Management Plan
	<p>CONDITION: Prior to the first use of the first, fourth and fifth floor level roof terraces hereby approved and indicated on drawings 13601-A-02-L01-07-101 P1, <u>13601-A-02-L04-07-104 P3</u> and <u>13601-A-02-L05-07-105 P3</u>, a Noise Management Plan for use of the terraces, covering management of the space, controls of noise and numbers shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The use of these terraces shall take place strictly in accordance with the details so approved (and condition 14).</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>
37	Obscure Glazing and Privacy Screens (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing and privacy screens to prevent overlooking from the windows on the eastern elevation of the proposed roof extension (Times House) to the neighbouring properties at Joiners Yard shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking, to protect the amenity and privacy of residents.</p>
38	Future connection to a district energy network (Compliance)
	<p>CONDITION: The details of the plant room allocated for the future connection to a district energy network shall be provided prior to first occupation of the development hereby approved.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided and allows for the future connection to a district heating system.</p>
39	Surface Water Discharge (Compliance)
	<p>CONDITION: Prior to the occupation of the development hereby approved, in accordance with the submitted details, flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer, and maintained as such throughout the lifetime of the development.</p> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates</p>
40	Air Quality Assessment (Compliance)
	<p>CONDITION: During the construction of the development hereby approved, the proposals shall achieve a Non-Road Mobile Machinery score of at least Stage IV as outlined in the Air Quality Assessment and dust management plan, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the construction of the development would not adversely affect the air quality of the local area.</p>
41	Hours of opening – Gates (Details)
	<p>CONDITION: The opening hours of the gates to Block B shall continue to operate as outlined in the decision notice for P000434(S106A) unless revised opening hours are submitted to and agreed in writing by the Local Planning Authority.</p> <p>For the avoidance of doubt, the permitted hours of opening of the gates to Block B are as follows:</p> <p>0800 to 2100 hours on Monday to Saturday;</p> <p>1000 to 2000 hours on Sundays (but excluding in both cases Christmas Day, Boxing Day and New Year's Day) or such other periods as may arise from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
42	Secure Residential Cycle Parking (Details)
	<p>CONDITION: Prior to the first occupation of the development hereby approved, details of the location of 10 no. secure cycle parking spaces to be provided within the basement of Times House for use by the residents of the Regents Quarter estate, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The secure bicycle spaces 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>

List of Informatives:

1	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.
2	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.
3	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.
4	Roof top plant
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
5	Construction works
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
6	Highways Requirements (1)
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired

	<p>through <u>. All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <u>streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <u>streetworks@islington.gov.uk.</u></p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact <u>streetworks@islington.gov.uk.</u></p>
7	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <u>highways.maintenance@islington.gov.uk</u> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <u>streetworks@islington.gov.uk.</u> Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months' notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.</p>
8	Highways Requirements (3)

	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
9	Secured by Design
	<p>You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures.</p>
10	Fire Safety
	<p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. 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.</p>
11	Thames Water – Ground 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</p>

	<p>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>
12	Thames Water – Surface Water
	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p>
13	Thames Water - WASTE WATER NETWORK and SEWAGE TREATMENT WORKS
	<p>The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. “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.” 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. Please read our 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/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>
14	Draft Travel Plan
	<p>The draft Travel Plan to be submitted as part of the discharge of the Planning Obligations shall include measures to remind cyclists that cycling is prohibited</p>

	<p>within the block, and to promote responsible cycling to the site, and to discourage inappropriate cycling the wrong way down York Way and Balfe street.</p>
15	<p>Thames Water</p> <p><u>Waste Comments</u> As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing 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. Thames Water would advise that with regard to the COMBINED WASTE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p><u>Water Comments</u> There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p>
16	<p>Network Rail</p> <p>Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. Given the proximity of the site to operational railway tunnels and the nature of the works proposed, it is imperative that the below requirements are met prior to any work commencing on site. The relationship between the work proposed and the York Road Cure railway tunnel is unclear from the information submitted. The developer must provide a survey showing the position of this work in relation to the tunnel. Additionally, the</p>

documentation provided in support of this application indicates that the design will result in increases in loads on Network Rail assets beneath and adjacent to the site. Detail relating to this design and loading must be agreed with our Asset Protection Team (details below) prior to work commencing on site. The developer will also be required to liaise with our Asset Protection Team during construction works. Early engagement with Network Rail to address these points is strongly recommended.

Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

" The type and method of construction of foundations

" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.

The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rail's tunnels or railway land.

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Additional Requirements

Tunnels

Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

" The type and method of construction of foundations

	<p>" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.</p> <p>Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</p> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.</p>
17	Network Rail
	<p><u>Fail Safe Use of Crane and Plant</u></p> <p>All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following.</p> <p>Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.</p> <p><u>Excavations/Earthworks</u></p> <p>All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.</p> <p>Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.</p>

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from

	<p>Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.</p> <p><u>ENCROACHMENT</u></p> <p>The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.</p> <p><u>Access to the Railway</u></p> <p>All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.</p>
18	Trees
	<p>With regards to the works to protect trees, the following British Standards should be referred to:</p> <ul style="list-style-type: none"> . BS: 3998:2010 Tree work – Recommendations. . BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.
19	Transport for London
	<ul style="list-style-type: none"> - To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic. - All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

	<ul style="list-style-type: none">- Any hoarding for the proposed development would be subject to a separate Section 172 licence application under the Highways Act 1980 to the Asset Operations team at TfL.
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APPENDIX 2: 22 FEBRUARY 2022 COMMITTEE REPORT

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 22 February 2022	

Application number	P2021/2269/FUL
Application type	Full Planning Application
Site Address	Times House and Laundry Building, Regent Quarter, Kings Cross, Islington, London, N1 9AW
Ward	Caledonian
Listed building	None on site. Close proximity to Kings Cross Station (Grade I), 7 Caledonian Road (Grade II) and 295-297 Pentonville Road (Grade II)
Conservation area	Kings Cross Conservation Area (CA21) Close proximity to Keystone Crescent Conservation Area (CA14), and Kings Cross Conservation Area (LB Camden)
Development Plan Context	Core Strategy Key Area – Kings Cross and Pentonville Road Central Activities Zone Employment Growth Areas (General) Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Rail Safeguarding Area (Crossrail 2)
Licensing Implications	Kings Cross - Cumulative Impact Areas
Proposal	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.
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Case Officer	Tom Broomhall
Applicant	Endurance Land LLP
Agent	Savills

1. RECOMMENDATION

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

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

1. SITE PLAN



Fig 2.1 Location Plan. Application site outlined in red.

2. PHOTOS OF SITE AND SURROUNDINGS

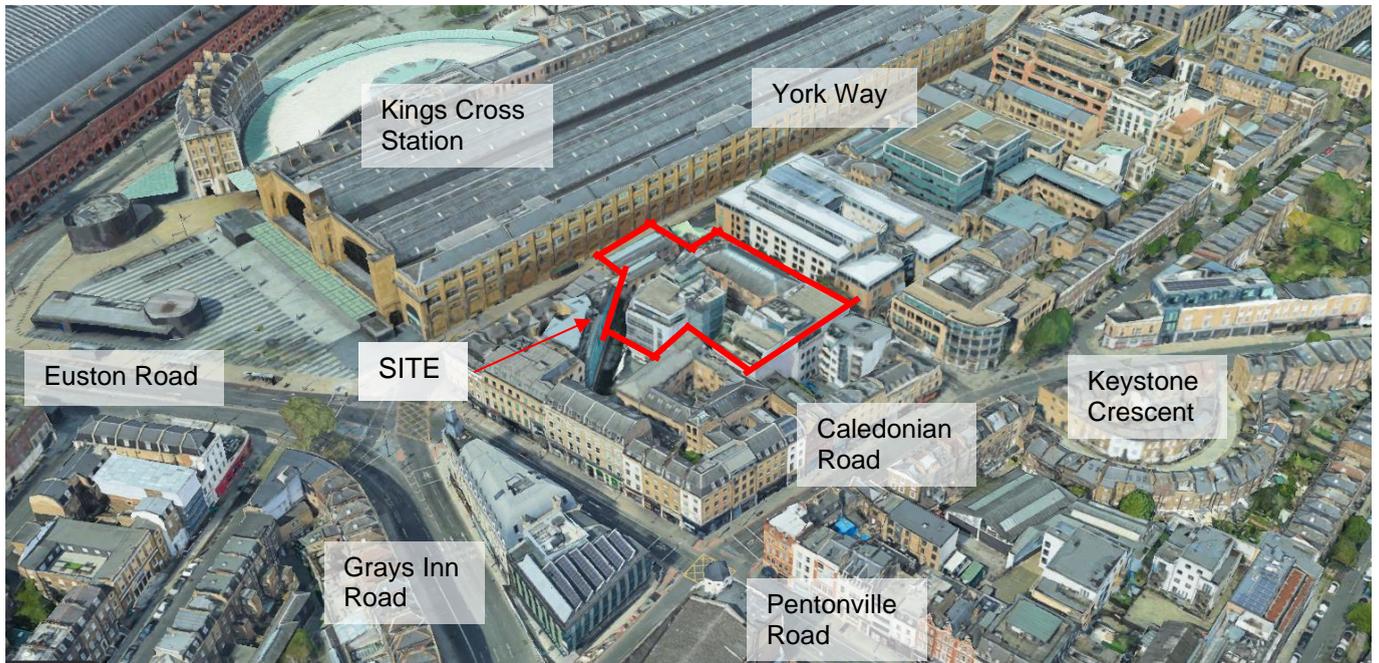


Image 1: Aerial view

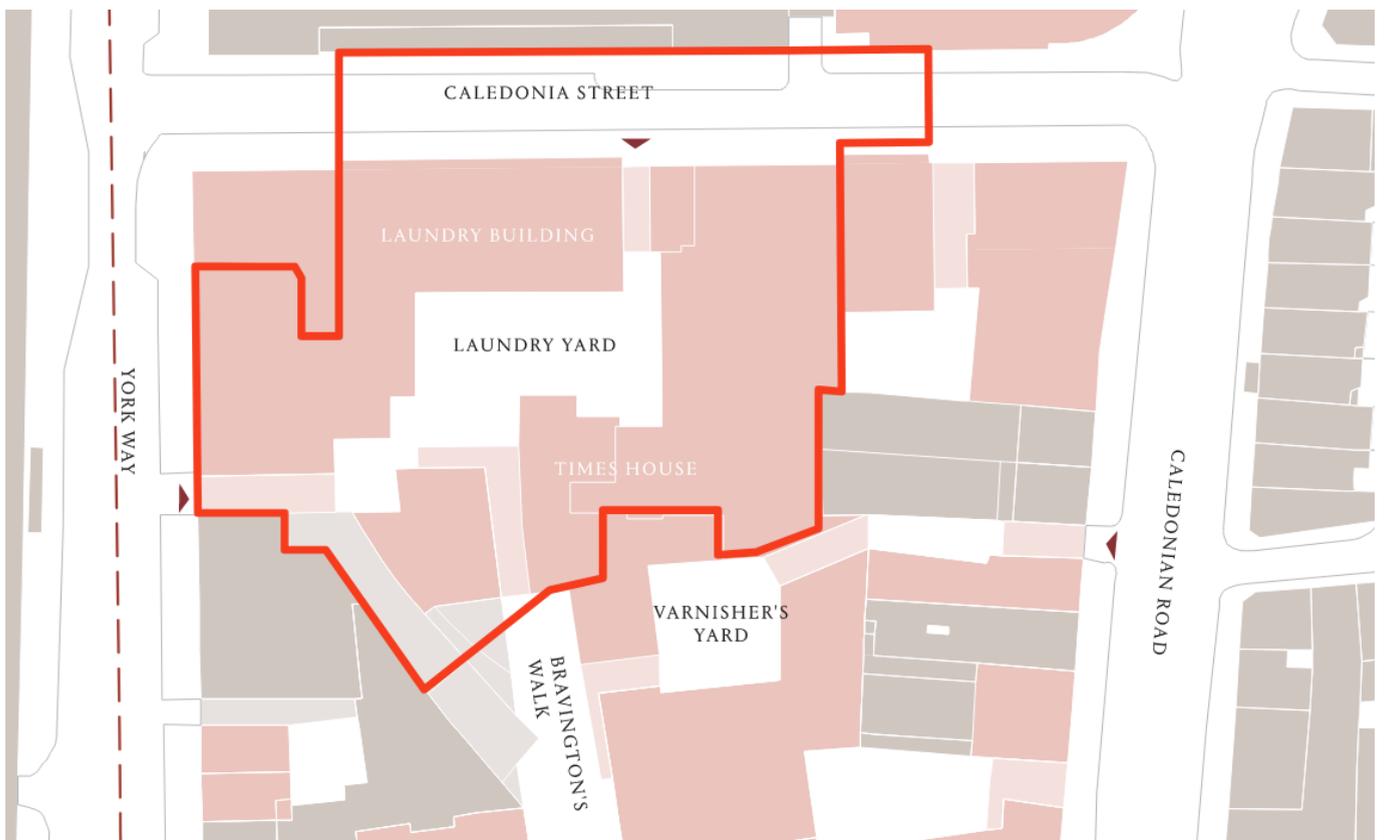


Image 2: Site Plan

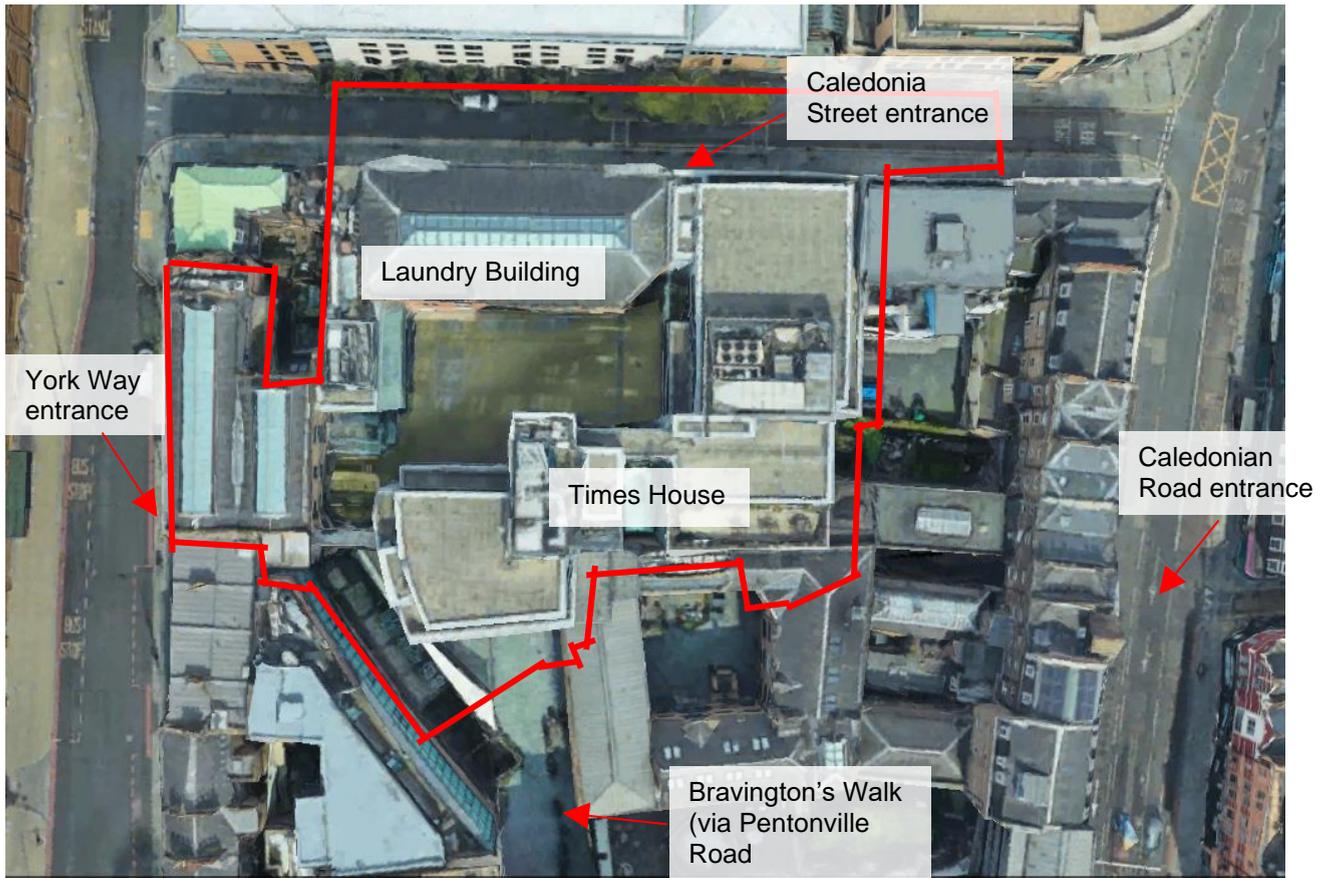


Image 3: Site aerial view



Image 4: Caledonia Street looking west



Image 5: Entrance to Regent Quarter from Caledonia Street



Image 6: Laundry Yard: Laundry Building



Image 7: Laundry Yard: Times House (left) and Laundry Building (right)

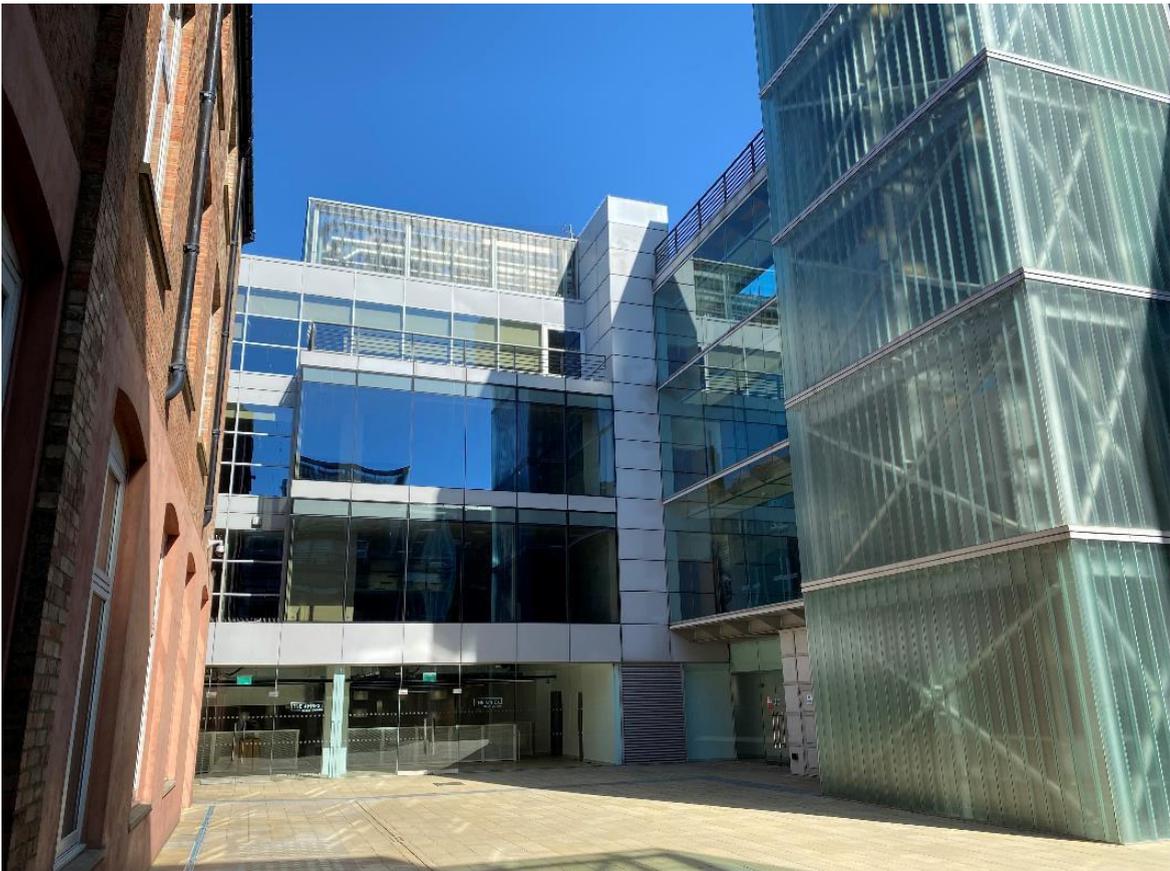


Image 8: Laundry Yard: Times House



Image 9: Laundry Yard: Times House



Image 10 – Existing Times Yard View South

3. SUMMARY

4.1 This planning application seeks permission to refurbish and extend the existing buildings in this city block within the Regent's Quarter to provide additional commercial floorspace. It comprises of part 1 and 2 storey extensions at roof level, and infill extensions to the southern, northern courtyard and western elevations at ground, first, second, third and fourth level. The proposal would provide 1,723.6 sqm (GIA) of additional office floorspace and refurbish the existing office accommodation to provide a total of 7594.2sqm of office floorspace.

4.2 The development also proposes to introduce eight commercial units on the ground floor comprising of :

- 1no. flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit (296.4sqm),
- 3no. flexible Class E(b) use (restaurant) and Sui Generis (bar/drinking establishment) units (887.7sqm in total); and
- 4no. Class E(a) retail units (172.3sqm in total)

to provide a greater degree of active uses and frontages to the Laundry Yard and Bravington's Walk semi-public realm as well as providing greater animation to York Way.

4.3 The site is located within the designated Central Activities Zone (CAZ) and the Employment Growth Area within the Development Plan, the principle of the proposed commercial development with provision of additional employment floorspace is considered to be acceptable and accords with the spatial strategies of the Development Plan within the Kings Cross area. Officers consider that the proposed development would positively contribute to the commercial character of Kings Cross and support the strategic priority of the CAZ to maximise delivery of office floorspace where appropriate.

4.4 The application is one of two linked applications for the redevelopment of the Regent's Quarter. A separate application (ref: P2021/2270/FUL) has been submitted for the redevelopment of the northern block, adjacent to this site, to provide additional office and commercial floorspace. The applications are under consideration at the same time with separate (but linked) s106 Agreements. Each agreement secures high quality affordable workspace on site at 34b York Way. The level of floorspace proposed (388.7sqm (GIA)) exceeds the requirement within the adopted Development Plan (representing 10% of the floorspace uplift across the two planning applications) and is considered to weigh in favour of both applications. A s106 restriction is imposed to ensure that occupation of this development (if approved) does not take place until the delivery of the affordable workspace within the Jahn Court proposal to ensure this application complies with its policy requirements, particularly in light of the harm caused to heritage assets and the benefit relied on within the affordable workspace to make this development acceptable in planning terms.

4.5 The proposed development would create additional height and massing on site and would inevitably increase its visual prominence within this part of Kings Cross. Following careful assessment, amendments have been made during the application

to address the visual and heritage impact of the proposals on the surrounding conservation areas including in view 10. It is considered that whilst the proposed development would not cause undue harm to the character and appearance of the area, it would cause less than substantial harm to the character and appearance of the King's Cross Conservation Area and the surrounding heritage assets, including the Grade I Kings Cross Station, however ground level views could be considered to enhance the character of the conservation areas. In design terms, the proposed extensions and alterations to the existing buildings would result in improvements to its overall appearance that are considered to be acceptable and comply with the relevant design policy objectives. It should be noted that no buildings exceed 30m in height.

- 4.6 The proposal would also include energy and sustainability measures including the increased fabric efficiency of extended and new areas, the creation of green/blue roofs, installation of 61 no. solar panels, 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. Further examination of opportunities to improve on energy efficiency within the scheme are secured by planning condition and securing net zero carbon via off-setting contributions are secured by financial planning contributions.
- 4.7 The proposed development would have an acceptable impact on nearby residential properties and the area in terms of loss of privacy, overlooking, or noise impacts, subject to imposition of appropriate planning conditions. The daylight/sunlight assessment shows that a small number of the neighbouring properties would be affected by the development, however these reductions are minimally above the BRE Guidelines and are viewed as acceptable taking into account the location of the site within the dense urban and built up surrounding context.
- 4.8 The application is linked to the redevelopment of the Jahn Court Block C (application ref: P2021/2270/FUL). The provision of high quality affordable workspace is provided within this linked application at 34b York Way. The level of floorspace provided exceeds the requirement within the adopted Development Plan and is considered to weigh in favour of both applications as it is tied to the separate S106 Agreement for each application. A planning obligation will require the delivery of the affordable workspace prior to first occupation of any of the floorspace secured within this permission.
- 4.9 The servicing arrangements propose amendments to the existing bays on York Way to create 2no. dedicated loading bays. Refuse collection is to be undertaken twice weekly from the loading bays on York Way by a private waste removal contractor outside of peak hours. The development is otherwise car free and would be secured as such. Additionally, a financial contribution towards improvements to the public realm surrounding the site has been agreed with the applicant.
- 4.10 Officers consider that the public benefits of the scheme including the provision of affordable workspace which exceeds the requirement within the adopted Development Plan, and public realm improvements, outweigh the less than substantial harm caused to the setting of adjacent listed buildings and to the character and appearance of the Kings Cross Conservation Area and Keystone Crescent Conservation Area.

4.11 Overall, the application is considered to be in accordance with the relevant policies within the Development Plan (having regard to the balance of public benefits outweighing the less than substantial harm caused to nearby heritage assets), and is therefore recommended for approval subject to appropriate conditions and planning obligations set out in Appendix 1 of this report.

4. SITE AND SURROUNDINGS

5.1 The site is part of the Regent Quarter estate, which comprises two city blocks of buildings within the Kings Cross area.

5.2 The application site is located within the city block known as 'Block B', is irregular in shape and sits immediately north of Pentonville Road (A501), south of Caledonia Street, east of York Way (A5200) and west of Caledonian Road. The site as identified by the red line boundary (not the whole city block) measuring approximately 60 – 70 metres wide by 70 metres deep with a northern and western street frontage.

5.3 The site comprises of Times House which is a mixed use building on the eastern and southern elevations to Laundry Yard and Laundry Buildings which is also a mixed use building located on the northern and western elevations. These buildings comprise of a mixture of modern four to five storey office buildings with gym and 2no. flexible commercial uses at the ground floor of Times House.

5.4 The site is accessed via gated pedestrian entrances from York Way from the west, Caledonia Street from the north and Caledonian Road (A5203) from the east and Bravington's Walk to the south which links to Pentonville Road.

5.5 The site is located within the Kings Cross Conservation Area (CA21) and lies adjacent to the Keystone Crescent Conservation Area (CA14) to the east, and the St Pancras Conservation Area which is located to the west of the site, in the London Borough of Camden. The site boundary sits adjacent to the Grade II Listed Building at 7 Caledonian Road. The site is located within the setting of a Grade I Listed building at Kings Cross Station. Other listed buildings are located adjacent to the site on Caledonian Road, Keystone Crescent and to the north of the site on Balfe Street.

5.6 The Laundry Buildings within the site at 6 Bravington's Walk is Locally Listed Grade B, and there are numerous locally listed buildings surrounding the site, on York Way, Caledonian Road and Pentonville Road.

5.7 The site is located within the Central Activities Zone (CAZ), and is in an Employment Growth Area. Part of the site is located within the Archaeological Priority Area (Battlebridge Medieval Settlement).

5.8 The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) (best) (on a scale of 1 to 6 where 1 representing the lowest levels of accessibility to public transport and 6 the highest). Kings Cross and St Pancras Station is the closest underground station and is adjacent to the site on the opposite side of York Way, to the west of the site.

- 5.9 The site is surrounded by a mixture of commercial and residential uses including offices, with some retail and restaurant uses as well as community uses dispersed locally and some residential uses at upper levels. Residential uses are located within Block B at Joiners Yard which adjoins the eastern boundary of the site, and at 1-11 Caledonian Road.
- 5.10 The prevailing character of the surrounding buildings is typically mixed with some late Victorian and Georgian buildings along the main eastern arterial routes of Balfe Street. This southern block (Block B), has a more vibrant and commercial character. The northern block (within the concurrent planning application) (Block C) has a quieter and more residential character.
- 5.11 The site is located adjacent to the administrative boundary with London Borough of Camden which lies immediately to the west of the site on the opposite side of York Way. Part of the north-eastern corner of the site falls within a Local Flood Risk Zone.

5. PROPOSAL (IN DETAIL)

- 6.1 The proposals comprise of various extensions, alterations and changes of use, to the commercial units around Laundry Yard.
- 6.2 The proposals include the creation of 1,723.6sqm of additional office floorspace under (Class E(g)(i)) through extensions and internal alterations to Times House. This is largely provided through the combination of partial demolition, infill extensions and roof extensions, to create additional office floorspace at first to fifth floor levels, with roof terraces at first, fourth and fifth floors.
- 6.3 The proposed extensions comprise of:
- The partial demolition of existing ground floor structures to the northern and western elevations of Times House, and erection of a five storey infill extension and roof extension at fifth floor level and reconfiguration.
 - A single storey infill extension to the southern elevation of Times House at third floor to provide additional office floorspace.
 - Roof extensions at fourth and fifth floors to the eastern part of Times House behind the rear of 8 Caledonia Street to provide additional office floorspace.
- 6.4 The proposals also include the following changes of use:
- Change of use from office to provide 1no. active flexible use unit for Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit (296.4sqm),
 - Change of use from gym to provide 4no. retail units totaling 172.3sqm of Class E(a) Retail floorspace at ground floor;
 - Creation of 3no. flexible use units for Class E(b) Food and Drink/Sui Generis Bar and drinking establishment uses, through changes of use. These are located at the ground floor of Times House located on the eastern side of Laundry Yard, through the change of use from Sui Generis flexible retail, restaurant, bar, gym or event space, and also at the ground floor of the Laundry Building through the change of use from office. This represents an uplift of 226.5sqm and 877.7sqm of floorspace in total.

- 6.5 Various external façade alterations and minor internal reconfigurations are proposed to the office floorspace around Laundry Buildings and Times House buildings around the courtyard.
- 6.6 The works also include alterations to the elevations and enlargement of existing windows and reinstatement of the entrance to the Laundry Building on to Caledonia Street.
- 6.7 The works also include the provision of outdoor terraces for the occupiers of the office use 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.
- 6.8 Also proposed is the creation of plant room, blue roof, green roof and PVs at rooftop to Times House.
- 6.9 The works include the removal of the existing gym from the basement and its reconfiguration to provide 105 cycle spaces, 25 short stay cycle stands for 50 cycle spaces, and associated shower and changing facilities and mobility scooter charging points. The reconfiguration also includes alterations to the layouts of the existing stores and plant rooms and the creation of water tanks.
- 6.10 Proposals for improvement to the network of courtyards and passages with new hard landscaping and new cycle parking facilities to support the commercial use.
- 6.11 The proposals also include the removal of ground floor plant room in Times House and entrance from Laundry Yard. Bin storage is also located at basement level. The proposal would be car free.

Revisions:

- 6.12 During the course of the application, in response to comments from ward Councillors', the scheme has been revised to provide greater animation to York Way through the introduction of 1no. active flexible use unit for Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit (296.4sqm). The unit is located on the ground floor of Laundry Building and fronts onto York Way. As part of these works, the frosted glazing on the ground floor windows facing York Way will also be removed to improve the active frontage and interface with York Way.
- 6.13 The scheme has also seen further minor revisions through the repositioning of short stay cycle stand locations on the highway in Caledonia Street, York Way and Caledonian Road.
- 6.14 Further minor internal alterations have taken place in response to comments from the Inclusive Design Officer to provide improved accessibility.
- 6.15 In response to concerns over the visibility of the roofline of the proposed roof extension to Times House from public views in the surrounding conservation area to the north of the site, and in relation to the materiality of the proposed roof extension generally, the following amendments have been made:

- A reduction of the massing of the northern element of the fifth floor roof extension of Times House by setting back the massing from Caledonia Street by 3.3m from that initially proposed, in order to reduce the visibility of the building from nearby views.
 - Revisions to the colour palette of the proposed roof extension and how it responds to the heritage buildings and the sensitive context, by altering the proposed green metal cladding to a paler colour.
- 6.16 The applicant has submitted amended views 10 and 20, revised CGI and aerial massing view, reflecting the revision to the massing at fifth floor.
- 6.17 An updated Daylight and Sunlight report has been submitted indicating the improved figures associated with the fifth floor set-back.
- 6.18 An amended Fire Statement has been submitted in response to comments from the Council's Building Control Officer.



Image 11 – Proposed Laundry Building Northern Elevation



Image 12 – Proposed Laundry Building Western Elevation



Image 13 – Proposed Times House Southern Elevation



Image 14 – Proposed Times House Eastern Elevation



Image 15 – Proposed Laundry Yard Southern Elevation



Image 16 – Proposed Laundry Yard Northern Elevation



Image 17 – Proposed Laundry Yard Western Elevation

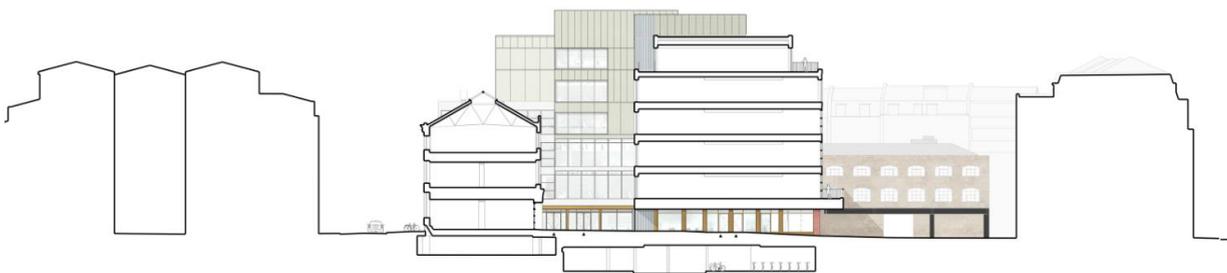


Image 18 – Proposed Laundry Yard Eastern Elevation (link to Bravington's Walk)

RELEVANT HISTORY

7.1 The following history is considered most relevant to the application site.

Planning Permission

7.2 **Application ref:** 831277

New building for purposes of restaurant/shops 4 squash courts a public right of way over a landscaped deck offices and change of use of 17 Balfe Street for a community centre.

At: 20-22 28 & 30 York Way 1 3 21 23 25-31 Caledonian, Road 1 3 & 17 Balfe Street 278 280, Pentonville Road & 2-4 Caledon

Decision: Approved 25/11/1983

7.3 **Application ref:** 851255

Extension of period for submission of details pursuant to Condition (2) of the outline permission dated 25th November 1983. The period of extension shall be until 25th November 1989.

At: 1 (North Site) 28/30 York Way 21 23 and sites of, 25-31 Caledonian Road Sites of 1 Balfe Street, Caledonia Street, 2 (South Site) 20 22 & 22A York Way.

Decision: Approved 17/02/1986

7.4 **Application ref:** P000434

Redevelopment and refurbishment in connection with provision of 8,815 sq.m. of B1 office space, erection of 266 bed hotel, 138 residential units, two no live/work units, A1, A2, A3 uses, gymnasium and gallery, 19 car parking spaces, pedestrian links and security gates, including demolition, refurbishment, associated landscaping and traffic works.

At: Bravington's & Albion Yard Railway block, (site bounded by: Pentonville Road, Caledonian Road, Balfe Street, Railway Street & York, 39-45 (odd) Wharfdale Road), N 1

Decision: Approved 10/06/2002

7.5 **Application ref:** P022525

Revisions and extensions to the previously approved redevelopment and refurbishment scheme approved on 10th June 2002 (Ref: P000434) to provide 5020m² of B1 office accommodation in two buildings (one a refurbished basement and three storey building; one a new basement and five storey building); a range of food and drink and mixed use commercial and showroom accommodation (A1, A2, A3, Sui- generis); nine residential units (five x 1 bed and four x 2 bed) and elevational alterations to ground floor of 13-17 Caledonian Road.

At: 2-10 CALEDONIA STREET, AND GROUND FLOOR 13-17 CALEDONIAN RD, N1

Decision: Approve 04/04/2003

7.6 **Application ref:** P031100

Part refurbishment and part redevelopment for office (Class B1), retail (A1,A2 and A3) and showroom (sui-generis) uses and associated new access plant landscaping and other related works - variation to scheme approved 4th April 2003 Ref: P022525.

At: 10, Caledonia Street, and rear 7 Caledonian Road London, N1

Decision: Approved 05/12/2003

7.7 **Application ref:** P050311

Revisions to planning permissions P000434 (as amended by P022525 and P031100) to provide revised restaurant and office accommodation and public space.

At: York Curve Buildings B11 & B12 Block B, Land bounded by York Way, Caledonian Road, Pentonville Road and Caledonia Street, London N1

Decision: Approved 09/05/2005

7.8 **Application ref:** P000434(S106A)

S106A application to modify planning obligations of S106 Agreement P000434, dated 5th June 2002, to vary the definition of the Prescribed Hours of the Block C Internal Walkways.

At: Block C, Regent Quarter, Kings Cross (site formerly known as Albion Yard, bound by Caledonia Street, Caledonian Road, Balfe Street, Railway Street and York Way), Islington, London, N1 9DB

Decision: Approved 29/11/2012

7.9 **Application ref:** P101970

Change of use from A3 (restaurant) to A4 (bar/drinking establishment) on semi-basement floor.

At: Restaurant, 8, Caledonia Street, Islington, London, N1 9DZ

Decision: Approved 15/12/2010

7.10 **Application ref:** P2019/3116/FUL

Change of use of the ground floor from restaurant (Class A3) and bar (Class A4) to flexible mix of uses, including as retail, restaurant and bar, gym or event space (sui generis), for a temporary period of two years.

At: 8 Caledonia Street

Decision: Approved 10/12/2019

7.11 **Application ref:** P062489

Change of use to health club.

At: Basement & Ground Floors, 4, Bravington's Walk, Islington, London, N1 9GA

Decision: Approved 16/03/2007

7.12 **Application ref:** P071269

Change of use of basement and ground floor to D2 Health Club with ancillary Cafe.

At: 4 Bravington's Walk, Islington, London, N1 9GA

Decision: Approved 04/07/2007

7.13 **Application ref:** P121572

Erection of a single storey extension to the south for use as additional gym space.

At: 4 Bravington's Walk, Islington, London, N1 9GA

Decision: Approved 28/09/2012

Pre-application

7.14 In 2020, the applicant for the current proposals, submitted a pre-application advice request (ref Q2020/3318/PPA) for the proposed redevelopment of both sites within the Regent's Quarter that are now subject to the two linked planning applications. The pre-application request sought advice relating to 3- 4 storey roof extensions to the principal buildings known as Jahn Court (Block C) and Laundry & Times House buildings (Block B) as well as substantial alterations to the internal layouts, reconfiguration of internal space and public realm improvements and other minor alterations to provide approximately 4,000 sqm of additional B1(a) office floor space and 400 sqm of additional café/ restaurant (Class E) floorspace.

7.15 The first PPA pre-application meeting took place on 17 December 2020 and sought to set out the proposals at high level detail. Discussions related to:

- Outline of the massing proposals for both Jahn Court and Times House & Laundry Building;
- A heritage-led approach to the relevant assets;
- The permeability of Regent Quarter and how this can be improved through pedestrian routes;

- High level discussions on highways and relevant roads and public realm that needed to be considered.
- 7.16 Design workshops took place on 21 January 2021; 8 April 2021 and 7 May 2021. The workshops were set up to discuss the design proposals for Jahn Court and Times House and Laundry Buildings in more detail. Discussions relating to Times House and Laundry Buildings included:
- Height and massing of Times House and how it would sit within the surrounding context;
 - Clear justification is required on how the proposal effects the setting of the Grade I listed Kings Cross Station;
 - The external spaces within the site and how they are intrinsic to the urban block and key connections to the surrounding streets.
- The following points were noted:
- The public realm story is positive and all of the frontages are active;
 - Welcomed the introduction of railway arches;
 - The material palette introduced was appreciated;
 - Any artwork in the courtyards and building cores needs to be clever and subtle;
 - The accessibility, diversity and neurodiversity of the Laundry yard needs to be explored in more detail; and
 - An understanding is needed on the existing residential and commercial uses on the site
- 7.17 Public Realm and Highways Workshops took place on 4 May 2021 and 22 July 2021. A Sustainability Workshop took place on 4 February 2021. An Environmental Impact Workshops took place on 21 May 2021. Inclusive Economy Workshops took place on 18 May 2021, 5 July 2021 and 14 July 2021.
- 7.18 A meeting was held with Historic England, with formal advice being received on 8 April 2021. The advice confirmed that they did not wish to raise any objections to the proposals and would recommend continued engagement with the local planning authority.
- 7.19 Following the above meetings, the final pre-application advice letter was issued on 1 July 2021. Advice was provided that the extension and adaption of the existing buildings is considered to be acceptable in principle, on the basis that the new buildings will demonstrate a high level of design quality and sustainability credentials and be sensitive to the surrounding heritage assets.
- 7.20 Advice was provided that the architectural approach is welcomed and in particular, the materials palette is considered very high quality and appealing. Similarly, care has been demonstrated to minimise harmful impacts of the extensions to the Times House & Laundry Building on the setting of Kings Cross and St Pancras Station, a primary Grade I listed heritage asset. Officers consider that the harm is less than substantial (rather than substantial) and that it will have to be balanced against all of the other planning considerations / benefits.
- 7.21 The pre-application advice notes the CADG (Conservation Area Design Guidelines) has regard to height, mass and scale thus: paragraph 21.7: the existing scales of the area must be particularly respected with reference to: (i) the hierarchy of scales northwards from Pentonville Road. The Times House and Laundry

Building complex has been architecturally simplified with a more refined detailing. It has been demonstrably reduced in height and mass. The pre-application advice concludes that at this stage the Council's view is that there is still harm to the setting of heritage assets. However, this harm is now considered to be less than substantial.

7.22 Advice was provided that whilst the proposed B1(a) office and 'non-business' A1 and A3 uses (Class E) are generally acceptable within this location, marketing evidence such as a retail impact assessment and needs assessment may be required in order to ensure the non-business uses are viable and sustainable in the long term and do not detract from the function of local town centres.

7.23 Further advice was provided that given the more intensive use of the site as proposed, and the high density and variety of commercial occupants, opportunities to improve user amenity of the internal spaces and courtyards is essential. The assessment of acceptable height and bulk at the upper levels will be informed by the impacts on neighbouring residents. The proposal may present challenges in terms of servicing and deliveries whilst ensuring safe pedestrian, cycle and vehicle movements in and around the site.

7.24 The scheme has been revised since the initial submission (pre-application 01) as demonstrated by images 19 and 20, below. In summary, there have been reductions in height leading to a reduction of the top of the plant equipment to Times House by 4.59m on the west wing of the building and by 4.09m on the eastern wing of the building. The scheme has been reduced in height by 3.29m by removing the L06 floor of the extension. The massing of the roof extension has been reduced on western, northern and southern façades in response to key townscape views.

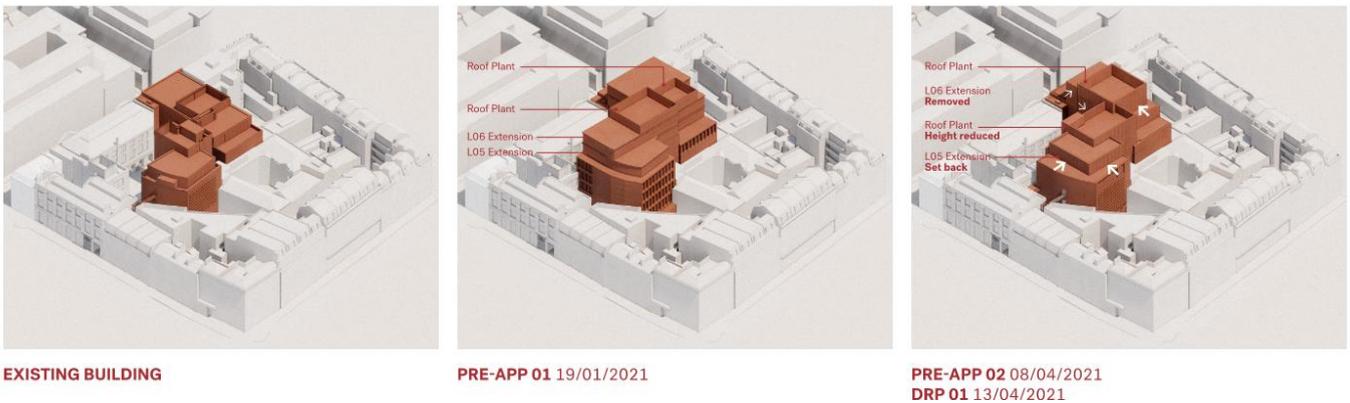
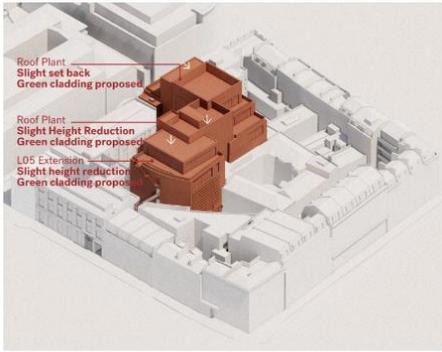
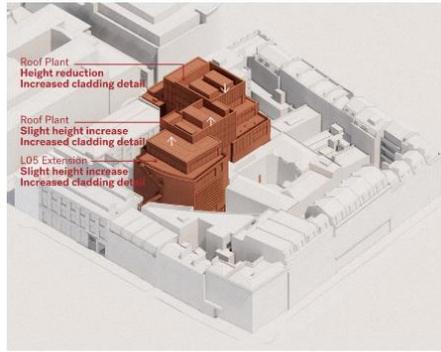


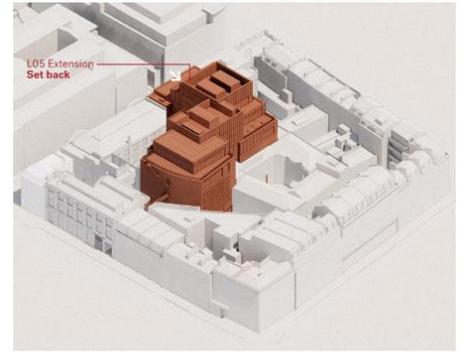
Image 19 – Initial Pre-application scheme and revisions



PRE-APP 03 07/05/2021



PLANNING SUBMISSION 05/08/2021
DRP 02 17/12/2021



FINAL UPDATES 14/01/2022

Image 20 – Further revised pre-application scheme and final application scheme

Design Review Panel

7.25 As part of the pre-application process in 2021, the proposals for both linked schemes were presented to the Design Review Panel on 13 April 2021 (ref Q2021/0820/DRP).

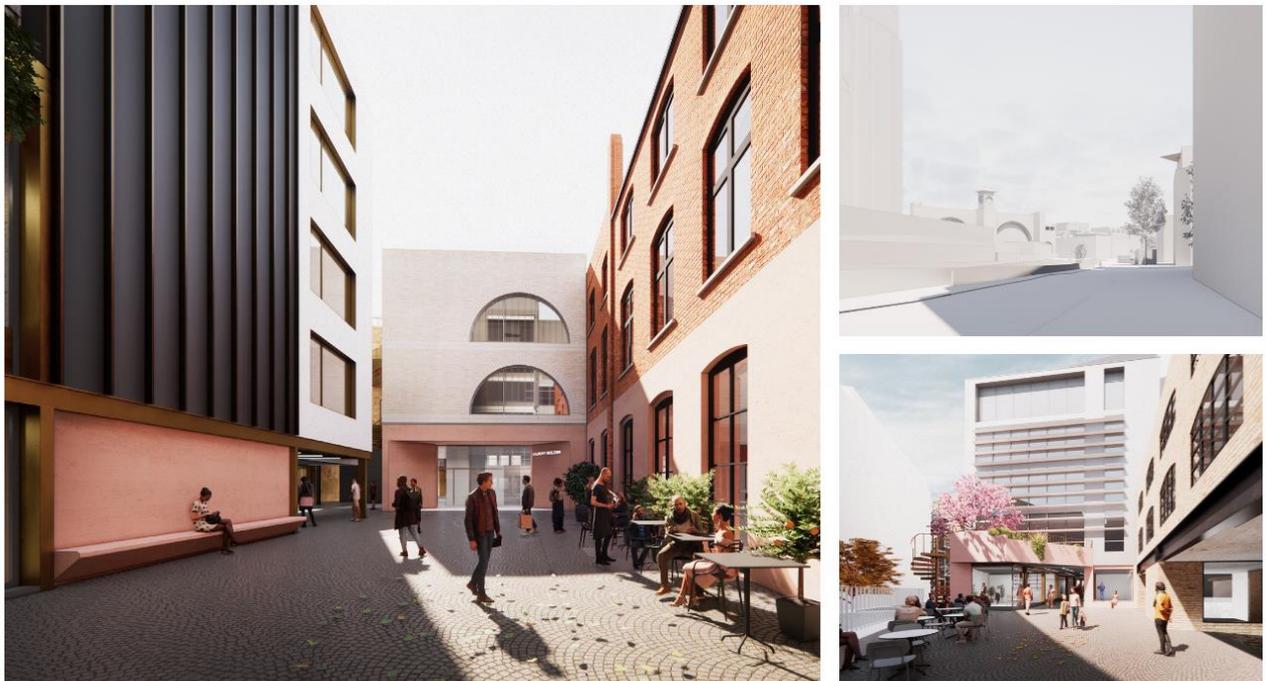


Image 21 – Times House/Laundry Buildings - Scheme presented to DRP April 2021

7.26 The following comments were made (relevant to this application), with the full DRP response provided as **Appendix 3**:

- *The Panel sought clarification with regard to cycle infrastructure and connectivity to cycle routes and the hierarchy of movement through and adjacent to the site – existing and proposed*

Officer's Comment: Cycle Infrastructure, connectivity to cycle routes and the hierarchy of movement through and adjacent to the sites have been considered in detail in the public realm strategy. The sites are in close proximity to a number of cycle routes, including Pentonville Road, Caledonian Road, Euston Road and York Way. The scheme includes the provision of cycle parking within the courtyards and on the footway on adjacent streets. This improved cycle provision is considered to facilitate increased cycling, as well as connectivity with the wider cycling routes. Entrances to the cycle stores have been positioned and designed for ease of use and help to promote cycling by the building users. All stores feature direct, step-free access routes, spaces for non-standard cycles, charging points, and changing and amenity spaces.

- *How has the applicant arrived at the phasing strategy? Queried the benefits of first investing in the heart of the blocks and not the periphery given the latter more likely to draw people in. The pedestrianisation of Caledonia Street seems an obvious 'early win'.*

Officer's Comment: It is understood that the phasing strategy has been determined by the leases of the properties within Regent Quarter as the leases for Jahn Court and Times House and Laundry Building are understood to be expiring in 2021. It is understood that Caledonia Street is outside the ownership of the applicant. Officers are advised that the pedestrianisation of Caledonia Street would require input from several stakeholders to agree plans for its future development which is intended to take place as a later phase of development.

- *Concerned at the claim that some buildings are wrongly identified as Locally Listed Buildings. Clarification was sought*

Officer's Comment: The site includes a locally listed Grade A building at Laundry Building. All designated and non-designated have been assessed in line with National Planning Policy Framework (NPPF) and London Borough of Islington (LBI) Local Plan Policies.

- *Was it the design team's intention to create a unified identity for the whole masterplan area as well as an inter-relationship between the 2 sites? The two buildings are quite different in their approach – the southern being more granular and crumbly with extensions that sit amidst the roof tops while Jahn Court reads almost as a standalone. Also routes such as Bravington's Walk are excluded and yet seem integral from the outset*

Officer's Comment: It is understood that the southern block has been designed to be more civic and active than the northern block, which has a more residential character. The applicant's response here is that the concept for the two main buildings are very different, in order to reflect the more granular and crumbly form of the southern block which is of a more complex character. The scale and massing to the north is larger and therefore required a different form and approach, which is reflected in the block massing of Jahn Court. Some materials and details are repeated across both schemes to present a unified identity. The changes within Laundry Yard improve the connection with Bravington's Walk and to the New Times Yard and York Way entrance to the site.

- *Panel queried how the masterplan could be achieved given the number of sites that are outside of the applicant's land ownership control.*

Officer's Comment: It is understood that the applicant has an existing commercial relationship with the hotel owners and other land holdings that are outside of their demise and therefore they do not see this as a barrier to any of the development proposals.

- *How does the planned removal of gates and railings create a safe and defensible place? Is access to be offered 24/7 or will it be controlled in some way?*

Officer's Comment: This comment maybe more relevant to the removal of the railings in front of Block C which is included in application P2021/2270/FUL. However, for clarification, this site (Block B) will not be publicly accessible over night with gates being closed at staggered times during the evening in connection with the closing times of the commercial units. The site has existing on-site management arrangements, and these will continue. The Public Realm Reports submitted with the application provide further details around the management principles for the site. The scheme has been revised to respond to Design Out Crime Officer's comments and seeks to achieve the principles of Secure By Design.

- *The approach to the ground floor social and hospitality activities and interactions similar to both north and south blocks?*

Officer's Comment: The southern block (Times House and Laundry Buildings) has more social and hospitality reflecting its existing and proposed uses, proximity to the station forecourt and the busy Pentonville Road. The northern block will be less active and quieter given it contains more residential uses and less active commercial uses. Within both blocks it is proposed to increase animation through introducing an active flexible use on the ground floor unit, fronting onto York Way.

- *How do you attract and draw people in and signal some change. Routes and desire lines. What are you offering that is different?*

Officer's Comment: It is understood that extensive survey work has been undertaken by Publica to understand how the sites and surrounding areas (including routes) are used. Opportunities for the future use of the site (including active ground floor uses, enhanced public realm and routes) informed the Public Realm strategy. The existing entrances and views into the site offer very little enticement to enter and explore Regent Quarter. The proposals for the Times House and Laundry Buildings site have focused on improving the routes, permeability, and activity at ground level, and ensure that these new vibrant spaces are visible in the views into the site from existing entrance points.

- *Advised team to consider the function and quality of the public realm just outside of the site's boundary and how it could inform change.*

Officer's Comment: The project team is in discussions with Transport for London regarding their proposals for improvements to the junction of York Way

and Pentonville Road and relevant contributions. The application includes the removal of railings outside the main entrance to Jahn Court to activate the public realm here, adjacent to York Way. Further discussions have taken place regarding increasing the animation on York Way. During the course of the application the application has been revised to seek to provide greater animation on York Way through introducing active flexible use units on the ground floor fronting on to York Way.

- *Additional height and mass may not be a problem, but justification would be expected given there is a visual impact.*

Officer's Comment: The submission includes visual impact studies, including assessment of the key visual receptors and associated representative viewpoints (RV). These assessments outline the effects of the proposed developments within the local townscape area, as well as any relevant longer distance views. This is assessed in detail in paragraphs 10.174 to 10.194 and shown in images 34 to 42. As noted above, some reduction in massing has been made (illustrated in updated view 10).

- *Sunlight/daylight study assessing the impact of the proposed blocks on the internal courtyards as there is reduced benefit in creating an attractive courtyard which is permanently in shade.*

Officer's Comment: A Daylight, Sunlight and Overshadowing Assessment has been undertaken to consider the potential additional overshadowing to the nearby amenity spaces, as well as daylight and sunlight impacts to existing properties. In terms of the internal courtyards, tests in accordance with the BRE guidelines, suggest assessing what percentage of the amenity space can enjoy at least 2 hours of sunlight on 21 March. The assessments suggest that each space should experience very little additional overshadowing on the 21 March and any reduction will be well within the BRE guidelines. The impacts of the scheme on daylight, sunlight and overshadowing are assessed in detail in paragraphs 10.263 – 10.285 of the report.

- *An overarching architectural narrative is needed.*

Officer's Comment: The architecture and materiality seeks to provide high quality contemporary language which sits sensitively against the existing heritage buildings. The architectural language has been informed by the industrial heritage of the sites, and the historic relationship of the sites with Victorian Railway infrastructure. This is addressed in more detail in paragraphs 10.154-10.157 plus image 32 of the report and is commented on in the second response letter from the DRP at paragraph 7.33 of this report where it states: *'The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative.'*

- *The public realm feels too distinct from the architecture and composite drawings showing the landscape and architecture engaging with one another would be helpful.*

Officer's Comment: The northern block will have a quieter residential character, whilst the southern block will include more active ground floor uses and would be livelier in character. The public realm strategy has been informed by these characteristics. This is addressed in more detail in paragraphs 10.130 to 10.136 of the report and images 27 to 31. The second DRP response letter also comments: *'Since the first DRP the applicant has made beneficial improvements to the new 'Times Yard. This space opens up oblique views, improves legibility, and creates a better sense of connection with Laundry Yard.'* The second response letter is outlined in more detail in paragraph 7.33 of this report.

- *The role and form of the roofscape in long views and key views will require refinement. Views 05 of Jahn Court from York Way and View 10 from Caledonian Road of the Times House & Laundry Buildings were noted as being of particular significance within the Key View Study document.*

Officer's Comment: The roofscapes of Jahn Court and Times House have been reduced in scale to respond to this comment. Images 34 to 42 indicate the verified views from Kings Cross Station and Euston Road. The impact of the Times House roof extension is addressed in more detail in paragraphs 10.174-10.194. The second DRP response letter also comments: *'The evolution of the designs of the roof form have created a more sympathetic response to the broader townscape including in its response to Kings Cross and as seen in the longer views.'* The second response letter is outlined in more detail in paragraph 7.33 of this report. The impact of the Jahn Court roofscape is addressed in more detail in the officer's report for P2021/2270/FUL.

- *A process of questioning the conjunction of the old and new and considering how the two address each other is needed.*

Officer's Comment: The submission sets out how the architecture of the schemes in terms of massing, form and materials has sought to refer to the previous industrial uses of the site, whilst also seeking to ensure that their relationship with the surrounding area is acceptable. This is addressed in paragraphs 10.154-10.157 plus image 32 – materials palette of the report. The second DRP response letter also comments: *'The historic referencing to Victorian water tanks is a particular delight.'*

- *A more conversational approach might be more enriching and sophisticated and lend greater quality to the buildings and spaces.*

Officer's Comment: The architectural narrative relates to the old industrial uses, whilst also ensuring high quality contemporary development. Elements of heritage interest have been retained or enhanced (signage and courtyard ground materials), whilst the new architecture and public realm seeks to tie the site to its past uses. The architectural narrative has been discussed in the paragraphs above and in the second DRP response letter.

- *The sense of detachment between the public realm and the architecture could be avoided by more collaboration in the design process and both could better inform and enrich the other.*

Officer's Comment: The Public Realm strategy has been integrated with the architecture to ensure that they both respond with each other. Also, the chair's summing up in the second DRP response letter comments: *'The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes and these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.'* Images 27 to 31 show the public realm works in Block B.

- *There is a question of how much consistency and inter-relationship is legible between the proposed blocks. Having said that, Laundry Yard and the other yards have their own historical character and the proposals could capitalise on the history of the site to lend to the character and atmosphere of the spaces. The new elevations could be more referential to the historic street elevations and more use of brick might be made. Generally a more homogenous approach to materials may give greater coherence and legibility across the quarter.*
- **Officer's Comment:** The proposed materials nod towards the historic context as well as to the modern era. They introduce soft colours (reds and greens), which seek to avoid over dominating and to sit well within the townscape. Quality durable materials (brick, metal and glazing) have also been articulated to ensure that the appearance of the building are of a high quality. The use of repeated materials and details across the two proposals will help to improve the coherence and legibility across Regent Quarter. This is addressed in detail in paragraphs 10.154 to 10.157 of this report plus image 32 – materials palette. Again, this is also noted in the second response letter from the DRP.

Second DRP comments

7.27 In response to comments received from residents, the application scheme has been presented to the Design Review Panel for a second review on 17 December 2021. This second review was held carried out by the chair of the DRP and one panel member.

7.28 The following commentary has been provided by the DRP in their letter dated 23 December 2021:

Times House and Laundry Building:

The Panel commented it considers this to be a very carefully considered and successful scheme. While there had been some concerns expressed in the spring at the earlier DRP review about the impact on longer views, the subsequent refinement of the massing has been successful, particularly to the backdrop to the heritage sensitive Kings Cross Station.

The choice of materials and applied materiality is also really successful which coupled to the change to the massing has had a really positive impact. The colours of the materials proposed were also supported.

The evolution of the designs of the roof form have created a more sympathetic response to the broader townscape including in its response to Kings Cross and as seen in the longer views. The historic referencing to Victorian water tanks is a

particular delight.

Struggled to fully understand the approach to the landscape design to the yard spaces which historically are generally quite fluid spaces that evolve over time. And yet there are rather 'civic' styled interventions proposed.

However consider the proposed interventions to York Way, including visual connections are negotiated very well. Since the first DRP the applicant has made beneficial improvements to the new 'Times Yard. This space opens up oblique views, improves legibility, and creates a better sense of connection with Laundry Yard.

There is a real distinction between the two blocks, their characters and nature are quite different.

The paving to the Laundry Yard is working at 2 levels – the orientation of the joining creating a suggestion of movement through the yard as one transitions from York Way to Caledonia Street and the triangle patterning successfully responding at a larger scale responding to the buildings that address and hold the space.

If the scheme gets the materials right, i.e. a good stone or granite – this will result in an interesting duality of geometries going on there – simple and subtle but influential as to how one experiences that space.

Tines Yard – considers this is working well as a sequential space – an ante room. This is commended as a very important element as it is this work around the new Times Yard in particular that heightens the block's overall legibility.

The balconies to the offices above really help to animate the space and are supported.

The new Bravington's Walk link is also really helping in terms of opening up this key route. The importance of that link is stressed given connections to it create the opportunity for the success of this route in the future.

The Panel very much liked the way the arcade is enhancing the public realm and the circular light motive gives coherence and consistency for the route through Block B.

Caledonia Street – new frontage at street level is successful, creating an enhanced rhythm and transparency to the street. Coupled with the planned removal of the railings will help activate this as an important east/west link street. The Panel supports the work that has been done to this street edge.

In respect of the architecture, previously struggled to understand the overarching architectural approach. However consider there is now a really strong materiality and that the refinement of detail and language are all really successful.

The Panel commend the design team on a very interesting architectural narrative with Times House. It supports the more filigree top and crown with its integrated glazing and this contrast with the more solid base.

The Panel consider this to be a well-crafted, sensitive and tailored response and consider that the modifications have enhanced the buildings. The Panel now feels very positive about the scheme.

7.29 The Chair's summing up provided the following comments:

The Panel supports what you have created and enhanced – a great, high quality and sympathetic range of new office and workshop spaces. This will be a fantastic place to come and visit and to work in. Every aspect of the place will be much better as a result and will likely continue to improve over time.

The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes. And these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.

There will also be a significant upgrading of the office space.

The Chair wished to credit the applicant team with the work undertaken beyond the red line, particularly to York Way and to the Penvontille Road junction at the threshold of the development.

The Chair considers that the team has now developed a successful approach to scale and massing. These important elements respond well to the immediate and wider context. In addition to that, a significant amount of public benefit is evident that The Panel would support and agree with which encompasses economic, social and environment benefits.

A last thought – in all of this demonstrable enhancement and improvement it is important that at the end of the day, in terms of the public realm and using it, that these urban blocks feel like they are a part of the city, and not separated from it.

In a recent visit the Chair felt overly surveilled, as though there were cameras all over the place. Guards were popping out and the effect was a feel of trespassing as one moved through an urban block.

The Panel do not want these blocks to feel like they are gated communities. Rather the aspiration should be to feel like you are strolling through the lanes and courtyards of Covent Garden and Soho. This is the sort of ambience the proposals should strive for.

7.30 A copy of the Design Review Panel Response letter dated 23 December 2021 is attached at **APPENDIX 4 - SECOND DRP REVIEW**

CONSULTATION

Public Consultation

8.1 The application has been publicly consulted on 16 August 2021. Site and press notices have also been issued. The consultation process expired on 12 September

2021. Letters were sent to the surrounding neighbours on Joiners Yard, Keystone Crescent, Noah's Yard, Omega Place, Caledonian Road, York Way, King's Cross Bridge, Varnisher's Yard, Pentonville Road, Gray's Inn Road, Bravington's Walk, Caledonia Street and Kings Cross Square Euston Road.

- 8.2 During the initial period of consultation, representations have been received from 19 neighbouring residents objecting to the application. 4 representations have been received in support of the proposals.
- 8.3 Following receipt of supplementary information and technical documents, a period of re-consultation took place beginning on 7 November 2021. The re-consultation ended on 21 November 2021.
- 8.4 During the first period of re-consultation representations have been received from 11 neighbouring residents objecting to the application.
- 8.5 In response to the objections received, revised documents and drawings have been submitted and minor changes of use have been made to the proposals. As a result, a final period of re-consultation took place beginning on 10 December 2021. The re-consultation ended on 24 December 2021.
- 8.6 During the second period of re-consultation representations have been received from 6 neighbouring residents objecting to the application.
- 8.7 Further drawings and documents have been received on 27 January 2022 reducing the mass of the fifth floor roof extension which have been uploaded to the Council's website. A resident has requested the opportunity to submit observations and potential objections to these documents. However all amendments result in improvements and reductions in impact in terms of scale, massing and visual impacts, on amenity. It is at the discretion of the Local Planning Authority to undertake further re consultation and in view of all the impacts decreasing, it has been considered that in this instance, it is not necessary. Notwithstanding this, the Council will consider all representations received up until the determination of the application.
- 8.8 At the time of the writing of this report responses had been received from 19 members of the public on a number of occasions, with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land Use

- Putting retail units in the centre of Times Yard and Laundry Yard will adversely affect the local shopping area on the lower stretch of Caledonian Road. (**officer comment:** The provision of retail units within the site does not raise conflict with the aims of the Council's land use policies. See paragraphs 10.33-10.48).
- The proposed restaurants in Laundry Yard would have a detrimental effect on restaurant establishments on Caledonian Road, contrary to policy DM4.4 (D) which states that A uses, D2 Use Class and for Sui Generis main Town Centre uses within the Central Activities Zone must not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability

of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability. (**officer comment:** The provision of restaurant uses within the site does not raise conflict with the aims of the Council's land use policies. See paragraphs 10.49-10.57).

- The objector also questions the viability of 4 retail units due to low existing footfall in the courtyards and the difficulty of retail units in the area. (**officer comment:** The proposals seek to increase the footfall through Block B through alterations to Times Yard, opening up the link to Bravington's Walk and changes to the existing ground floor uses in Times House and the Laundry Building. The provision of retail units within the site does not raise conflict with the aims of the Council's land use policies and seeks to animate and bring activity in interests of security and safety. See paragraphs 10.33-10.48).

Design/Heritage

- The excessive and disproportionate massing of the proposed extension to Times House and the increased visibility of modern materials will damage the setting of the Grade I listed Kings Cross Station as viewed from Euston Road. The proposals would exceed and be visible above the height of the roofline of the station, and exceeds the skyline of this national set piece, and cause loss of sunlight to the station. The increased massing would distort the proportion of the existing building within a conservation area, and in close proximity to a Grade I listed building. The proposals have a material negative impact on heritage assets, the settings of heritage assets and multiple contraventions of local and national policy. (**officer comment:** Officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage assets and have undertaken a balancing exercise against the public benefits of the scheme. Officers have considered this in detail in this report including in paragraphs 10.170 to 10.173 and 10.174 to 10.221 and images 34 to 42).
- The proposals would have an unacceptable detrimental impact on the heritage setting of the Kings Cross Conservation Area, and contrary to the Kings Cross Conservation Area Design Guidelines paragraph 21.1. (**officer comment:** Officers have considered the impacts on the heritage assets including Kings Cross Station and the Conservation Area, in detail in this report, including in paragraphs 10.170 to 10.173 and 10.197-10.206. Officers consider the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.209 to 10.213).
- Additional massing of the buildings is not in keeping with the local area. Negative impact on nearby heritage buildings and their setting. The proposed increase in height, massing and scale, would adversely affect the character and appearance of the conservation area. The height of the extension is overdevelopment, is overbearing and overshadows all buildings in the near

vicinity, and cause loss of light to the inner courtyards, and will radically affect the character of the area and interrupt the skyline. The proposed development is out of keeping with the Victorian character of the area, is out of character with the buildings in Caledonian Road and along Pentonville Road. The size of the proposed development is not in keeping with the original Victorian warehouses and is overbearing and overdevelopment. (**officer comment:** The design has responded to the scale and massing of adjoining buildings, such that the massing has been set-back from the southern block boundaries and pushed to the centre of the site. The visibility of the taller sections of the development have been minimised by sensitive set-backs and detailing to ensure that the site does not appear overdeveloped from local, medium and long-range views. Officers have considered the impact of the proposed increase in height, bulk and massing on the townscape in the context of the site and the extent of visibility in key views including in paragraphs 10.174-10.195 and images 34 to 42 and have concluded that the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.209-10.213).

- The proposed height of Times House would be in excess of a reasonable contextual reference height and therefore contravenes the Tall Building's policy DH3. (**officer comment:** London Plan policy D9(A) states that '*based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.*' As a result officers have assessed the proposals in accordance with the Local Plan. Adopted local plan policy CS9(E) states that Tall Buildings are 30 metres and above. Paragraph 2.18 of the IDMP (Islington Development Management Policies document) also states that tall buildings are defined as over 30m in height. Emerging Local Plan policy SP2 Kings Cross and Pentonville Road, part K identifies that tall buildings in the spatial strategy area are over 30 metres and this is reiterated in the supporting paragraph 2.21. Therefore both the Council's adopted and emerging local plan has defined that within the Kings Cross Spatial Strategy Area, Tall Buildings are those which are over 30 metres. The maximum height of Times House following the proposed roof extensions and including the roof plant would be 24.85m. Therefore the proposals do not result in a tall building as defined by both the adopted and emerging local plan policies. Notwithstanding the above assessment, the majority of buildings surrounding the site are between 3-5 stories in height and in many circumstances, the extension proposals will not extend twice the height of a number of prominent buildings within close proximity (i.e. Joiners Yard, Kings Cross Station, Premier Inn, Kings Gate, Focus Point). Whilst it is noted that the development will sit twice as high as some buildings within the surrounding context, the existing building (Times House) already extends considerably taller than these buildings and it would be inappropriate to only take account of these buildings in isolation to the larger and more prominent buildings noted above as part of the contextual reference).
- The proposed architecture of the extended buildings would clash with the style of the industrial heritage buildings and is contrary to DM2.1(A)(vii). (**officer comment:** The proposal's use of brickwork, metalwork, render and cladding

seeks to craft a unified identity on the buildings and within the external areas. This has been achieved by the use of a pale colour palette (pale red, yellow, green and white) which seek to complement and not compete with each other. The detailing and grain of the metalwork has been informed by the studies of Victorian railway arches. The officer assessment considers this in more detail in paragraphs 10.154 to 10.157 and is commented on in the second response letter from the DRP at paragraph 7.33 of this report where it states: *'The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative'*).

- The proposed changes to the paving in Laundry Yard would not respect the adjacent Listed Buildings and would not respect the location of the site in a conservation area contrary to policy DM2.1, A(vii). (**officer comment:** The existing paved surface consists on modern concrete blocks, which will be replaced with high quality patterned stone, including the continuation of York Stone from Caledonia Street, in line with Conservation Area Guidance. Overall, the public realm works will improve the character and appearance of the conservation area. The proposed changes to paving as part of the public realm improvements are therefore considered to provide a more sympathetic response. See paragraph 10.130 to 10.136 and images 27 to 31 . The second DRP response letter also comments on the suitability of the proposed paving with the following comments at paragraph 7.33: *'The paving to the Laundry Yard is working at 2 levels – the orientation of the joining creating a suggestion of movement through the yard as one transitions from York Way to Caledonia Street and the triangle patterning successfully responding at a larger scale responding to the buildings that address and hold the space.'*)
- The materials used are not in keeping or sympathetic to the conservation area. The use of green makes the additional massing really stand out and taking the eye away from heritage buildings. (**officer comment:** Officers have considered the suitability of the proposed materials in paragraphs 10.154 to 10.157 and image 32. The use of a soft pale green metal cladding at Times House will complement the red of the Laundry buildings and read, albeit considerably more pale, in a similar manner as the familiar green of new copper cladding. The use of pale green is considered to act as a subservient tone to the yellow stock brick within the local area, particularly on the west wing of the Laundry Buildings and Kings Cross Station. The second DRP response letter also comments on the suitability of the proposed materials with the following comments at paragraph 7.33: *'The choice of materials and applied materiality is also successful which coupled to the change to the massing has had a really positive impact. The colours of the materials proposed were also supported'*).
- Objectors state that the proposals raise conflict with National Planning Framework (2021) paragraph 195 requiring local planning authorities to identify and assess the particular significance of heritage assets that might be affected by proposals. (**officer comment:** Officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas. Officers have concluded that the impact of the proposals would cause less than substantial harm to these heritage

assets and have undertaken a balancing exercise against the public benefits of the scheme. Officers have considered this in detail in this report including in paragraphs 10.170 to 10.206 and 10.219-10.221 and images 34 to 42).

- Several requests have been made for the application proposals to be presented to the Design Review Panel following the comments made in the DRP response letter to the pre-application scheme. (**officer comment:** The application proposals have been re-presented to the Design Review Panel in December 2021. See paragraphs 7.30 to 7.35 and a copy of the second DRP response letter dated 23 December 2021 is attached to this report at Appendix 4.).
- Loss of glass curtain walling to Laundry buildings facing onto Laundry Yard will hide the historic fabric, detracting from the sense of history that walking through Laundry Yard gives. Loss of historical railings on Caledonia Street fronting Laundry Buildings will detract from the historical nature of the building and the sense of place. Loss of key views of locally listed buildings harmfully impacting on the significance and setting including views of 6 Bravington's Walk (Western Laundry Buildings) and 18 York Way from the Arch on Caledonia Street, and the view of the Laundry Building (North) from Bravington's Walk. The loss of the views of the original eastern elevation of the locally listed Laundry Buildings within Laundry Yard will result in a loss of a feature of the original award winning P&O development from 2002 (ref: P000434). (**officer comment:** The new eastern elevation of the Laundry Building is more clearly articulated and the ground floor material is a dark red brick of a similar hue to the historic brick of the Laundry Building. The proposed fenestration design directly references and is reminiscent of historical railway architecture. The rear southern element of the Laundry Building will include replacement windows and ground floor detailing to the buildings entrances. Overall, these elements will be in keeping with the industrial character of the conservation area and therefore would sustain the heritage interest of the locally listed building. These changes are considered to contribute to the quality of the building and to the general ambience and setting of Laundry Yard. Officers have given consideration to the elevational treatment of the Laundry Buildings at paragraphs 10.154-10.157 and images 27 to 31, and consider that the proposals provide an enhancement to the existing elevations. With regards the removal of the railings on Caledonia Street, these railings are a contemporary feature to the building. Their removal has been proposed to improve access to the Laundry Building and connection to Caledonia Street. Currently the space behind the railings is unused and the opening up of this space is considered to improve the frontage of this building. The second DRP response letter comments: *'Caledonia Street – new frontage at street level is successful, creating an enhanced rhythm and transparency to the street. Coupled with the planned removal of the railings will help activate this as an important east/west link street. The Panel supports the work that has been done to this street edge'*. A copy of the second DRP response letter dated 23 December 2021 is attached to this report at **Appendix 4**).
- Loss of sunlight and daylight to the Laundry Yard leading to overshadowing from the proposed roof extensions to Times House, entirely impeding direct sunlight to the public courtyards at all times of day, and all months of the year, which will make them less attractive spaces for visitors, tenants or residents to spend time. (**officer comment:** Officers have assessed the impacts on the conservation area in paragraphs 10.197-10.206. With regards to the impacts on

amenity in respect of overshadowing officers have undertaken an assessment of the impacts on overshadowing in paragraphs 10.281-10.285).

- Laundry Yard is used as a cut through and safe way by the local community and local workers. Remodeling this public amenity as a courtyard of restaurants and retail will fundamentally destroy the character, legibility and distinctiveness of this quiet space in the heart of the Kings Cross Conservation area. This reduced attractiveness of the buildings, courtyards and walkways within the block would tend to weaken the social and economic viability of all commercial and residential uses of the block, contrary to policy DM2.1(A)(ix). (**officer comment:** The proposals present a number of enhancements to the existing public realm within Block B which is already publicly accessible, including the opening up of the link between Bravington's Yard and Laundry Yard. Block B already has a number of commercial units at ground floor level and is the more active Block than the more northern block, although currently under utilised, with limited residential uses in close proximity. The proposals both in terms of the changes of use and the external alterations to the buildings and the yards are considered to positively contribute to the local economy in terms of its supply of office floorspace and economic functions. The proposals have been independently critiqued by the Design Review Panel on two occasions and they have shown their support for the latest proposals at paragraph 7.25-7.30, with references to the opening up of the public realm in Block B. The second DRP response letter is attached at **Appendix 4**).

Amenity

- Loss of privacy, increase in overlooking, loss of outlook, increase in sense of enclosure, and loss of daylight and sunlight from the proposed roof extensions to the residential units at Joiners Yard. (**officer comment:** Officers have undertaken a detailed assessment of the amenity impacts of the scheme on Joiners Yard, considering impacts on overlooking, privacy, outlook, enclosure, daylight and sunlight impacts, and have concluded that the scheme does not raise significant amenity impacts given the site's context and the existing built form, which cannot be mitigated including privacy screening on the eastern elevation of Times House (37). Further conditions are imposed including noise management plan for the use of the terraces and restrictions on the hours of use at conditions **12, 13, 14 and 36**. With regards to daylight, sunlight and overshadowing impacts, see paragraphs 10.263 to 10.285. With regards to overlooking see paragraphs 10.286 to 10.295 and condition 38, with regards to the impacts of the proposed roof terraces see paragraphs 10.296 to 10.299 and images 44 to 47, with regards to the impacts on outlook and enclosure see paragraphs 10.300 to 10.307).
- Loss of daylight and sunlight, and overshadowing to the back of houses fronting onto Caledonian road. (**officer comment:** Officers have undertaken a detailed assessment of the impacts on daylight and sunlight to the surrounding residential properties and conclude that the impacts of the proposal are acceptable. With regards to daylight, sunlight and overshadowing impacts, see paragraphs 10.263 to 10.285) .

- Residents comment on the submitted daylight and sunlight report, with reference to the extent of properties surveyed, the results and the analysis and conclusions. Residents commissioned their own independent daylight report in response to the applicant's daylight report by BRE. Citing that the application surveys are inaccurate and skewed in favour of the development, as set out by the independent Daylight/Sunlight report by the BRE. Both residents and the BRE state that the BRE report was undertaken independently as per the terms agreed. Residents object to the response letter from Point2 which is considered to attempt to persuade the LPA to disregard natural light issues or to consider that they are issues of negligible weight. (**officer comment:** Officers have undertaken their own analysis of the results of the impacts on daylight and sunlight in accordance with the policy and guidelines in the current development plan and conclude that the impacts of the proposal are acceptable. See paragraphs 10.263 to 10.285).
- The height of the buildings in the 2002 consent for the redevelopment of Regents Quarter were considered to be the maximum for availability of daylight/sunlight for the mixed use. Therefore residents conclude that there is no room for the degree of flexibility Point2 wish to apply in these circumstances and there is no room for redefining "acceptability". (**officer comment:** The proposals have been assessed in accordance with the requirements of the currently adopted policy and guidance including the *BRE Site Layout Planning for Daylight and Sunlight 2011*. Officers have reviewed the results tables and formed their own conclusions. See paragraphs 10.263 to 10.285).
- Increased noise disturbance to the residential properties of Joiners Yard due to the proposed roof terraces to Times House. (**officer comment:** The proposed roof terrace at fourth floor replaces an existing roof terrace at third floor and does not sit immediately adjacent to the residential properties at Joiners Yard. The roof terraces at first and fifth floors are located on the opposite side of the building from Joiners Yard. The Council's EPPP officer has been consulted on the application and has not raised an objection subject to conditions requiring a noise management plan (36) and to restrict the hours of operation of the roof terraces (14). See paragraphs 10.296 to 10.299 and images 44 to 47).
- Increased noise disturbance to residents on York Way due bedrooms at the rear facing into the courtyards, affected by the greater footfall in the courtyards and from the additional restaurant usage. (**officer comment:** Officers have considered the relationship between the closest residential properties on York Way and the Times Yard and Laundry Yards. Given the nature of the existing publicly accessible courtyards, the proposed increase in use of the courtyards is not considered to result in a materially harmful impact on amenity. The gates to the southern block will be closed on a staggered basis as reviewed by Toren security advisers. The gates to Caledonian Street and York Way will close at 11.30pm and the gates to Caledonian Road and Pentonville Road are proposed to close between 12am and 1am. These details are to be secured by condition and through the S106 agreement. Following consultation with the EPPP officer it is proposed to attach conditions requiring details of a Scheme for the management of the proposed commercial uses to manage potential noise disturbance issues. See condition 13).

- Increased light pollution to Joiners Yard from the additional floors on Times House. (**officer comment:** It is proposed to attach a condition requiring details of measures to adequately mitigate light pollution affecting neighbouring residential properties. See condition **7**).
- Noise disturbance from proposed roof terraces and additional plant equipment. Noise management plan disregards the impact on local residents from the roof terrace. However the Noise Impact makes no reference to any “noise sensitive receivers” in the flats along York Way, nor were we notified or consulted about this development. (**officer comment:** Following consultation with the EPPP officer it is proposed to attach conditions, requiring the submission of a noise management plan for the use of the roof terraces, limiting the hours of use of the roof terraces and requiring details of the proposed plant equipment to be approved. See conditions **12, 13, 14 and 36**).

Sustainability

- The proposed partial demolition of parts of the recent development only 15 years old, would be contrary to the principle of sustainability underlying policy DM2.1, part A(i). (**officer comment:** The Council’s Sustainability and Energy Officers have been consulted in detail on the application and have provided extensive comments which have been resolved. The proposed development to extend the existing building includes minor demolition of part of the rear of the building, and the reuse and intensification of the existing building. The proposals are therefore not considered to be contrary to the principles of sustainability).

Safety/Security

- Objects to the opening up of the access to courtyards in Block B including Laundry Yard as these are used as safe pathways, and this would worsen existing safety and security issues due to high local crime rates. Disruption of existing lines of site across them will decrease legibility, making wayfinding more difficult. Loss of light and increased footfall will increase the existing security issues. (**officer comment:** Block B is already publicly accessible. The proposed alterations to the layout of Times Yard is considered to increase legibility within Block B. Following consultation with the Design Out Crime Police Officer the scheme includes measures to prevent crime and anti-social behaviour and ensure the safety and security of the yards. See paragraphs 10.452 to 10.458 and condition **27**).
- The loss of the railings in Caledonia Street fronting the Laundry Building will lead to rough sleeping. (**officer comment:** Officers have consulted at length the Design Out Crime Police Officer and the scheme incorporates various measures to prevent crime and anti-social behaviour. This issue has not been raised in these discussions. Conditions are attached requiring details of the CCTV coverage and lighting strategy and design. See paragraphs 10.452 to 10.458 and condition **27**).
- Concerns over cyclist and pedestrian safety accessing the proposed long-term cycle parking facility in the basement of the extended buildings and access through the courtyards, and requests sheltered street level cycle parking. (**officer comment:** The cycle store will have convenient central access from the

Laundry Yard at the base of Times House. The access ensures that the basement can be accessed from a spacious central point within the site. This will limit any road safety concerns and also ensure that the courtyards and walkways are free flowing. All cyclists will be required to dismount from their bicycles as part of the Management Policy for the Estate).

- Following consultation with the Design Out Crime Police Officer the scheme includes measures to ensure the safety and security of the yards and access to the secure cycle parking including the use of London Cycle Stands where possible. See paragraphs 10.452 to 10.458 and condition **27**).

Public Benefits

- The residents state that there is a lack of clear public benefits from the scheme *and that there are no clear public benefits for existing residents of Regents Quarter or the community or to Islington.* (**officer comment:** The scheme brings forward a wide range of public benefits including affordable workspace and significant enhancements to the public realm within Block B. See paragraphs 10.209 to 10.213).

Cycle Parking/Storage

- Objects to the removal of the secure bike park available for residents in Block C and B, which will be replaced by a secure bike park for office tenants with residents left to rely on less secure on street bike hoops instead. (**officer comment:** The proposals include the provision of London cycle stands within Times Yard. The applicant is not aware that the existing secure bike park in Times Yard is accessed by residents. Following consultation with the Design Out Crime Police officer the scheme includes the use of London Cycle Stands. The details are to be secured by condition **27**).

Construction

- Concerns over noise disturbance, odours, dust, vibrations and pedestrian access, privacy and overlooking, construction access/security from the proposed construction works. (**officer comment:** Following consultation with the Council's Environmental Health Officer it is proposed to attach a condition requiring the submission of a Construction Environmental Management Plan. See paragraphs 10.311 to 10.313 and condition **5**).
- A resident requests that prior to any major structural work on Times House and/or any other buildings around Laundry Yard, an investigation of all tunnels close to the surface of the site and all rights to tunnel close to the surface of the site. (**officer comment:** Network Rail have been consulted on the application and have provided comments and informatives that would be attached to any grant of consent) See paragraph 8.15, conditions **30 and 31** and informatives).

Resident engagement/consultation:

- Residents have stated that the applicant's communication has been poor, limited and inadequate, contrary to para 39 of the NPPF (2021) which references early engagement. Residents state that they were informed of the proposed

development on June 1st 2021 and weren't involved in any surveys. Various comments are made regarding the applicant's communication, citing a lack of resident engagement and claims of a lack of genuine interest in the residents of the Regents Quarter. Residents assert that the engagement contravenes Islington's revised statement of community Involvement (2017). (**officer comment:** A Statement of Community Involvement has been submitted with the application setting out the pre-application public consultation that has taken place. The applicant has provided a further statement of their resident engagement which is set out at paragraphs 10.462 to 10.465. Methods of consultation used include a digital consultation website, creating a dedicated email and address and phone line, a flyer drop to local residents and businesses, placing advertisements in the local press, writing to neighbours including site-tenants, utilising social media and hosting an online webinar and Q&A session. A consultation event was held on site and attended by residents on 20 the July. It is understood that the applicant has also undertaken consultation with residents during the course of the application. The scheme has been revised in response to objections received from residents. The applicant's engagement with residents and stakeholders is considered to accord with the aims of the NPPF and Islington's Statement of community Involvement).

External Consultees

- 8.9 **Transport for London:** No objection to the submission. The new locations for the short-stay cycle parking are acceptable, and we deem that they will have no impact on the public realm. They also comply with London Cycle Design Standards (LCDS). The new proposed arrangements for the disabled parking on the eastern side of York Way are acceptable, and comply with the London Plan Policy T6 (parking), as well as having minimal impact to the network or footway. The width of all footway along Caledonia Road should follow the recommended minimum in TfL's Streetscape Guidance. This will ensure compliance with London Plan policies T2 (Healthy Streets) and D7 (Public realm). The preferred minimum expressed in relevant TfL guidance is 2000mm and the absolute minimum is 1000mm. More information can be found on page 204 here <https://content.tfl.gov.uk/streetscape-guidance-.pdf>
- 8.10 The loading bays on York Way will have no further impact to the Transport for London Road Network (TLRN) and therefore, we have no objections to their location.
- It is recommended that informatives are attached regarding the following:
- To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic.
 - All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

- Any hoarding for the proposed development would be subject to a separate Section 172 license application under the Highways Act 1980 to the Asset Operations team at TfL.
- During the course of the application, Transport for London have requested a financial contribution towards pedestrian safety improvements at the junction of York Way and Pentonville Road. However, following further discussions between Council and TfL officers, the financial contribution has not been adequately justified in this instance and officers do not consider it appropriate to seek it as a planning obligation. However the applicant has agreed to a financial contribution towards public realm works in the immediately abutting streets to the development site.

8.11 **London Underground Infrastructure Protection:** Response received. No comments to make on the proposals.

8.12 **Fire Brigade:** No comment received.

8.13 **MET Police:** No objection to the application. Has accepted the applicant's responses to the following matters:

- Relocation of the cycle stands in Bravington's walk.
- Use of London cycle stands rather than Sheffield Stands. This is to be secured by condition (27).
- Access into the site be gated and access controlled overnight and that encrypted key fob access gates are used at the key entry points are used after business hours, with single leaf and auto close, and data logging to records usage. The applicant has confirmed that the existing gate/shuttered area at Bravington's Walk is to be retained and that all proposed seating will be moveable at close of business and placed within the tenant space.
- Implementation of various security measures for the building including doors, windows and refuse stores.
- Use of anti-graffiti treatments for exposed gable ends and defensive planting and/or a rail.
- Recommends CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB).
- Reiterates the importance of the site being secured overnight and outside of business hours to prevent antisocial behavior.

8.14 **Thames Water:** No objections. Following receipt of the basement plan, confirmed that a condition regarding piling method statement would not be required.

Waste Comments

Informative recommended to be attached to any permission in regard to groundwater risk management and how groundwater from the site will be discharged into a public sewer.

Surface water drainage

No objection provided that the developer follows the sequential approach to the disposal of surface water.

Water Comments

The proposed development is located within 15m of our underground water assets and as such requests that an informative is attached.

- 8.15 **Historic England (Listed Buildings):** Response received. No comment to the proposals.
- 8.16 **Historic England (Archaeology - GLAAS):** Response received. No objection to the proposals.
- 8.17 **Network Rail:** Requires conditions (**30 and 31**) regarding construction Methodology and ground investigation regarding the proximity to NR tunnels. Requests that a series of informatives are attached to any consent.

Internal Consultees

- 8.18 **Planning Policy Team:** No objection to the proposal from a land use perspective.
- 8.19 **Inclusive Design Officer:** No objection to the revised proposals. This follows pre-application discussions and also following initial comments on the application relating to accessible cycle parking, platform lift serving cycle store, WCs, lobbies, entrance and egress.
- 8.20 **Design Officer:** No objection to the proposals. The changes to the Laundry Buildings will create improved commercial spaces suitable for a variety of uses whilst simultaneously enriching and animating Laundry Yard. While the Times Building is proposed to be increased in height, in part, by a further two and three floors, and to also therefore be increased in mass, the selected locations for such increases are well recessed from the street edge helping to lessen their visual impact. The architectural treatment is quiet and well considered which will also lessen the visual impact of the changes ensuring the building will continue to read as 'background'. As a result of these factors, the historic buildings on and adjacent to the site, including those lining Pentonville Road and York Way will continue to retain their visual dominance and prominence. The proposed changes to this building, as with the Laundry Buildings, have been designed to create enhanced commercial spaces throughout with ground floor interventions designed to contribute greatly to an enriched and legible public realm.
- 8.21 **Conservation Officer:** No objection to the proposals. The impact of the proposed increase to height and mass on the character and quality of the Conservation Areas and adjacent heritage assets, including the Grade I Kings Cross Station, has been more appropriately considered since the initial pre-application proposals and changes have been made to the scheme including a reduction to height and mass to both buildings. The changes are considered to cause less than substantial harm

to the setting of heritage assets and therefore the applicants have been advised to engage paragraphs 200-202 of the NPPF (2021).

8.22 In response the applicants have provided a revised heritage statement which engages paragraphs 200-202 of the NPPF.

8.23 **Energy Officer:** No objection to the proposal subject to condition (2 3) requiring the submission of further information relating to potential improvements to energy efficiency specifications and potential increase to solar PV capacity.

8.24 **Sustainability Officer:** No objection to the proposals following the applicant's responses and amendments, plans demonstrating geocellular storage is unviable, and additional responses relating to:

- Clarification regarding reducing the surface water runoff rates beyond offsetting the increase in foul water flows. The applicant responded:
The only place where it is feasible to introduce attenuation on Times House and Laundry Buildings is as blue roof on Times House. This roof is very structurally constrained as it is building on top of existing structure and existing foundations. The calculation on flow rates was carried out at design stage and showed that the amount of blue roof attenuation required to offset the increase in foul water flow was already the maximum that the structure could accommodate, and it would not be possible to increase attenuation further.
- This response has been accepted by the Sustainability Officer.
- Evidence of the structural limitations imposed by the existing structure and foundations (i.e. the weight the structure can support etc.) should be provided to determine if there are further opportunities for blue roofs or attenuation tanks. Details have been provided. The officer has accepted the applicant's response.
- Opportunities to incorporate tree pits to enable an increase in the urban greening factor. The officer has accepted the applicant's response.
- Recommends the incorporation of bat and bird boxes at design stage to ensure that integrated bricks/boxes are used where possible. This is secured by condition (9).
- Requests clarification as to whether rainwater and grey water recycling has been considered. The officer has accepted the applicant's response.
- The proposed green roof areas are welcomed and notes that green roof will be installed under and around PV panels which is welcomed. However requested clarification as to whether there will there be any scope for additional green roof areas and whether there is scope to use any of the proposed roof terrace areas as dedicated green roof areas. The officer has accepted the applicant's response.

8.25 **Environmental Pollution Policy Projects Officer:** No objection to the proposal subject to conditions requiring a scheme for the management of noise from the Class E(a, b) / Sui Generis uses prior to occupation (13), setting a noise limit to control the proposed plant equipment (11) and a condition to demonstrate

compliance with the condition (12), limitations on the hours of operation of the proposed roof terraces.

The Construction Management Plan condition (5) should require the inclusion of measures set out by the Air Quality and Dust Assessment and should adhere to the guidance of Islington's CoPCS.

- 8.26 **Highways Officer:** No objection to the latest details in the application following receipt of additional information relating to delivery and servicing and disabled/mobility parking, and the relocation of external cycle stands. Requests conditions and planning obligations relating to the provision of external cycle parking (4), secure lockers and changing facilities, ensuring the development is car free, plus planning obligations including the requirement for a Framework Travel Plan and highways reinstatement. The officer has commented that the proposed arrangements in the submitted construction traffic management plan which require the footway on the eastern side of York Way to remain open will be required to be revised during the discharge of condition (5) post decision.
- 8.27 **Public realm (Waste Management):** No comment received.
- 8.28 **Inclusive Economy Team:** No objection to the securing of affordable workspace secured through a S106 legal agreement for application P2021/2270/FUL.
- 8.29 **Transport Planning:** No response received.
- 8.30 **Nature Conservation:** Raised initial queries on planting which can be secured by condition (28) and comments on recommendations in the PEAs relating to installation of bird and bat boxes. This can be secured by condition (9).
- 8.31 The Nature Conservation Officer confirmed their acceptance of the details in the submitted Bat Mitigation Close Down Report.
- 8.32 **Tree Officer:** No objection subject to the imposition of a tree protection condition (32).
- 8.33 **Building Control Officer:** Raised queries regarding the initial Fire Statement and the revised Fire Statements. In response to these queries a further revised Fire Statement has been received providing details and plans responding on all matters raised including:
- Means of escape;
 - Smoke ventilation to the basement;
 - Access for fire appliances and position of existing dry risers.
- 8.34 The details in the latest submitted fire statement are secured by condition 35
- 8.35 **Licensing Officer:** Notes that these premises are in the Kings Cross Cumulative Impact Area. There are a high number of outlets for alcohol in the vicinity and there is a potential impact on residents living in the area, by way of anti-social behaviour, noise and nuisance, caused by customers and delivery staff. The Licensing

Authority has recommended opening and closing times which have been secured by condition **20**.

Interested Parties

- 8.36 **Islington Society:** Objects to the additional storeys on the top of Times House as this will overwhelm these buildings and devalue their setting, in contravention of paragraphs 21.7, and 21.9 of the Kings Cross Conservation Area Design Guide with reference to the hierarchy of scales northwards from Pentonville Road. The proposals are considered to do unacceptable damage to the scale of the area, the setting of the locally listed buildings on York Way and Caledonia Street, and to the Conservation Area. The additional retail units behind the Laundry Building which will interrupt the view and permeability in the yards and passage ways leading to the back of the building. (**officer comment:** During the course of the application the scale and massing of the roof extension to Times House, adjacent to Caledonia Street has been revised to reduce the visibility from within the Kings Cross Conservation Area and also from within the Keystone Crescent Conservation Area. See images 36, 37 and 42. Officers have given a detailed and careful consideration of the impact of the proposals on the surrounding heritage assets in accordance with the requirements of paragraphs 195, 200 and 202 of the NPPF and given special regard to the impact on the setting of the Listed Buildings and the conservation areas, in paragraphs 10.17 4 to 10.194 and images 34 to 42. Officers consider the harm to heritage assets to be less than substantial and have undertaken a balancing exercise against the public benefits of the scheme at paragraphs 10.20 9 to 10.21 3. The proposed works to reconfigure Times Yard improve the connectivity between Bravington's Walk and Times Yard and Laundry Yard. This is show in images 27 to 31).

9 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & 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.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 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.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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

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

Emerging Policies

Draft Islington Local Plan

- 9.9 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021.
- 9.10 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).
- 9.11 Emerging policies that are relevant to this application are set out in **Appendix 2**:

Designations

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:
- Locally Listed Building - Laundry Building
 - Central Activities Zone
 - Archaeological Priority Area - Battlebridge Medieval Settlement
 - Core Strategy Key Area – Kings Cross & Pentonville Road
 - King's Cross Conservation Area (CA21)
 - King's Cross Employment Growth Area
 - Mayors Protected Vistas LLAA2 - Parliament Hill summit to St Paul's Cathedral
 - Mayors Protected Vistas VC2 - Parliament Hill summit to St Paul's Cathedral
 - Rail Safeguarding Area - Crossrail 2
 - Rail Safeguarding Area - Channel Tunnel Rail Link
 - Site within 100m of a SRN Road

- Site within 100m of a TLRN Road
- Within 50m of Keystone Crescent Conservation Area (CA14)
- Within proximity to Grade II Listed Buildings at 7 Caledonian Road
- London Underground Zones of Interest
- Article 4 Direction A1-A2 (Borough wide)
- Article 4 Direction B1(c) to C3 (CAZ)

9.13 The relevant SPGs and/or SPDs are listed in **Appendix 2**.

10. ASSESSMENT

10.1 The main issues for consideration are:

- Principle of Development
- Land Use
- Affordable workspace
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Biodiversity, Landscaping and Trees
- Energy and Sustainability
- Highways and Transportation
- Safety and Security
- Fire Safety
- Resident Engagement/Consultation
- Planning Obligations and CIL
- Planning Balance Assessment

Principle of Development

10.2 The existing buildings were consented as part of a redevelopment approved in 2002 (ref: P000434). The existing buildings positively contribute to the local economy in terms of its supply of office floorspace and include flexible use units comprising of retail, restaurant, bar, gym or event space uses, and a unit with gym use. As a result of the planning history of the site, the buildings within the site have the following lawful uses:

- Laundry Buildings - Class E(g)(i) Office Use.
- Times House:
 - Sui Generis' flexible Use for Retail, Restaurant and Bar, Gym or Event Space on the ground floor of the eastern element;
 - Class E(g)(i) Office Use on the upper floors; and
 - Class E(d) Gymnasium Use on the ground floor and basement of the western element

10.3 The new London Plan (LP) Policy GG2 states that development proposals should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

10.4 The proposal would primarily extend (increase the floorspace) and improve the

quality and efficiency of the existing floorspace within the building as well its flexibility of use and is acceptable in principle. The proposed commercial development is considered to be supported by national, regional and local planning policies, mainly due to the site's central and highly accessible location.

10.5 The proposals include the provision of additional Class E(g)(i) office floorspace within a local employment area and the Central Activities Zone (CAZ), both of which promote additional office floorspace. Overall, the scheme will provide 1,723.6 sqm of additional office floorspace. Whilst also upgrading the existing office space to provide a total of 7594.2sqm.

The inclusion of eight commercial units on the ground floor including- 1x flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit,
 - 3 x Flexible Class E (b) food/drink and Sui Generis bar/drinking establishment units and
 - 4 x Class E (a) retail units

10.6 The proposals seek to provide active complementary and supportive uses to the predominant office use and active frontages to York Way, Caledonia Street, Laundry Yard and Bravington's Walk. Overall, the scheme will provide 172.3sqm of retail use and 887.7sqm of flexible food/drink / Sui Generis bar/drinking establishment use, and a flexible active use of 296.4sqm fronting onto York Way.

10.7 The principle of the development is therefore acceptable and accords with the National Planning Policy Framework's presumption in favour of sustainable development, subject to the other material considerations below.

Land use

Existing Use

10.8 Times House has an existing Class E(g)(i) office use at ground to fourth floors. At ground floor Times House has 2no. flexible Class E use units for retail (a), restaurant (b) and bar (sui generis), gym (Class E(d)), or event space (sui generis), and 1no. unit as a gym (Class E(d)) fitness use. Laundry Building has an existing Class E(g)(i) office use.

10.9 The existing building comprises of the following floorspace:

Times House:

Floor	Existing GIA (sqm)	Existing NIA (sqm)	Proposed Use Classes
Basement	265	N/A	E (g)(i) - Office
Basement	491	452.7	E (d) - Fitness
Ground	170.6	N/A	E (g)(i) - Office
Ground	127.8	105.7	E (d) - Fitness
Ground	661.2	503.6	Sui Generis Flexible Use for Retail, Restaurant and Bar, Gym or Event Space

First	931.8	767.2	E (g)(i) - Office
Second	922.7	756.1	E (g)(i) - Office
Third	765.0	612.2	E (g)(i) - Office
Fourth	272.7	145.4	E (g)(i) - Office
Fifth	19.1	N/A	E (g)(i) - Office
Total	4,626.9	3,342.9	

Laundry Building

Floor	Existing GIA (sqm)	Existing NIA (sqm)	Proposed Use Classes
Basement	459.6	332.3	E (g)(i) - Office
Ground	629.3	440.1	E (g)(i) - Office
First	721.9	575.4	E (g)(i) - Office
Second	712.9	564.1	E (g)(i) - Office
Total	2,523.7	1,911.9	

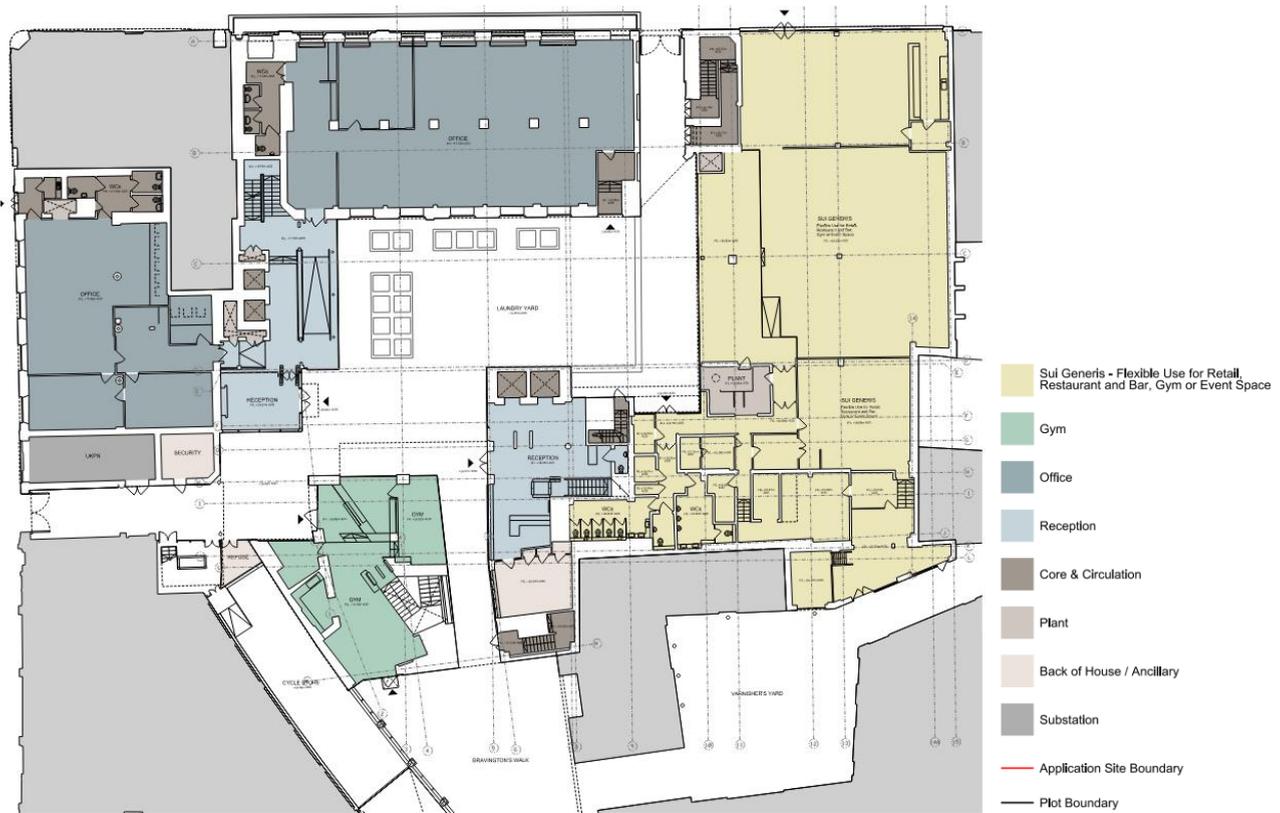


Image 22– Existing Ground Floor Layout and Uses – Times House and Laundry Building

Proposed Uses

10.10 The proposals primarily result in the provision of additional Class E(g)(i) office floorspace within the Kings Cross Employment Growth Area and the Central Activities Zone (CAZ), both of which promote additional office floorspace. Overall, the scheme will provide 1,723.6sqm (GIA) of additional office floorspace.

- 10.11 New London Plan 2021 policy E1 'Offices' 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 in areas such as the CAZ. The site is located within the Central Activities Zone (CAZ) / City Fringe area. As such, the more intensive, office-led redevelopment of the site proposed is considered acceptable. The proposal would also broadly satisfy the strategic objectives identified in the New London Plan 2021 Central Activities Zone policies SD4 which have a presumption in favour of enhancement of office space development.
- 10.12 The proposals include change of use of the existing gym to provide 4no. retail units totaling 172.3sqm of Class E(a) Retail floorspace at ground floor.
- 10.13 The proposals also include the creation of 3no. flexible use units for Class E(b) Food and Drink/Sui Generis Bar and drinking establishment uses, through changes of use. These are located at the ground floor of Times House located on the eastern side of Laundry Yard, through the change of use from Sui Generis flexible retail, restaurant, bar, gym or event space, and also at the ground floor of the Laundry Building through the change of use from office (877.7sqm of floorspace in total)
- 10.14 The inclusion of a flexible Class E office, retail, café/restaurant or fitness unit on the ground floor of the proposal seeks to provide active ancillary uses to the predominant office use and will front onto York Way. The scheme will provide 296.4sqm (GIA) of flexible Class E Retail(a), Cafe/Restaurant(b), Fitness(d) and Office(g)(i) use floorspace.

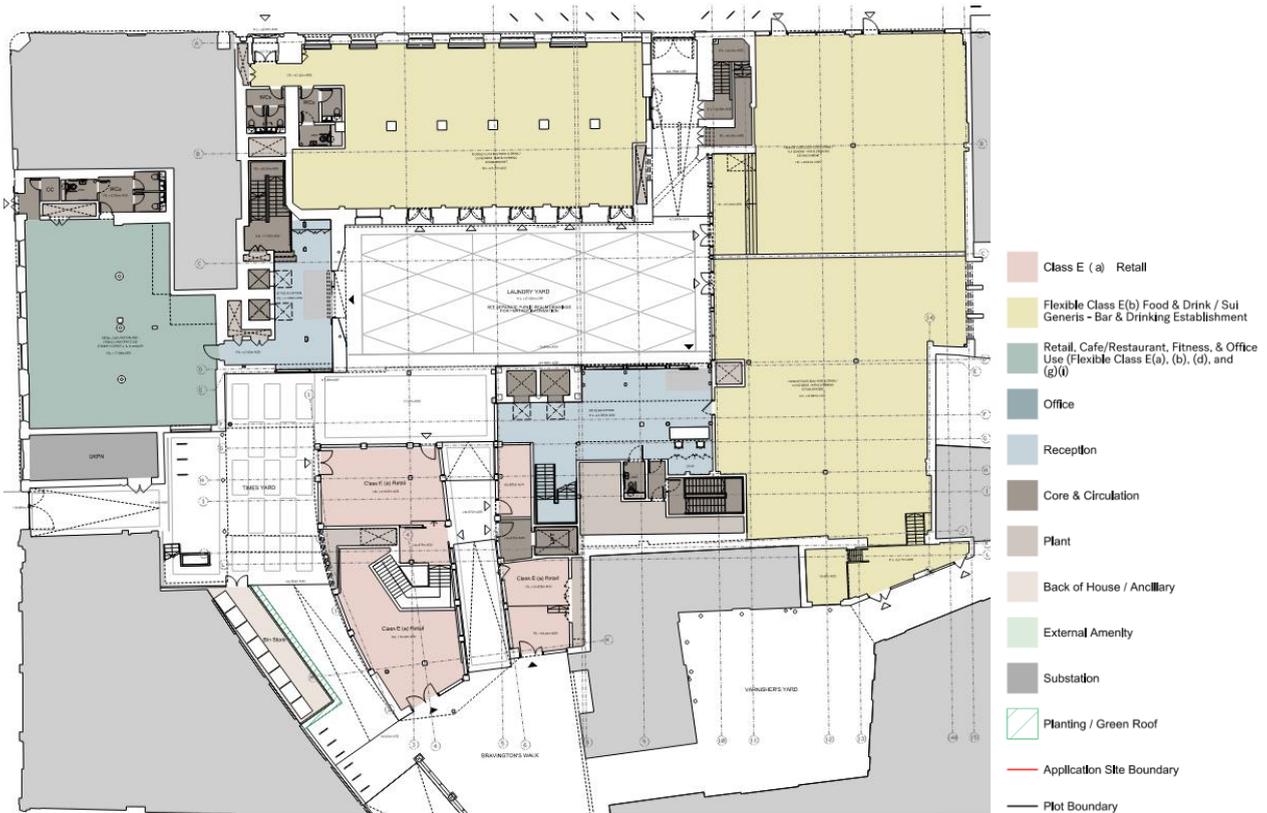


Image 23 – Proposed Ground Floor Layout and Uses – Times House and Laundry

Building

- 10.15 The application site is not allocated within the Local Plan, however, it is located within the Central Activities Zone (CAZ), with policies applying that encourage office development.

Intensification of commercial use

- 10.16 The proposals under this application would redevelop the site to provide a total of 8,654sqm (GIA) of commercial floorspace. It is estimated that the proposed development would generate approx. 540 full time jobs on site, a significant uplift from the existing building (approx. 393 jobs).

	Commercial floorspace in sqm (GIA)	Estimated no. jobs (FTE)
Existing	715 1	393
Proposed	8,654	540
Change	+1,5 03	147

- 10.17 The principle of the provision of new employment floorspace at this location is supported by the Development Plan, due to the site's commercial context and its central and highly accessible location. LP policy SD4 notes that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.
- 10.18 LP Policy SD5 states that within the CAZ, offices and other CAZ strategic functions are to be given greater weight relative to residential development, except sites that are situated within wholly residential streets or predominantly residential neighbourhoods. This is further supported by LP Policy E1 which supports the increases in current stocks of office floorspace within the CAZ, and improvement to the quality, flexibility and adaptability of office floorspace (of different sizes), through new office provision and refurbishments.
- 10.19 Islington's Core Strategy (ICS) Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ. This is supported by Policy CS6 which sets out the spatial strategy of Kings Cross, which is expected to accommodate growth in jobs from B-use floorspace, with York Way and Pentonville Road identified as 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.
- 10.20 Within Employment Growth Areas, Islington Development Management Policy DM5.1, part A, encourages intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:
- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and

ii) a mix of complementary uses, including active frontages where appropriate.

- 10.21 Part E of the policy, requires that major developments within the Central Activities Zone (CAZ) that would result in a net increase in office floorspace should also incorporate housing consistent with London Plan Policy 4.3. This policy was based on clear direction on this issue in the 2011 London Plan, which was subsequently carried over into the 2016 London Plan. This policy has now been replaced in the London Plan 2021 by Policy SD5.
- 10.22 The London Plan 2021 (policy SD5) no longer requires a mix of uses; clarifies that new residential development should not compromise the strategic functions of the CAZ; and that offices and other strategic functions should be given greater weight relative to residential development (with the exception of wholly or predominantly residential areas and other specified locations). The London Plan clarifies that the principle of 'greater weight' is designed to ensure that the agglomerations of offices and other CAZ strategic functions are not compromised by new residential development and that this applies to London Plan preparation and development management^{1[1]}. T
- 10.23 Development Management Policy DM5.1 forms part of the adopted Development Plan to which appropriate weight should be given, seeks the provision of housing as part of mixed use commercial developments within the CAZ. In this regard, a financial contribution of £234,413.33 towards the delivery of affordable housing has been secured as part of this legal agreement.
- 10.24 The site is located within the area designated as Priority Employment Location (PEL) in policy SP2 King's Cross and Pentonville Road, in the emerging SDMP. Part A of SP2 sets out that within these locations 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. Part B seeks maximisation of office floorspace in the King's Cross Spatial Strategy area could support the expansion of the 'Knowledge Quarter' in Islington, and advance the development of a commercial corridor along Pentonville Road/City Road. Part C identifies that a broad range of business floorspace typologies are suitable within the Spatial Strategy area, including Grade A offices, hybrid space, and co-working space. The proposed uplift and alterations to the existing office floorspace, resulting in a primarily office redevelopment of the existing office floorspace is considered to accord with the requirements of this emerging policy and designation.
- 10.25 Emerging Local Plan policy B1 'Delivering a range of affordable business floor space' states that new office floor space should be located within the CAZ and *that "proposals in these areas must maximise the amount of new business floor space; proposals which do not demonstrate maximisation will be considered to be an inefficient use of a site and will be refused."*
- 10.26 Therefore, it is considered that the proposed intensification of commercial use is acceptable in land use terms, having regard to the Development Plan and the emerging Local Plan and the cascade of policies from the London Plan, Islington Core Strategy, and Development Management Policies , as such would make an

^{1[1]} Paragraph 2.5.3

efficient use of this brownfield site as well as providing an increase in jobs. 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.

Mix and balance of commercial uses

- 10.27 LP Policy SD5 states that mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices.
- 10.28 The proposed development comprises of some flexible commercial uses on the ground floor in addition to primarily retaining the existing office floorspace. The proposed uses across each floor are as follows:

Times House

Floor	Proposed GIA (sqm)	Proposed NIA (sqm)	Proposed Use Classes
Basement	715.9	N/A (85%=608.5)	E (g)(i) - Office
Ground	235.1	N/A (85%= 199.8)	E (g)(i) - Office
Ground	172.3	139.7	E (a) - Retail
Ground	590.4	579.1	Flexible E(b) Food & Drink/Sui Generis Bar & Drinking Establishment
First	1,044.6	897.8	E (g)(i) - Office
Second	1,030.5	898.0	E (g)(i) - Office
Third	998.8	830.5	E (g)(i) - Office
Fourth	820.4	676.0	E (g)(i) - Office
Fifth	548.7	438.9	E (g)(i) - Office
Sixth	7.7	N/A	E (g)(i) - Office
Total	6,164.4	5,268.3	

Laundry Building

Floor	Proposed GIA (sqm)	Proposed NIA (sqm)	Proposed Use Classes
Basement	459.6	160.7	E (g)(i) - Office
Ground	297.3	263.1	Flexible Class E (b) Food & Drink / Sui Generis - Bar & Drinking Establishment
Ground	296.4	220.2	Flexible Class E: (a) Retail, (b) Café/Restaurant, (d) Fitness, and (g)(i) Office
First	721.3	622.5	E (g)(i) - Office
Second	715.2	615.0	E (g)(i) - Office
Total	2,489.8	1,811.5	

- 10.30 Based on the tables above, the application (combining works to both Times House and Laundry Building) results in the following percentages of use:

Use	Percentage of Floor area (NIA)
Office	84.1%
Flexible commercial including office	3.1%
Flexible Class E (b) Food and drink / sui generis – Bar & Drinking Establishment	11.8%
Retail	1.97%
Total	100%

10.31 It is acknowledged that the office use elements of the current building is likely to be able to (subject to compliance with certain criteria and correct procedures) be changed into another use under Class E without planning permission. Given the concentration of jobs in the CAZ, even a small proportional decrease in office floorspace would have a significant impact on the borough's economy. Business clusters can be undermined by gradual losses of business floorspace, including to other Class E uses, which will have wider negative impacts on the agglomeration benefits that can be created in these areas with the concentration of business floorspace.

10.32 In light of the introduction of Class E within the Use Class Order back in September 2020, the council is minded to restrict the permitted use for this site, should planning permission be granted; the intention is to prevent any unacceptable loss of office floorspace hereby approved in the future. 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 floorspace, and would clearly conflict with the strategic objectives of the Development Plan highlighted above.

10.33 Each of the proposed flexible uses are assessed individually, below:

Class E (a) – Retail

10.34 The existing 2no. sui generis units in Times House include flexible Sui Generis Flexible Use for Retail, Restaurant and Bar, Gym or Event Space, capable of providing a maximum of 503.6sqm of retail floorspace (NIA).

10.35 The proposal includes change of use from gym to create 4no. retail units in Times House plus the active flexible use in Laundry Building includes retail use under Class E(a) at the ground floor level.

10.36 Currently the existing ground floor units within Times House include consent for retail use as part of the sui generis flexible use floorspace which covers an area of 503.6sqm of floorspace. The proposed ground floor units and flexible use unit, could provide maximum of 359.9sqm NIA of retail floorspace on site. Therefore the proposals would result in a reduction of up to 143.7sqm NIA retail floorspace within the existing sui generis flexible use. However, within this proposed floorspace, the proposals result in the provision of 139.7sqm NIA of guaranteed retail floorspace.

10.37 Whilst there is an overall reduction in potential retail use floorspace as part of

flexible uses, there is now a guaranteed provision of retail units, bringing forward 4no. small scale retail units. The site is not within a designated shopping centre or town centre, and it does not unreasonably hinder or compromise the office-led development on site. LP CAZ policy SD4 states that the vitality, viability, adaption and diversification of the international shopping and leisure destinations of the CAZ retail clusters, including locally oriented retail and related uses should be supported. Therefore whilst noting the proximity to the local shopping area on Caledonian Road, given their small scale, the proposed changes to retail floorspace are not considered to conflict with the overarching aims of the development plan.

Promoting Town Centre Uses

- 10.38 ICS Policy CS14 set out that the borough 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.
- 10.39 Policy DM4.4 (Promoting Islington's Town Centres) seek to maintain and enhance the retail and service function of the borough's town centres. Part B states: 'For applications proposing more than 80sqm of floorspace within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses within the Central Activities Zone, Part A does not apply. Applications for such uses within the Central Activities Zone must demonstrate that:
- i) the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability;
 - ii) proposed uses can be accommodated without adverse impact on amenity; and
 - iii) the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.
- 10.40 Part A (ii) of policy DM5.1 requires proposals for the redevelopment of existing business floorspace, within the Employment Growth Areas, to incorporate a mix of complementary uses, including active frontages where appropriate.
- 10.41 Policy R3 'Islington's town centres' of the emerging SDMP policies also allows development of retail and leisure in the CAZ if it does not harm the vitality and viability of town centres, does not harm local amenity, and does not involve loss of existing business floor space or the business focus of the CAZ.
- 10.42 The Times House and Laundry Buildings site already comprises a total of 1,280 sqm of existing town centre uses on the site including 618.8 sq m of Class E (d) gym floorspace and 661.2 sqm (GIA) of Sui Generis - flexible town centre uses (retail, food and drink, gym and event space). The proposed floorspace for guaranteed town centre uses is 1,060 sqm and will result in a decrease in guaranteed town centre uses on the site. However the flexible active unit fronting onto York Way includes town centre uses (retail, café/restaurant and fitness) or office floorspace. The unit could therefore bring forward an additional 296.4sqm (GIA) of Town Centre uses which would ensure no net loss of town centre uses on the site (minor uplift of 76sqm).

- 10.43 As a result, in the worst case scenario, the minor uplift in town centre uses on the site is not considered to have a materially adverse impact on the vitality and viability of the nearby Kings Cross Local Shopping Area or Angel Town Centre, and therefore does not raise a conflict with DM4.4)B)i) when compared to existing uses provided on the site.
- 10.44 The proposed town centre uses are cited either in units with existing town centre uses within the ground floor of Times House, or in the Laundry Building which is not located adjacent to residential uses, noting the closest residential units are within Joiners Yard to the east of Times House and on the upper floors at 12-18 York Way, fronting onto York Way. Therefore whilst the amenity impacts of the proposals are considered later in this report, the principle of the proposed uses is not considered to raise amenity impacts and therefore does not raise conflict with DM4.4)B)ii).
- 10.45 Part iii) of DM4.4(B) requires the proposals to support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages. The proposed mixed uses are considered to complement other uses within the CAZ, and the retail frontages and are therefore acceptable on this basis.
- 10.46 Having reviewed the position and layout of the proposed ground floor units, it is considered that the proposed retail uses both within the proposed flexible uses and separately, would be acceptable and wouldn't raise a conflict with the adopted policies outlined above. The ground floor front units are considered to meet the council's objectives set out in IDMP policies DM4.1, DM4.4, DM5.1 and the draft (emerging) Strategic Development Management Policies (SDMP) policy R1 in promoting and maintaining small and independent shops.
- 10.47 Although the site does not have any retail designations within the Development Plan, it is located in close proximity to the Kings Cross Local Shopping Area on Caledonian Road, and it is considered that the proposed retail units on the ground floor would not unacceptably impact on the vitality of this shopping area and therefore accords with the aforementioned policies.
- 10.48 It is accepted that the proposed development would represent an improvement to the existing building in terms of appearance, as well as the provision of active frontages at street level, which would positively contribute to the attractiveness and vibrancy of the area. (Further design considerations are discussed in the Design, Conservation and Heritage section below)
- 10.49 The amenity impact of the proposed retail use is discussed in the Neighbouring amenity section below. In short, it is considered that, the proposed retail use is considered to have an acceptable impact to the commercial nature of the building and would positively contribute to the surrounding area as well as the CAZ.

Class E (b) – Café/Restaurant

- 10.50 The proposed café/restaurant uses are considered to fall under "retail and services" in policy terms, as it was formerly under Class A3 and is controlled by the relevant retail policies.

- 10.51 Policy DM4.3 (Location and Concentration of Uses) states that proposals for cafés, restaurants and other similar uses will be resisted where they: i) Would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or ii) Would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 10.52 The provision of restaurant use is, similar to retail, broadly supported by the Development Plan policies due to the commercial nature of the site and the area; and as mentioned above, the close proximity to the LSA would mean that the proposed restaurant use would complement with the other retail/eateries uses within the area and would be compatible in land use terms.
- 10.53 On the other hand, restaurants are also considered to be an entertainment and night-time use which can contribute positively to the vitality and vibrancy of the CAZ, where such use would be supported where no significant adverse impacts would arise.
- 10.54 Whilst the proposed flexible uses could bring forward a maximum of 4no. restaurant units across the ground floors of Times House and Laundry Building, there are existing consents for restaurant uses within Times House. The proposed additional restaurant uses support the existing surrounding Town Centre uses and office uses, and would not result in an unacceptable concentration of such uses given the location.
- 10.55 The location of the flexible use units on the ground floor of Laundry Building is not considered to result in unacceptable disturbance or detrimentally affect the amenity, character and function of the area, should they be occupied by restaurants. Therefore the proposals are not considered to raise conflict with the requirements of criteria i) and ii) of DM4.3 (Location and Concentration of Uses).
- 10.56 The amenity considerations of the proposed restaurant uses is further discussed in the Amenity section below. In short, the proposed restaurant use is considered acceptable in terms of amenity impact, subject to restriction on hours of use to prevent unacceptable late-night uses (**condition 20**).
- 10.57 Officers also recommended a condition to request further technical details in regard to the sound insulation and odour control measures, to be submitted and agreed prior to any commencement of restaurant uses on site (**condition 10**). As the proposal is sought for flexible uses where the future tenants are currently unknown, this is considered to be a reasonable approach.
- 10.58 Therefore, it is considered that the proposed restaurant uses on the ground floor levels of the Laundry Building as proposed, and Times House as already consented, would be acceptable in land use terms and would positively contribute to the night time economy activities in the CAZ as a dynamic and attractive place, whilst being suitably controlled to mitigate unacceptable impacts.

Class E (d) - indoor sport, recreation or fitness

- 10.59 This use class allows the ground floor unit of the Laundry building to be used for “*indoor sport, recreation or fitness*” principally to visiting members of the public,

provided that they do not involve motorised vehicles or firearms.

- 10.60 The Development Plan makes specific reference to leisure uses which this new subclass falls within. Formerly recognised as a D2 use, the adopted Local Plan states that leisure uses within the Central Activities Zone may be appropriate where these would not detrimentally affect the vitality and viability of Town Centres and/or local amenity (para 4.27 of the IDMP).
- 10.61 It is considered that the proposed E(d) uses are acceptable in land use terms, subject to the acceptability of the amenity impact which this particular use may generate.
- 10.62 Gyms and fitness centres often rely on provision of additional air conditioning, and use of amplifiers for music in support of their operations. Moreover, additional noise mitigation measures are likely to be required for these uses due to their frequent use of exercising equipment such as heavy weights, in which further provisions of noise insulation are required to make the use acceptable and to protect the neighbouring living conditions.
- 10.63 The hours of operation of these leisure uses are also required to be controlled to minimise the noise and disturbance to the surrounding neighbours during night time and early morning. The closest neighbours are located on the upper floors of the adjacent building on the upper floors at 12-18 York Way, fronting onto York Way.
- 10.64 Overall, it is judged that the proposed leisure use is acceptable in land use terms, provided that the operation would not adversely affect the living conditions of the neighbours, which are proposed to be controlled by conditions (13).

Sui Generis Bar & Drinking Establishment

- 10.65 The proposals result in the creation of three flexible Food and Drink (Class E (b)) and/or Bar/Drinking Establishment (Sui Generis) units. Two flexible use units would occupy on the ground floor of Times House where there is an existing lawful flexible use for restaurant and bar. The third flexible use unit would be located on the ground floor of Laundry Buildings.
- 10.66 The use as bar and drinking establishment of this additional unit, as a Town Centre use will support the new office users as there will be an increase in the number of people working in this location, and complement the evening uses currently in Varnisher's Yard and along Pentonville Road which has a vibrant night time economy. Therefore subject to an acceptable impact on amenity, the additional unit would not raise conflict with the Town Centre policy DM4.4 as outlined earlier in this assessment.

Land Use Summary

- 10.67 Taking into account the fallback position of the existing site under Class E. Whilst the flexible commercial uses do not generate the same level of employment as office floorspace, they are still important for the functioning of the CAZ, and would positively contribute to economic growth, and would support uses for the primary

office function of the site and the surrounding area.

- 10.68 In this instance, subject to the appropriate conditions (**15, 16 and 17**) to restrict the uses of the building to the proposed use(s) to prevent any unacceptable change of use without planning permission in the future, it is considered that the proposal would have an acceptable balance of uses and would positively contribute to the local economy in terms of its supply of office floorspace and economic functions.
- 10.69 The proposed office development would provide a large uplift of employment floor space to the area, for which there is high demand and a significant shortfall, and would positively contribute to the stock of office floorspace within the borough, which is supported by the national, regional and local policies.
- 10.70 The development would also, in accordance with policy CS13 and the Planning Obligation SPD, provide an appropriate amount of on-site opportunity or off-site financial contribution to support local employment, skills development and training opportunities, by providing construction training opportunities on site during the development phase (2 placements or £10,000 of financial contribution), and jobs and training opportunities including apprenticeships from developments (financial contribution £25,114). The proposals also include an off-site contribution towards housing (£234,413.33) in accordance with the mixed use policy as set out in policy DM5.1.
- 10.71 Overall, it is the view of officers that the proposed development would be acceptable in land use terms, subject to compliance with other Development Plan policies.

Affordable Workspace

- 10.72 The London Plan (2021) policy E3 states that in defined circumstances, 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 such as:
- 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises
 - 2) for specific sectors that have cultural value such as creative and artists' workspace, rehearsal and performance space and makerspace
 - 3) for disadvantaged groups starting up in any sector
 - 4) supporting educational outcomes through connections to schools, colleges or higher education
 - 5) supporting start-up and early stage business or regeneration.
- 10.73 Part B of Policy E3 states that considerations should be given to the need for affordable workspace based on:
- 1) where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site
 - 2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and

medium-sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)

- 3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.

- 10.74 Under the current Local Plan, Policy DM5.4 of the Council's Development Management Policies (2013) states that major development proposals for employment floorspace within Employment Growth Areas and Town Centres must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. The supporting text for Policy DM5.4 establishes that a minimum of 5% of employment floorspace should be provided as affordable. Part D of the policy states that where affordable workspace is to be provided, evidence should be submitted to demonstrate agreement to lease the workspace at a peppercorn rate for at least 10 years to a council-approved Workspace Provider.
- 10.75 The emerging Local Plan (SDMP) policy B4 (Modifications for consultation - March 2021) states that within the CAZ and Priority Employment Locations, major development proposals involving office development must incorporate at least 10% affordable workspace (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years. The policy is currently at draft stage and can be afforded limited weight.
- 10.76 The supporting texts for Policy B4 (para 4.47) further outlines that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to all redeveloped, refurbished and/or extended space, regardless of the fact that there is existing floorspace. For proposals solely involving extension of floorspace with no change to existing floorspace, the requirement can be considered to apply to the new floorspace only. It is noted that the proposed development would amount to a full redevelopment of the site building with substantial building works.
- 10.77 Officers noted that the emerging policy B4 can only be afforded limited weight, reflecting the stage the emerging local plan is at and the number of objections received.
- 10.78 It is proposed to provide the entirety of the existing commercial unit at 34b York Way, which amounts to the provision of 388sqm of dedicated affordable workspace, secured at peppercorn rent for a period of 10 years. Service charges will also be reduced to 50% of market levels. The Council would subsequently lease the space to a Council-approved operator. This would be secured as part of a S106 Agreement for the application and is also tied to the separate s106 application P2021/2270/FUL at 34 York Way (Jahn Court) and 34b York Way (The Hub), within Block C located to the north of the site. In order to ensure this is delivered and the benefit weighing in favour of this scheme being timely provided, should this application be approved, no occupation of any of the approved uses shall take place until the delivery of the affordable workspace.
- 10.79 The proposal works in the current application amount to an uplift of 1427.2 sqm of guaranteed office floorspace. The linked application at Jahn Court brings forward

an uplift of 2,315.7sqm of guaranteed office floorspace. The two linked applications bring forward an uplift of 3742.9 sqm of guaranteed office floorspace in addition to other commercial uses.

- 10.80 Therefore, taking the current and emerging local plan into account, it is considered that an on-site affordable workspace unit based on 10.4% of the uplift of guaranteed office floorspace at peppercorn rent for ten years would be acceptable. The Council's Inclusive Economy Team has confirmed its support for the proposals.
- 10.81 Post decision, the procurement exercise to secure the occupier of the affordable workspace hereby approved, will be based on the social value assessment and associated criteria undertaken by the Council's Inclusive Economy Team. The workspace will be secured as per the agreed Heads of Terms. Whilst the existing occupier is able to apply, they will be considered as part of the procurement process against the same criteria as any other applicant. The occupier is not a material consideration that informs the decision.
- 10.82 It is considered that the provision of affordable workspace is a public benefit which weighs in favour of the proposal.
- 10.83 In the event that the concurrent application (Jahn Court/ Block C) was refused then this application would deliver no affordable workspace (as provision is within the associated planning application). As such a HoT is recommended that in the event of refusal of the associated planning application, but approval of this application, provision of affordable workspace to a minimum of 5% of the uplift in floorspace (amounting to 86.2sqm) for a period of at least 10 years with a 50% service charge reduction will be identified and provided to the Council on a peppercorn rent.
- 10.84 Overall, the proposal would also make a positive contribution of affordable workspace via the provision within the associated planning application (or a subsequently agreed reduced space in the event the associated application is refused), which would meet the council's objectives on inclusive economy. The proposed affordable workspace would be in accordance with the adopted policies and is considered to be a public benefit of the scheme.

Design, Conservation and Heritage

Policy context

- 10.85 Paragraph 126 of the NPPF (July 2021) highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.86 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.

- 10.87 Paragraph 133 goes on further to state that in assessing applications, 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.
- 10.88 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.89 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.90 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.91 Paragraph 203 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.
- 10.92 Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.93 In terms of conservation area and heritage asset, the Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (section 72); it also requires decision maker to have special regard to preserve or enhance the significance of heritage assets through the planning process (section 66).
- 10.94 PPG paragraph 013 Reference ID: 18a-013-20190723 states:
[...When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...]

London Plan

- 10.95 LP Policy D3 states that development must make the best use of land by following a design-led approach that optimises the capacity of sites, to ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.96 In terms of design and heritage considerations, LP Policy D3 part D states that development proposals should:
- enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
 - 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;
 - 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.
- 10.97 Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, 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.
- 10.98 Policy D9 states that based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 10.99 Paragraph 3.9.3 states that tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. Boroughs should define what is a 'tall building' for specific localities, however this definition should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 10.100 Policy HC1 (C) 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.

Local Plan

- 10.101 The national and regional policies are supported locally by ICS Policy CS6 (Kings Cross) which states that much of the area has significant character value, contains a number of heritage assets and The area's historic character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.
- 10.102 ICS Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.
- 10.103 Part E of the policy states that tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported.
- 10.104 IDMP 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.
- 10.105 Paragraph 2.18 of the IDMP states that tall buildings, as referred to in Part C of Policy DM2.1, are defined as over 30m in height.
- 10.106 IDMP Policy DM2.3 (Heritage) requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The council requires new developments within Islington's conservation area settings to be of high quality contextual design, and the policy states that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part C of the policy states that the significance of Islington's listed buildings is required to be conserved or enhanced; new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted. Part E of the policy states that Non-designated heritage assets, including locally listed buildings and shopfronts, should be identified early in the design process for any development proposal which may impact on their significance and that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 10.107 IDMP Policy DM2.5 states that St. Pancras Station and Hotel (Chambers), in Camden, is also an important local landmark and views of it from Islington will be protected.
- 10.108 Moreover, the Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and

facilities, and shopfront design. Paragraph 5.20 includes a requirement for the layout of all new development to deliver permeability, consistent building lines, animation and an appropriate height to width relationship between the building frontage and the street. Paragraph 5.69 includes a requirement for an appropriate height to width ratio to complement and relate to the prevailing townscape.

- 10.109 The Kings Cross Conservation Area Design Guidelines (CADG) (2002), paragraph 21.2 identifies that the most important qualities of this conservation area deserving of protection and enhancement include: the contemporary impact of the railways; the variety and scale of buildings; the variety of uses, especially at ground level; the National Set Piece including the junctions with York Way and Caledonian Road, the Lighthouse block and the curve of Grays Inn Road as it meets Euston Road. Paragraph 21.7 identifies that the existing scales of the area must be particularly respected with reference to the hierarchy of scales northwards from Pentonville Road; the national set piece; and the subordination of surrounding development to King's Cross Station.
- 10.110 Paragraph 21.9 of the CADG sets out that proposals involving alterations or extensions must respect the original design and period of the building including scale, roof and parapet line, proportions, architectural style and materials.
- 10.111 Paragraph 21.14 identifies that an important characteristic of the area at present is the survival of the largely Victorian scale and character of the area, including parapet lines, original rooflines and chimney stacks. Interruptions to this skyline by higher set back plant rooms are likely to detract from this character.

Emerging Local Plan

- 10.112 Emerging SDMP Policy PLAN1 (A) requires all forms of development 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. Part B of the policy requires development to be contextual, connected, inclusive, sustainable.
- 10.113 Policy SP2 *King's Cross and Pentonville Road*, part G states the Council will seek to improve connectivity and permeability for pedestrians and cyclists, within and across the Kings Cross area and nearby neighbourhoods, particularly east-west access. Removing barriers to movement and integrating the urban fabric are key priorities for the whole area, but particularly between the area east of York Way and King's Cross Central.
- 10.114 Part J of the policy states King's Cross has a distinct character, and the area contains a number of heritage assets, including the Regent's Canal and a number of listed buildings. The area's character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.
- 10.115 Part K of the policy states four sites in the Spatial Strategy area have been identified as potentially suitable for tall buildings over 30 metres. The application site is not one of these 4 sites.

- 10.116 Policy DH1 (A) states that Islington supports innovative approaches to development as a means to increasing development capacity to meet identified needs, while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. In this context, an innovative approach is one that contributes to the delivery of the Local Plan objectives, including making the borough an inclusive and resilient place by ensuring the design of buildings meets contemporary standards, the needs of all users and mitigates against the impacts of climate change. Part D of the policy states that the Council will conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including listed buildings, conservation areas, scheduled monuments, Archaeological Priority Areas, historic green spaces, locally listed buildings and locally significant shopfronts.
- 10.117 Policy DH2 of the SDMP part B, states that development within conservation areas and their settings – including alterations to existing buildings and new development - must conserve and enhance the significance of the area, and must be of a high quality contextual design. Part C states that Buildings, spaces, street patterns, views and vistas, uses and trees which contribute to the significance of a conservation area must be retained. The significance of a conservation area can be harmed over time by the cumulative impact arising from the loss of these elements which may individually make a limited positive contribution, but cumulatively have a greater positive contribution. Part D states that proposals that harm the significance of a listed building (through inappropriate repair, alteration, extension, demolition and/or development within its setting) must provide clear and convincing justification for the harm.
- 10.118 Part I of the policy states that non-designated heritage assets, including locally listed buildings and shopfronts, must be identified early in the design process for any development proposal which may impact on their significance. The Council will encourage the retention, repair and re-use of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset or their setting will generally not be permitted.
- 10.119 Policy DH3 of the SDMP, at part A states that buildings of more than 30 metres, will be considered to be tall buildings.

Context

- 10.120 The application site is located in a dense and fine grain urban quarter located to the east side of York Way, directly opposite the long eastern flank of the Grade I Listed Kings Cross Railway Station. It has a primary frontage onto York Way to the west with secondary frontages to Caledonia Street to the north, Caledonian Road to the east, Pentonville Road to the south.
- 10.121 While the block presents a relatively strong and coherent built form to all street edges, albeit of a mixed architectural style and quality, the spatial form to the interior is less structured. It lacks coherence and legibility. These 'interior' spaces do however have some highly positive characteristics evidenced by a series of largely 'hidden' interconnecting courtyards and lanes which present significant place making opportunities.

- 10.122 The site is sensitively located. This southern block within which this application site is located sits entirely within the Kings Cross Conservation Area. It contains a listed building, 7 Caledonian Road, to its eastern edge and a number of locally listed buildings, including the Laundry Building, changes to which are proposed within the application.
- 10.123 It is positioned within two strategic view corridors - Kenwood to St Paul's Cathedral, and Parliament Hill Summit to St Paul's although the threshold is very high in this location and the proposals sit well below it. The impact of the proposed development on these two corridors has been assessed under the application and is found to be nil.

The Ironworks – part of Locally Listed Building with Cottam House at 36-40 York Way



Image 24 – Plan of adjacent Heritage Assets within the borough (extract from Heritage Statement prepared by Turley Heritage & Townscape) (Officers note that the description of the Local Listing at 36-40 York Way indicates that the Ironworks forms part of the Local Listing with Cottam House)

- 10.124 The broader context is characterised by the urban transformation and intensification of the wider Kings Cross environs which is undergoing high quality, high density change.

Proposal

- 10.125 The application has been submitted following an extensive and collaborative pre-application process with the Council. During pre-application discussions, the scheme has been revised to address initial officer concerns over the abrupt changes in height and mass between the buildings and their existing neighbours, the impacts associated with such increased height and mass on the amenity of the small scale adjoining squares and lanes, and the lack of heritage appreciation and justification in terms of both the impact of such increases on the setting of listed buildings and the impacts on the character and quality of the conservation areas and wider public realm. A series of design workshops has been undertaken and the scheme has been revised for application stage accompanied by a more rigorous consideration in relation to the heritage constraints and opportunities and the level of harm to the setting of heritage assets has been reduced.
- 10.126 The applicant has submitted a Design and Access Statement (prepared by Piercy & Company - July 2021) including a verified views methodology, and a Heritage and Townscape Statement (prepared by Turley Heritage & Townscape) including Heritage and Townscape Appraisal, key townscape views and visual representations and methodology.
- 10.127 The proposed works comprise of:
- The partial demolition of the existing ground floor structures to the northern and western elevations of Times House, and the erection of a five storey infill extension and roof extension at fifth floor level and reconfiguration.
 - A single storey infill extension to the southern elevation of Times House at third floor to provide additional office floorspace.
 - Roof extensions at fourth and fifth floors to provide additional office floorspace, and the creation of roof terraces at first, fourth and fifth floors.



Image 25 – Aerial Axonometric View (Existing)



Image 26 – Aerial Axonometric View (Proposed)

Design Assessment of proposals
Principle of development

10.128 The changes proposed form part of a wider 'Vision' for the site with a range of interventions anticipated to be undertaken during a 10-year period. This application is one of two and forms the first phase of such changes.

10.129 The applicant states within the accompanying Vision Statement that:
"There is an opportunity to create a unique place, a creative quarter for the district and a Gateway to Islington. The new Regent Quarter will cater for the needs of the local residents and businesses and visitors from further afield and will provide a new vibrant mixed use community".

10.130 The principles of such a transformation of the site, and of the broader urban blocks, are supported. The accompanying Public Realm Report provides details for long term change, and this demonstrates how a deep analysis of the site's context has successfully informed the proposed changes. These relate to the external space of Laundry Yard, and to two buildings, Times House and the Laundry Building. The principles of change to each of these are considered below:

External Spaces - Public realm:

10.131 The works to the public realm within the Block B courtyards and around the courtyards comprise of the:

- Reconfiguration of the ground floor of Times House to open up the pedestrian link to Bravington's walk and removal of the gate and replacement of paving slabs within courtyard;
- Installation of a new bin store enclosure with planter;
- Reinstatement of the entrance to Laundry Building, including associated passages and new Times Yard;
- Installation of new paving to the threshold of Times House south elevation on Bravington's Walk;
- Installation of circular light reflectors to all covered passages, and light reflectors and painting the wall in the passage way from Caledonia Street;
- Addition of planters adjacent to Bravington's Walk and vertical planting within Laundry Yard;
- Installation of wall mounted lighting to Laundry Building and Times House;
- Installation of cycle stands across courtyards and on Caledonia Street southern pavement, including 4 located on surrounding highway (outside of red-line);
- Replacement railings to the railway cutting adjacent to Bravington's Walk.

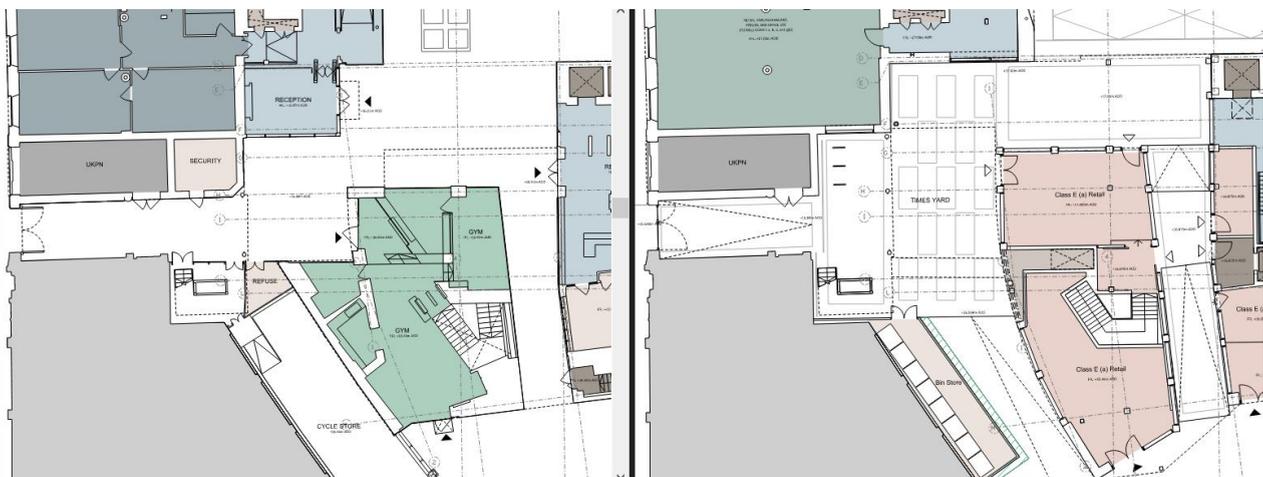


Image 27 – Existing and proposed ground floor layout changes to Times Yard

10.132 The proposals seek to enhance the public realm throughout selected areas of this densely developed, fine grain urban block by way of refining, reshaping, and re-landscaping a series of interconnected yards and alleys. It is this configuration and form that gives the site much of its character and thus such well-crafted proposals are considered to further enhance these fine qualities and characteristics.



Image 28 – Existing view west within Laundry Yard



Image 29 – Proposed view west within Laundry Yard



Image 30 - Proposed view through laundry Yard looking East



Image 31 – Proposed Times Yard View South

10.133 The proposed largely hard landscaping works will enhance that character and will not result in harm to historic surfacing materials or introduce inappropriate materials. Laundry Yard will be transformed into a more active space with a fine surface treatment to be secured by condition 3 and greatly enhanced edge conditions.

- 10.134 The interface between the (semi) public realm and the buildings that face it has been carefully addressed throughout the site with significant animation afforded through changes to configurations and ground floor elevations and uses, together with carefully crafted landscape elements from lighting to movable seating, public art locations to bollards.
- 10.135 Thus the combined materiality to the ground-scape, the public realm facilities, changes to adjacent elevations and configurations, all show a respect for the grain and historic properties of the public realm. They include extensive preservation measures while successfully animating and enriching the places and spaces with the enhanced detailed designs including the use of high quality new materials and imaginative responses.
- 10.136 The proposals represent a high quality of urban design and proposed landscape treatment which will help create a fine and intriguing urban quarter. Such changes to the public realm are considered to be of an exceptional quality and therefore supported in principle.

Public Realm Design Appraisal

- 10.137 The proposals seek to enhance the public realm throughout selected areas of these two densely developed, fine grain urban blocks by way of refining, reshaping, and re-landscaping a series of interconnected yards and alleys. It is this configuration and form that give the site much of its character and appearance and the landscaping works enhance that character and do not result in harm to historic surfacing materials or the introduction of inappropriate materials. The works are proportionate, deliver a clear public benefit and do not unacceptably alter the character and appearance of the yards, in fact they are viewed to enhance that character and appearance. It is proposed to secure the public realm improvements via condition **29**.

Built Form

- 10.138 The proposed built intervention is focused on Times House and the Laundry Buildings located in the North West corner of the broader urban block and framing all edges to the Laundry Yard and the northern edge of Bravington's Walk. The changes include extensions in height and mass at upper levels to Times House, together with extensions and/or alterations to side, rear and front elevations, new entrancing configurations including to the street edge, and some new façade treatments.
- 10.139 The buildings under consideration wrap around the Laundry Yard with the modern Times House forming the yard's southern and eastern edges, and the historic Laundry Building forming the yard's northern and western edges.
- 10.140 The design principles of the proposed changes to the built form involve:
- A sensitive 'opening up' and animation at ground floor of the Laundry building as it faces onto the publicly accessible Yard and onto Caledonia Street.
 - An elegantly designed new façade to the Laundry Yard building where it faces the yard's western edge.
 - A series of extensions and alterations to the currently modern building of Times House to the Yard's eastern and southern edges including an increase in both height and mass.

10.141 The principles of these changes are supported given they demonstrate a sensitivity and creativity required by the site and its context.

Height, bulk and mass

10.142 The proposal is to increase the height of Times House, to both its eastern and southern wings, by adding a further 1 – 3 storeys and to re-clad it. This building is a late 20th century development of limited architectural or place making qualities. The eastern wing is proposed to increase in height from 14.34m (east wing) to 22m to top of parapet and to increase the height of the west wing from 18m to 22m to top of parapet. The heights to the top of plant structure to the west wing rise from 20.87 to 24.8m and for the east wing from 17.24m to 21.85m.

10.143 The proposed new 4th and 5th floors, plus plant, are set well back from the Caledonia Street edge, limiting their impact on the public realm from this vantage point. And, as viewed from the more active York Way, the visual impact of the proposed changes to height and mass is also relatively limited given the recessed location of this building within the block. However, as viewed from the south and in relation to Kings Cross Station and environs, the proposed changes to height and mass of the Times House building are more visible. A series of revisions has been undertaken during the pre-application phase in order to reduce harmful impacts on the setting of this Grade I listed heritage asset.

10.144 These revisions included a reduction to both height and mass, refinement of the architectural treatment, and revisions to the proposed materiality of the scheme. These combined changes are considered to be successful with the enlarged building still successfully 'reading' as background development that, despite its increase in height and mass, remains visually ancillary to the impressive and historic set piece of the King Cross Station and environs as well as the historic buildings to York Way and Pentonville Road.

10.145 This recessiveness is achieved through high quality architecture that has been informed by the site's context, and includes sensitive detailing and excellent attention to materiality. As such there are no objections to the proposed increase to height and mass.

Elevational treatment

10.146 There are three component parts to be considered in respect of elevational changes and treatment. These are:

1) Laundry Yard Building

10.147 This is a hybrid building with a late 19th C Victorian façade to York Way with a more modern utilitarian façade to the rear where the building frames the western edge of Laundry Yard. It is connected to the Laundry Building by a glazed entrance and circulation core. The proposal sees the refurbishment of the building and includes a new and highly successful façade facing onto the Yard itself.

10.148 The ground floor design shows a clearly articulated new entrance. The material is a dark red brick of a similar hue to the historic brick of the Laundry Building. The upper floors are dressed in a very pale yellow brick and contain an element of unexpected yet successful drama in the form of large arched fenestration. This fenestration design directly references and is reminiscent of historical railway architecture. These

changes will contribute to the quality of the building and to the general ambience and setting of Laundry Yard.

10.149 The proposed changes to the rear elevational treatment to this building are considered highly successful and are therefore supported.

2) Laundry Building (Primary)

10.150 The primary design changes to the main Laundry Building relate to the ground floor as it faces onto the Yard. It is proposed to enlarge 4 of the 5 existing ground floor windows, extending the openings to grade and replacing them, and the existing pair of double doors, with a series of matching, gold coloured, metal framed, double door sets. A new red stone parapet is proposed which frames and visually strengthens the ground floor. It is proportionately aligned with the top of the proposed ground floor of the re-facaded Laundry Yard Building which it abuts, creating a welcomed visual and architectural unity between these two built components. The result is not only a highly attractive and enhanced façade but a means by which the public realm can be effectively animated. The changes will create a visual and physical interconnectivity between the internal and external spaces to the benefit of both the building and the quality and functionality of the 'Yard' it faces.

10.151 Minor changes to the front of the building, facing Caledonia Street, are also proposed. These centre upon the removal of the existing (non-original) visually obstructive railings. Their removal will improve the interface between the building at ground floor and the public street by better exposing the architectural qualities of the building and the activities contained within it.

10.152 The proposed design changes to the Laundry Building are of a high quality of design and are therefore supported.

3) Times House

10.153 The proposed elevational changes to the Times House, while maintaining a design unity, subtly change in response to the changing edge conditions of their facing facades. They will transform this uninspired early 2000s' office building into one of quiet beauty. The changes to the facade of Times House, as it faces onto Laundry Yard, are centred on the insertion of a colonnaded base, expressed in a gold coloured metal, with expanses of glazing and openings into the building and throughout the public realm. There are also large expanses of articulated pale green metal cladding extending, in part, from ground to 6th floor creating a quiet backdrop against which adjacent, more historic, facades which retain their visual prominence.

10.154 To Caledonia Street to the north, a new ground floor shop front/s and fascia is proposed creating a significantly enhanced edge to the street. To the southern edge, fronting onto Bravington's Walk, the proposed new pavilion structure will add considerable qualities to both the building and to the space it frames. It is also designed to enhance wayfinding and legibility through an 'extension' of the gold metal colonnade structure. This device helps to effectively link Bravington's Walk through to Laundry Yard thus improving pedestrian wayfinding and connectivity. The predominant pavilion material is the same red brick proposed to the base of the Laundry buildings, creating further unity between buildings and spaces on the site. The proposed material changes to Times House are considered successful and will

transform a rather dull building into one of high quality whilst creating a remarkable uplift to the quality, including legibility and functionality, of the adjacent public realm.

Materials Palette

- 10.155 The proposed materials palette is a defining element of the quality of the scheme design comprising materials that are both highly contemporary yet demonstrably compatible with the historic fabric into which the proposals are inserted.
- 10.156 As part of the new proposals, the applicants have sought to define a more limited palette of quality materials, to give more clarity to the architecture and to better compliment the existing Victorian buildings. The colour and detail of the metal cladding has been tested and reviewed at pre-application workshops and design review panels. At DRP 01 a dark profiled metal cladding was proposed to the new building extensions. The final proposed cladding material is a green coloured pressed zinc, as presented at DRP 02. Green was chosen as a complimentary colour to the dominant red of the North wing of the neighbouring Laundry Buildings. Green is also a complementary and subservient tone to the yellow London stock brick that features in both the West wing of the Laundry Buildings, and also the nearby Grade I listed King's Cross Station.

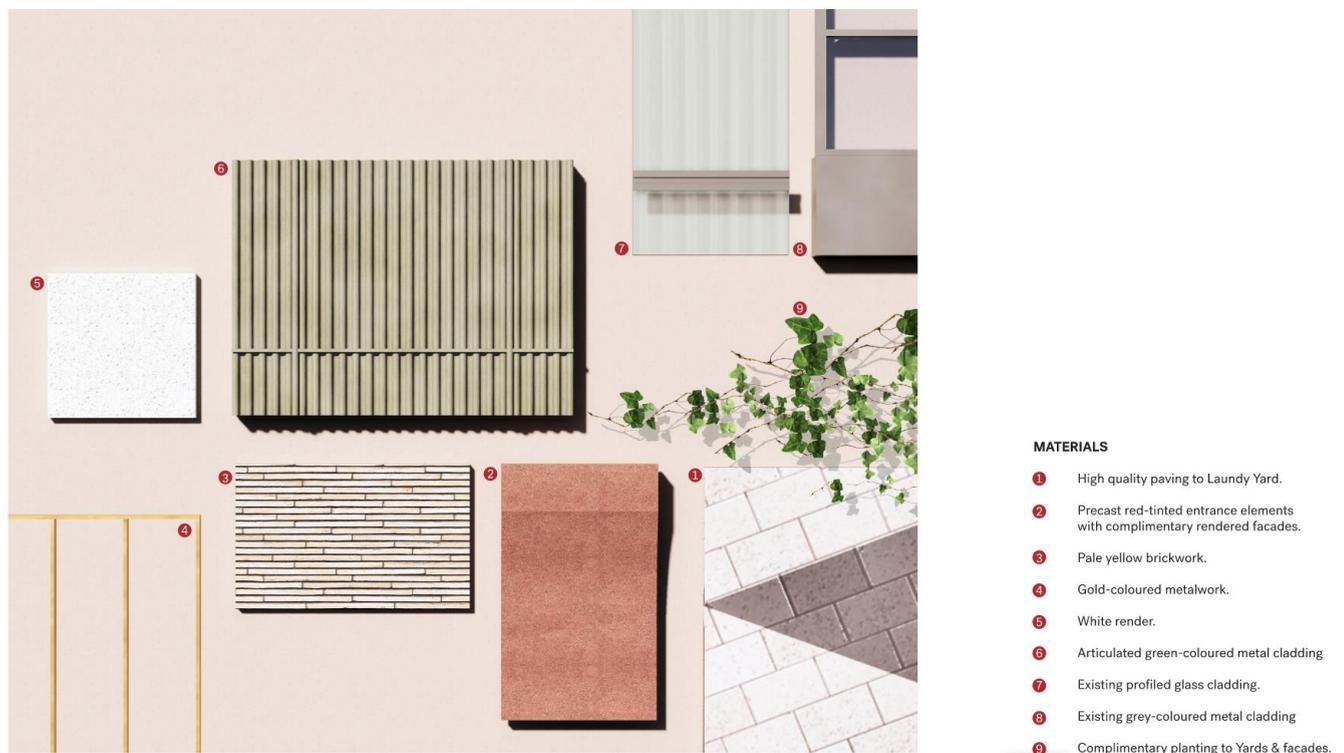


Image 32 – Materials Palette

- 10.157 The palette is considered successful and is integral to and indicative of the proposed high quality of design throughout. It includes a dramatic gold coloured colonnade for the base of Times House complemented by a tactile red rendered base for the Laundry Buildings. A soft pale green metal cladding is proposed to the Times House extensions which will complement the red of the Laundry buildings and read, albeit considerably more pale, in a similar manner as the familiar green of new copper

cladding. The materials palette therefore comprises:

- Precast red entrance elements with complementary rendered facades;
- Pale yellow brickwork;
- Gold coloured metal work;
- White render;
- Articulated green coloured metal cladding;
- Existing profiled glass cladding;
- Existing grey coloured metal cladding;

10.158 Part of the scheme's success is this indicative use of high quality materials with an urbane colour palette. As such the materiality of the scheme is supported.

Design Conclusion

10.159 This is a carefully crafted and highly considered scheme with both architectural and landscape designs of an outstanding calibre as befits such a historically sensitive and intricate site and context. The proposals will help to bring this part of the broader urban block back into more active use, creating legible routes into and through the block, and enhancing existing spaces in an attractive yet functional manner.

10.160 The changes to the Laundry Buildings will create improved commercial spaces suitable for a variety of uses whilst simultaneously enriching and animating Laundry Yard. While the Times Building is proposed to be increased in height, in part, by a further two and three floors, and to also therefore be increased in mass, the selected locations for such increases are well recessed from the street edge helping to lessen their visual impact. The architectural treatment is quiet and well considered which will also lessen the visual impact of the changes ensuring the building will continue to read as 'background'. And, as a result of these factors, the historic buildings on and adjacent to the site, including those lining Pentonville Road and York Way will continue to retain their visual dominance and prominence. The proposed changes to this building, as with the Laundry Buildings, have been designed to create enhanced commercial spaces throughout with ground floor interventions designed to contribute greatly to an enriched and legible public realm

Impact on Heritage Assets

10.161 The development site is within the setting of a number of designated heritage assets including the Grade I Listed Building at Kings Cross Station as part of the National Set Piece, the Grade II Listed building at 7 Caledonian Road and the Kings Cross Conservation Area. The Laundry Buildings within the site at 6 Bravington's Walk is Locally Listed Grade B, and there are numerous locally listed buildings surrounding the site, on York Way, Caledonian Road and Pentonville Road.

10.162 Other considerations and sensitivities are as a result of:

- how the block sits and reads in relation to the scale and form of its immediate neighbours within the block;
- the significance of this being the first time a building located within the urban quarters to the eastern edge of Kings Cross Station would potentially be taller than the 'shoulder' of the station building;
- the sensitive location of the site within two conservation areas including and abutting important heritage buildings;
- the building's position within two strategic view corridors.

10.163 The site is therefore exceptionally sensitive. Any resulting development must be of the highest design quality having been informed by heritage impacts, including settings, and an understanding of the qualities and characteristics of the heritage assets that make them, and their context, so significant.

Built Form

10.164 The changes include extensions in height and mass at upper levels, together with extensions and/or alterations to side, rear and front elevations, new entrancing configurations including to the street edge, and some new façade treatments. The principle of the increase in height and mass to both buildings has been some cause for concern at pre-application stage. This was in part because of the abrupt changes in height and mass between the buildings and their existing neighbours, the impacts associated with such increased height and mass on the amenity of the small scale adjoining squares and lanes, and the lack of heritage appreciation and justification in terms of both the impact of such increases on the setting of listed buildings and the impacts on the character and quality of the conservation areas and wider public realm.

10.165 Cautionary advice was issued in May 2021 during pre-application discussions and a series of design workshops undertaken. This has led to significant revisions accompanied by a more rigorous consideration in relation to the heritage constraints and opportunities and the level of harm to the setting of heritage assets has been reduced. In terms of the revised designs, they are positive including the reduction in height and mass to both buildings from pre-application stage. The proposals to the Times House and Laundry Building complex have also been architecturally simplified, and reduced in height and mass from that proposed at pre-application stage.

10.166 The buildings under consideration wrap around the Laundry Yard with the Times Building forming the yard's southern and eastern edges, and the older brick built Laundry Building its northern edge. The site's western edge comprises a contemporary 3 storey building with glazed curtain walling to the front and of limited qualities and to which changes are also proposed.

Bulk, height, and massing

10.167 Times House is mixture of modern four to five storey office buildings and the locally listed Laundry Buildings are three storey commercial buildings.

10.168 The proposal is to increase the height of the Times Building, to both its eastern and southern wings, by adding a further 1 – 3 storeys and to re-clad it. This building is a late 20th century development of limited architectural or place making qualities. The eastern wing is proposed to increase in height from 14.34m (east wing) to 22m to the top of the parapet and to increase the height of the west wing from 18m to 22m to the top of the parapet. The heights to the top of Plant to the west wing rise from 20.87 to 24.35m and for the east wing from 17.24m to 21.85m.

10.169 The proposed new 4th and 5th floors, plus plant, are set back from Caledonia Street limiting their impact on the public realm from this vantage point. Also as viewed from York Way their visual impact is relatively limited as they read as being recessed within the block. However, as viewed from the south and in relation to Kings Cross Station and environs, the proposed height of the building is clearly visible. The

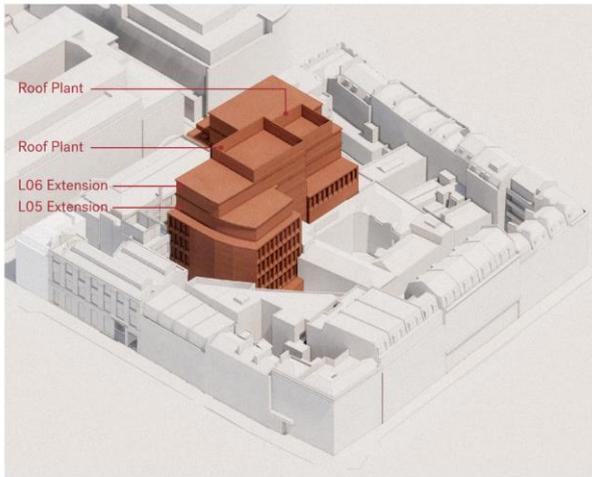
application has sought to demonstrate that revisions have been undertaken during pre-application discussion to reduce harmful impacts on the setting of this Grade I listed heritage asset. These revisions have included a reduction to the proposed height and mass, albeit relatively minor, during the latter parts of the pre-application process, the refinement of the architectural treatment, and revisions to the proposed materiality of the scheme.

Protected Vistas

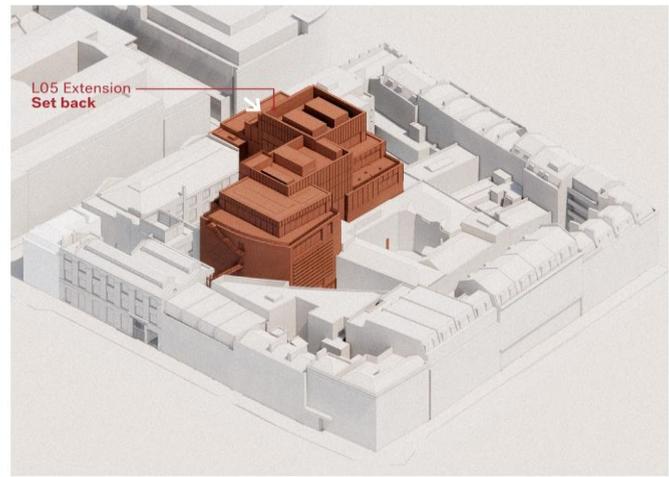
- 10.170 The two sites sit within two protected vistas (Parliament Hill summit to St Pauls' and Kenwood gazebo to St Paul's). Pentonville Road is on a significant slope down towards King's Cross. St Pancras Station and Chambers is noted as an important landmark, views to which will be protected. The impact on these protected vistas and views has been assessed and the documents submitted with these applications demonstrates a neutral impact on the protected views.

Kings Cross Conservation Area/Locally Listed Buildings

- 10.171 The proposal would have an impact on the character and appearance of the King's Cross Conservation Area as a whole. Generally speaking, the proposals at ground level have the potential to enhance the character and appearance of the conservation area through the upgrading of paving materials with more sympathetic materials. There is also some re-facing of the existing western building adjacent to Laundry Building which lead to a more contextual response to the historic character of the site. The principle of upgrading landscaping and encouraging greater public use of the core of the site is welcomed.
- 10.172 For the scheme submitted for pre-application stage, the heritage impacts of the proposed height and massing of the additional built elements of the proposals for Times House were not capable of being supported in terms of compliance with the Conservation Area Design Guidelines for this site. Paragraphs 21.7 and 21.8 of the Kings Cross CADG have regard to height, mass and scale as set out earlier in this report. The proposed increase in height resulted in a development which would fail to demonstrate preservation or enhancement of the primarily C19th scale of the conservation area and would tip the hierarchy of scales, when seen from the public realm, in the direction of the proposed development rather than the C19th buildings which form the reason for the creation of the conservation area.
- 10.173 However, a series of revisions have been undertaken through the pre-application and application process to attempt to mitigate the height and mass of the proposed buildings. The Times House and Laundry Building complex has been architecturally simplified with a more refined detailing. There have been reductions in height by 3.29m through removal of a level 06 extension and reductions leading to a reduction in the height of the top of the plant screening by 4.59m and the massing of the proposed extensions has been reduced on western, northern and southern façades in response to impacts on key townscape views.



PRE-APP 01 19/01/2021



FINAL UPDATES 14/01/2022

Image 33 – Initial Pre-application vs Final application scheme

10.174 While still having a visual impact on the townscape outside of the site, especially in longer views from the south, the proposed structure has been reduced in height and efforts have been made to create a more visually recessive structure when compared to the initial iterations of the scheme. The impact of the revised scheme is less harmful to the setting of heritage assets than the initial iterations, but at this stage the Council's view is that there is still harm to the setting of heritage assets. This harm is considered to be less than substantial.

Townscape Assessment

10.175 The application is accompanied by a Heritage Townscape Visual Impact Assessment which assessed the proposal in terms of its townscape impact and its impact on heritage assets, including through verified images indicating the proposed development in situ. A visual assessment survey was undertaken on the 4th December 2020 which was informed by a desk-based study. This identified a total of twenty street level views covering both the Times House and Laundry buildings as well as the related application for Jahn Court. The position of these viewpoints is shown in the map below

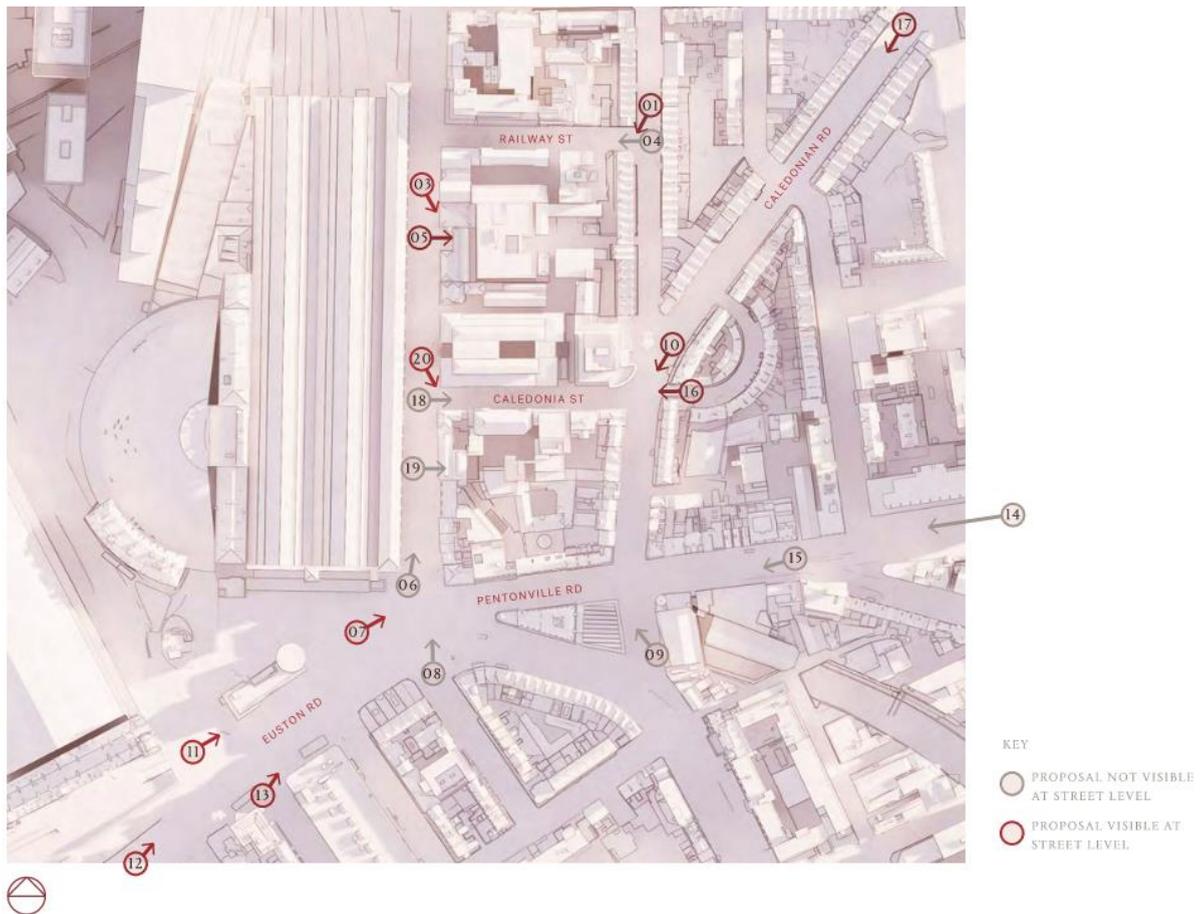


Image 34 – Positions of street level sketch Views

10.176 The map identifies that the proposals at Times House and Laundry Buildings would be visible in eight of the 20 key viewpoints at street level in views 07, 10, 11, 12, 13, 16, 17 and 20. It has been agreed that verified views of six of these street views (07, 10, 11, 12, 13 and 17) have been produced as either wireline view or rendered view.

10.177 Revisions have been made to the external appearance of the proposed development at Times House in January 2022, as follows:

- The proposed massing of the fifth floor roof extension has been reduced by 3.3metres from the northern elevation on Caledonian Street.
- The applicant has undertaken a review of the proposed materials to the proposed roof extension. The proposed cladding material is a green coloured pressed zinc.

10.178 It should be noted that whilst the verified views in the HTVIA have not been revised following the design amendments which were the subject of the January 2022 revisions, view 10 has been re-provided below at images 36 and 37 as a CGI to indicate the visual impact of the revisions. There would not be any perceivable change in the other verified views 07, 11, 12, 13 as these are located to the south of the site. Verified viewpoint 17 has not been re-provided, however given the distance from the site and angle of view, as the total height of the Times House extension has not been revised, officers have not considered it necessary.



Image 35 – Rendered View 7 from King’s Cross Station Plaza towards the Site

- 10.179 This viewpoint is positioned from within Kings Cross pedestrian plaza on Euston Road facing the site, located behind buildings fronting onto York Way and Pentonville Road. The viewpoint demonstrates the close range view of the Grade I listed Kings Cross Station and its relationship with the surrounding townscape. The buildings fronting onto York Way and Pentonville Road have a 19th century character that complements the station as part of a historic townscape. In the background, buildings to the east on Pentonville Road incorporate modern built form, with greater massing and height.
- 10.180 The proposed roof level addition to the site would be largely glimpsed within this view. This new built form would provide a similar height and scale, form and massing to the prevailing roof forms of buildings on York Way and of buildings in the background, including more modern built form on Pentonville Road. Given the limited scale of the development, visible in this view, it is not considered to compete with the prominence of Kings Cross Station, and would not result in an unduly harmful impact on the setting of the Grade I Listed station or the Kings Cross Conservation Area and would remain less than substantial.



Image 36 – View 10 - CGI of revised scheme

- 10.181 This viewpoint is positioned adjacent to the southern junction of Keystone Crescent and Caledonian Road, facing south-west towards the site.
- 10.182 The scheme has been revised in response to concerns over the visibility of the massing of the fifth floor roof extension to Times House by reducing the massing away from the northern elevation with Caledonia Street by 3.3m from that initially proposed. The revisions primarily affect views of the site from the Keystone Crescent Conservation Area on Caledonian Road, and from the Kings Cross Conservation Area at the junction of Caledonia Street and York Way. It could be considered that the revisions represent improvements in design terms, therefore in instances where harm in heritage and townscape terms has been identified, the harm observed within the verified images would be greater than that following these revisions.



Image 37 – View 10 Comparison - As submitted Rendered Verified View 10 - View looking south east from Caledonian Road vs CGI of revised scheme

- 10.183 A comparison of the submitted and revised scheme is shown in the image above. The following appraisal of the applicant's HTVIA has therefore been carried out having full regard to the revisions to the proposed development.
- 10.184 There is harm to the character and appearance of both the Kings Cross and Keystone Crescent Conservation Areas on Caledonian Road where additional height on the Times House and Laundry Building site becomes visible on Caledonian Road where no built form previously existed (notable in views of the locally listed public house at 19 Caledonian Road). The harm here is caused by the increase in modern built form above the existing height, i.e. the further prejudicial impact of post-19th Century height, mass and materials on what survives of the 19th century townscape.
- 10.185 Whilst the revised view 10 (Image 36) continues to show height and mass extending above the roof tops, this is a worst case static view and this view quickly alters as the pedestrian moves closer to the junction. In this regard this is a small snapshot of harm (less than substantial) that reduces with movement closer to the site. The Islington Society raise an objection to this height and massing and reference the CADG paragraph 21.7 that seeks for a decrease in height and scale moving further northwards from Pentonville Road. Whilst this guidance is not met, the static view as noted above is considered a worst case scenario. Additionally, that guidance is almost 20 years old and this area in particular has undergone significant change with the Kings Cross Station becoming an international transport hub and the nearby density of developments vastly increasing particularly within the adjacent London Borough of Camden Local Authority area. In this regard there are material planning considerations that warrant a departure from that guidance in this specific context and the harm identified concluded as less than substantial is viewed to be outweighed by public benefits.



Image 38 – Rendered Verified View 11 from Euston Road/St Pancras Road

- 10.186 This viewpoint is positioned at the junction of St Pancras Road and Euston Road facing east towards Kings Cross junction and the site. The viewpoint demonstrates the medium range view of the Grade I listed Kings Cross Station and its relationship with the surrounding townscape.
- 10.187 Overall in this view, the new built form would integrate visually with the prevailing height and scale, form and massing of the existing roof forms of buildings fronting onto York Way. The scale of the development, in this view, sits at the shoulder height of Kings Cross Station, and given the limited extent of visible massing, is not considered to compete with the prominence of Kings Cross Station and remains a subservient structure. Any harm caused to the setting of the station and other heritage assets would remain less than substantial.



Image 39 – Rendered Verified View 12 from Euston Road

- 10.188 This viewpoint is from Euston Road between the junction with Tonbridge Street and Argyle Street facing east towards Kings Cross junction and the site. The viewpoint demonstrates the medium range view when travelling on Euston Road where the Grade I listed St Pancras Station and former Midland Grand Hotel is seen together with the Grade I listed King’s Cross Station.
- 10.189 In this more distant view, the proposed additional massing would rise marginally higher than the shoulder height of the Kings Cross Station but sit well below the height of the main building. The visibility of the massing would rise slightly higher than the built form fronting onto York Way. However given the distance, the visibility and height of the additional massing is minor in the context of St Pancras Station, the former Midland Grand Hotel and the Grade I listed King’s Cross Station. Therefore the proposals would remain as a subservient structure to these heritage assets. Any harm caused to the setting of the station and other heritage assets would remain less than substantial.



Image 40 – Rendered Verified View 13 from Euston Road towards the Site

- 10.190 This viewpoint is located on the southern side of Euston Road, positioned north-east from junction of Crestfield Street and Euston Road, facing towards the Site and the junction of York Way and Pentonville Road. The viewpoint demonstrates the close range view of the Grade I listed Kings Cross Station and its relationship with the surrounding townscape to the east.
- 10.191 From this view the additional massing would be partially glimpsed and is largely set back behind the roof line of buildings on Pentonville Road and York Way. In this view, the additional massing is located away from the Kings Cross Station building and the extent of visible massing is subservient to the massing of the buildings fronting on to York Way. Given their overall limited visibility in this view, the proposals would remain as a subservient structure to the surrounding heritage assets. Any harm caused to the setting of the station and other heritage assets would remain less than substantial (but at the very lowest end of the scale in this instance).



Image 41 – Wireline Verified View 17 from Caledonian Road junction with Killick Street and Wharfdale Road, towards the Site

- 10.192 This viewpoint is positioned on Caledonian Road at the junction with Killick Street and Wharfdale Road, facing south-west towards the Site. The view is located from within the Keystone Crescent Conservation Area.
- 10.193 The wireline verified view indicates that the proposed massing whilst obscuring views of the upper floors of the Standard Hotel, would not raise above the height of this existing building. Whilst this height and massing rises above the more local context, given the distance from the site and resulting limited views of the massing, the impact of any increase in built form on the conservation area would therefore be minor and any harm to heritage assets would be less than substantial (again at the lowest end of the scale).



Image 42 - Sketch View 20 from York Way looking east along Caledonia Street

- 10.194 This viewpoint is located adjacent to the junction of Caledonia Street and York Way. Following the amendments to reduce the massing of the fifth floor roof extension to Times House, the visibility of the massing is now reduced to a glimpse, above the rooftops of the locally listed Laundry Building fronting Caledonia Street. As a result the massing is largely screened by the gable ends of the Laundry Building and does not appear unduly dominant from this view.
- 10.195 Overall the proposed increase in height across the subject site would not better reveal or enhance the setting of the heritage assets, because at the moment the most prominent characteristic of their setting is the nineteenth-century context (composed of listed, locally listed and unlisted buildings). Development within the subject site which results in a visible increase in height from the public realm outside of the subject site will result in a change to the setting of the listed buildings and appearance of the conservation areas. Whatever the design merits of the proposed height increases may be, the effect of an increase in height would be harmful to the setting of these heritage assets, albeit less than substantial harm. However it should be noted that Historic England were consulted on this application and raised no objections.

National Set Piece

- 10.196 This context for the site includes the "National Set Piece." This was originally defined in the Greater London Development Plan to cover an area from the British Library site (Camden) to Caledonian Road which therefore includes the Kings Cross Railway Station. National Set Pieces are described as "major groups and sequences of buildings, open spaces, processional ways, streets and monuments. They make a major contribution to the image of London as a Capital City". In Islington the Set Piece includes the junctions with York Way and Caledonian Road, the Lighthouse block and the curve of Grays Inn Road as it meets Euston Road. It is a remarkable

survival of a complete early to mid-19th Century central area townscape. There is a still largely intact Victorian 'town centre' - displaying a hierarchy of buildings and uses from offices, flats, larger shops and entertainment, via local shops with accommodation above, down to terraces of small houses and industrial premises. The juxtaposition of the scale of King's Cross Station with the much lower blocks fronting York Way is a key element in establishing the Victorian character of the area, and also the setting of King's Cross Station. The fact that one of London's oldest surviving railway station structures still retains most of its nineteenth-century townscape scale-relationship on the York Way side is remarkable, and worthy of retention.

10.197 The proposals would alter this scale-relationship and would also result in a historically uncharacteristic arrangement of the core of the block becoming visible above the C19th perimeter blocks. This is assessed in the paragraphs below.

Kings Cross Station/Conservation Area

10.198 The proposal results in the fifth floor parapet lining up to match the shoulder of the Grade I Kings Cross Station building. Historic England have been consulted on the impact of the proposals on the setting of Kings Cross Station but provided no comment.

10.199 The submitted verified views included in this report as images 35 to 42 as indicated in the revised Heritage Statement, have demonstrated that the upwards extensions would be partially visible from some points on Euston Road, adjacent to the Grade I statutorily listed Kings Cross Station. Officers consider that the impact of this, as demonstrated in the Views Assessment is considered to cause less than substantial harm to the setting of heritage assets.

10.200 It is acknowledged that the revisions to the scheme have sought to mitigate this impact, and the Council's Design and Conservation officers consider that the harm to the setting of King's Cross Station and the conservation area would be less than substantial. Although Kings Cross Station is outside of the LBI, the LBI has a statutory obligation to preserve or enhance its setting in relation to the subject site, under the tests identified in Section 72 of the Town and Country Planning Act. The CADG has regard to these tests and establishes the setting of Kings Cross Station as a key test in the assessment of development within the conservation area.

10.201 The proposed development has now been assessed under the tests required under Section 72 of the Town and Country Planning Act. The proposed development has been revised to mitigate the harm to the setting of heritage assets. The Council considers that there is still harm to setting, but that it is in the 'less than substantial' category as identified under the NPPF. During the course of the application, the applicants provided a Heritage Statement which assesses the impact of the proposals under *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*.

10.202 The NPPF Directs that:

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

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.

10.203 As the Council has identified harm in the proposal, the acceptability of the harm will have to be balanced against the public benefit and any other matters which may weigh favourably in balance required under the NPPF.

10.204 It is possible that an application which causes less than substantial harm to heritage assets may be acceptable by reason of the wider planning balance, but only where these benefits have been clearly identified in the submission.

10.205 The NPPG defines public benefits as ‘anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework’.

10.206 The applicant asserts that harm to heritage assets would not arise as a result of the scheme development, the revised Heritage Statement has set out interpretations of the impact on heritage assets should officers allege that the proposed development could result in a degree of harm to significance to a designated heritage asset or assets:

‘..any such harm could only reasonably be very minor in the context of the particular heritage interests and relationship that the Site contributes to the heritage interests of a designated heritage asset or assets. Any such alleged heritage harm would be of the magnitude of ‘less than substantial’ as defined by the NPPF, and also towards the very lower end of that spectrum or scale.’

10.207 In the Council’s view the degree of harm is less than substantial. Officers have therefore undertaken a balancing exercise to weigh the less than substantial harm against the public benefits of the proposal.

Heritage Conclusion

10.208 The impact of the proposed increase to height and mass on the character and quality of the Conservation Areas and adjacent heritage assets, including the Grade I Kings Cross Station, has been more appropriately considered since the initial pre-application proposals and changes made to the scheme including a reduction to height and mass to both buildings from the pre-application schemes. The changes are considered to cause less than substantial harm to the setting of heritage assets. However, it is the applicant’s contention that ‘harm would not arise’ and therefore there is no requirement to provide clear and convincing justification. Given that the Council considers that less than substantial harm would arise, paragraph 200-202 of the NPPF should be engaged in order for this application to be determined.

10.209 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Applicants Stated Public Benefits

10.210 The proposals as set out below are put forward by the developer as public benefits. The public benefits that the Local Planning Authority consider suitable to give weight to are provided towards the end of this report, in the Planning Balance section:

Economic

- Provision of new high quality flexible office space to support new economic development and growth within the Borough;
- Potential to deliver permanent on site jobs; and Gross Added Value;
- Additional spend of workers locally;
- Affordable workspace to supporting small businesses including SMEs and start ups and to encourage collaboration within the local business community;

Environmental

- Delivering an appropriate quantum and mix of uses that would contribute positively to the overall character of the surrounding conservation area and improve the currently underused internal yard;
- Enhancing key elements of the locally listed Laundry Building, in particular the enhancements to the facade fronting Laundry Yard;
- Introduction of a more active and interesting frontages to both Caledonia Street and within Laundry Yard as well as increased animation on York Way, including entrances and elevations which will enhance the character and appearance of the Kings Cross Conservation Area; and
- Provision of 25 short stay cycle stands for 50 cycle spaces across the courtyards in Block B and on the highways including 9 stands within Times Yard and Bravington's Walk, and the remaining 16 additional stands are located on the footway in Caledonia Street and Caledonian Road.

Social

- Delivering significant Social Value during the Construction Period;
- Employment and Training for local residents and Apprenticeships;
- Contributions to Affordable Housing to meet local housing need;
- Affordable Workspace – circa 10% of floor space
- Initiatives with Local Schools (Learning opportunities in partnership with Endurance Land);
- Designing a safer environment (on site security 24/7, CCTV and Secure by Design measures)
- Significant CIL/S106 Contributions

Endurance Land commitment to working with the local schools

10.211 Officers understand that Endurance Land has been in discussions with Winton Primary School and Hugh Myddelton Primary School through the Learning Quarter Partnership, to discuss how Endurance Land can engage with the Schools to support future learning opportunities. Endurance Land are proposing to work in partnership with the Schools to provide learning initiatives which may include:

- Hosting site visits to Regent Quarter and providing talks about the project
- Providing seminars to learn about the property industry and sector; and
- Encouraging future tenants within Regent Quarter to host seminars about their respective industries and sectors

10.212 Officers understand that Endurance Land are committed to working with the Schools and Learning Quarter Partnership to expand and enhance learning opportunities and would be willing to enter into an Engagement Plan with the Schools to cover the initiatives to be agreed.

Officer Assessment of Public Benefits

- 10.213 Officers consider that the scheme brings forward considerable public benefits as outlined above, with particular reference to the considerable uplift in high quality flexible office space to support new economic development and growth within the Borough, substantial contributions towards affordable housing delivery in the borough, and the provision of a self-contained affordable workspace unit which exceeds the adopted policy requirements, secured via s106 agreement. (Noting if the associated planning application is refused and this application approved a s106 obligation would be triggered to identify and agree an alternative affordable workspace unit within this application site boundary). The scheme brings forward a commitment to working with named local schools which is to be secured by s106 agreement. The scheme also brings forward considerable public realm improvements within Laundry Yard and Times Yard which are secured by condition. This package of public benefits weighs in favour of the overall scheme.
- 10.214 In accordance with the requirements of paragraph 202 of the NPPF, officers have weighed the less than substantial harm (at the lower ends of the scales) to heritage assets (statutorily listed buildings, conservation area and locally listed building setting) that has been identified by the Design and Conservation Officers, against these public benefits. Officers conclude that the public benefits outweigh the less than substantial harm caused to designated and non-designated heritage assets and therefore the scheme is acceptable in design and heritage terms in accordance with the NPPF and the Development Plan.

Internal layout

- 10.215 The internal layout and the future adaptability of the buildings should be considered with large commercial floorplates potentially becoming less desirable after the pandemic. The proposed building is designed to be adaptable, mainly due to the lifts and stair cores, enabling each floor of each part of the buildings to be self-contained. Therefore, it is considered that the proposed internal layout would offer a good level of adaptability for the future occupiers.

Solar gain and glare

- 10.216 The submitted Sustainable Design and Construction Statement confirmed that the window to wall ratio of the existing facades which are proposed to be retained is relatively low (35% for Times House and 28% for the Laundry Building), preventing too much solar radiation from entering the spaces. The design of the proposed new extension incorporates high performing glazing with low g-value (0.30 in the majority of glazing elements, apart from the ground floor reception) to limit solar gains entering the space. The specified glazing will have good visual light transmittance to maintain adequate daylight levels in the space. An external overhang has been proposed at the East elevation at the ground floor level, to provide shading to the glazing elements of the façade adjacent to the café area.
- 10.217 The overheating and ventilation issues are further discussed in the Energy and Sustainability Section below.

Roof terraces

- 10.218 The proposal results in the creation of roof terraces located at first, fourth and fifth floor levels at Times House in connection with the office use, and the removal of the

existing roof terraces at third and fourth floor levels.

10.219 Whilst there are flat roof areas on the roof extensions, they are proposed as intensive green roofs and blue roofs to enhance the greening and biodiversity of the site. Taking this into account, it is considered that the proposed outdoor terraces are acceptable in this case. In terms of the boundary treatment of the terraces, it is noted that metal railings are proposed at 1.1-1.8m in height. Further details of the balustrade would need to be submitted and agreed by the council prior to commencement of superstructure works and this is secured in **condition 3**.

Design and Heritage Summary

10.220 It is concluded that the proposed development would have an acceptable appearance and materiality. The applicant has adequately addressed the comments raised by the design officer and the Design Review Panel during the pre-application and application stage. The material details and samples would need to be submitted to and agreed by the council prior to the commencement of the development. This would be secured by planning condition (**no. 3**).

10.221 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as well as special regard to the desirability of preserving the setting of the nearby listed buildings (including locally listed buildings) and features of special architectural or historic interest which it possesses.

10.222 Overall, it is considered that the proposed development would have acceptable impact in terms of massing, scale and appearance. Whilst less than substantial harm has been identified as being caused to heritage assets including the Kings Cross Station (Grade I listed), adjacent conservation areas and nearby locally listed buildings this harm has been weighed against the public benefits of the scheme and the harm is concluded to be outweighed. In this regard, the proposals accord with the NPPF and National Guidance. The proposals are also considered to accord with London Plan Policies D3 and D4, Islington Core Strategy Policies CS6, CS9, Development Management Policies DM2.1, DM2.3, DM2.5 the Urban Design Guide SPD. Whilst not all principles of the Conservation Area Design Guidance for Kings Cross are met, given the considerable change that has taken place in this particular area since its adoption almost 20 years ago and the rapid more recent increase in density, these material considerations and the balance struck between harm and public benefits outlined above, this departure is considered to be justified in this instance.

Archaeology

10.223 The application site is located within the Battlebridge Medieval Settlement Archaeological Priority Area, which is defined in the Archaeological Priority Areas Appraisal by Historic England's Greater London Archaeological Advisory Service (July 2018). This APA is significant as it contains the remains of prehistoric and Roman occupation, medieval reclaimed land and extensive post-medieval development, significant to many minority groups.

10.224 The submission includes an Archaeological Desk-Based Assessment. The

submitted information has been reviewed by Historic England's Archaeological Advisor who considered that the proposed development is unlikely to pose any adverse impact to the site's archaeological potential.

10.225 Therefore, it is considered that the proposal would have an acceptable impact in terms of Archaeology.

Inclusive Design

10.226 The new London Plan 2021 policy GG1 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote 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.

10.227 The Inclusive Design principles are set out in LP policy D5 which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- 4) be able to be entered, used and exited safely, easily and with dignity for all
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

10.228 Locally, Islington's Development Management Policy DM2.2 requires all new developments to demonstrate that they:

- i) provide for ease of and versatility in use;
- ii) deliver safe, legible and logical environments;
- iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
- iv) bring together the design and management of a development from the outset and over its lifetime

10.229 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing proposed new buildings.

10.230 The key inclusive design considerations are as follows:

Access

- The site comprises of two buildings, Times House and Laundry Building. The entrance to the extended and refurbished office building at Times house is via the southern elevation of Laundry Yard. The reconfiguration of the ground floor

of Times House results in the creation of 4no. retail units all accessed via Times Yard. The entrances to the flexible active use unit for Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit is via York Way with a secondary entrance via a shared reception area from Laundry Yard. The flexible Class E(b) Food and Drink/Sui Generis Bar and drinking establishment uses located on the ground floor of Times House and Laundry Building, are all accessed either from both Caledonia Street and/or from Laundry Yard.

- The new basement level cycle and refuse storage is accessed via the linking passage way between Laundry Yard and Bravington's Walk.

Circulations

- The proposed extensions to the existing office building at Times House would be served by the two existing lifts and two sets of stairwell, which is considered to be appropriate given the scale of the building.
- There are two existing stair cores which would be retained and utilised for means of escape, one into Laundry Yard and other into the passageway linking to Caledonia Street. These arrangements are considered to be acceptable.

Facilities

- Accessible toilets are provided across all floors in all office buildings in Times House and Laundry Buildings and this is supported by officers.
- There is storage and charging for scooters which is noted and welcomed.

10.231 During the course of the application the scheme has been revised in response to Inclusive Design officer comments including the following:

- The Times House core has been revised following an internal review to improve efficiency of floorplate. The building envelope is not affected.
- Times House cycle lift and stair are to be reconfigured to improve access to cycle store which is welcomed.
- The secondary escape from the roof plant has been added on north wing (new balustrade to access hatch).
- UKPN room in basement enlarged following consultation with UKPN. Vents at ground floor updated accordingly.
- The cycle lift will have dimensions of 2300mm x 1200mm. The door to the cycle store will be power assisted and the secure entrance key fob will be located at height accessible to wheelchair users. Further details of this can be secured by condition.
- Audio-loops will be included within the reception desks.
- It has been confirmed the glazed entrance doors will need to visually contrast with their frames so that a user with visual needs can understand where the door frame is easily and clearly. A contrast of 30 LRV points is required and this is to be secured by condition (2 5).

10.232 Overall, it is considered that the proposed development would comply with the relevant policies in delivering an inclusive environment that is safe, convenient and inclusive for all future users subject to the above design measures being secured by **condition 25**.

Neighbouring Amenity

- 10.233 The NPPF para 130f) states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users.
- 10.234 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.
- 10.235 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.
- 10.236 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, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.237 The closest residential / quasi-residential properties which could potentially be affected by the development are shown on the map below (named in blue), including:



Image 43 - Map of residential properties surveyed

6. Premier Inn

7. Joiners Yard;
8. 13-17 Caledonian Road;
9. 1-11 Caledonian Road;
10. Residential Flat above The Fellow, Public House, 24 York Way;
11. 6-8 York Way;

Daylight and Sunlight Impact

Assessment

- 10.238 The Applicant has submitted an initial Daylight and Sunlight report prepared by Point2, dated 29/07/21. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 10.239 Residents commissioned Building Research Establishment (BRE) to undertake an independent review of the submitted Point2 daylight and sunlight report. BRE submitted a report dated 14 September 2021. In response to the BRE report, the applicant submitted a report by Point2 dated 8 October 2021.
- 10.240 The Point2 initial report concludes that the properties relevant for assessment are as follows:
- 1-15 Joiners Yard;
 - 1-11 Caledonian Road;
 - 13-17 Caledonian Road;
 - Residential Flat above The Fellow, Public House, 24 York Way;
 - 6-8 York Way;
 - Premier Inn Hotel;
- 10.241 It is noted that where the internal layout of neighbouring properties cannot be confirmed, the assessment would be carried out based on an assumed layout for the buildings identified above. It is accepted that due to the current restrictions relate to the pandemic, it was not possible to organise visits to the surrounding properties to inspect the accuracy of the internal room layout and window positions.
- 10.242 The layout of some of the residential properties identified above have been found to ensure that the assessment carried out is accurate; where the usage of the rooms are unknown, the assessment would be based on the worst case scenario and assumes that the room is habitable (i.e. living room) and requires daylight/sunlight.

Daylight and Sunlight Impact

- 10.243 A number of the representations received during the consultation period of the application objected to the proposal in regards to loss of daylight, sunlight and overshadowing.
- 10.244 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.

- 10.245 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'.
- 10.246 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given 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.
- 10.247 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.248 Of note is the recent publication of Government's Planning Practice Guidance (PPG) revised on 22/07/2019, as follows:

How are daylight and sunlight regulated?

Where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

In some cases, properties benefit from a legal 'right to light', which is an easement that gives a landowner the right to receive light through specified openings, and can be used to prevent this from being obstructed without the owner's consent. Such rights are not part of the planning system, but may affect the scope for development on neighbouring sites.

Paragraph 006 Reference ID: 66-006-20190722

What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings. In such situations good design (such as giving careful consideration to a building's massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.

Paragraph: 007 Reference ID: 66-007-20190722

BRE Guidance: Daylight to existing buildings

- 10.249 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).

- 10.250 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.
- 10.251 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.252 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”.
- 10.253 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.
- 10.254 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states 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”.

BRE Guidance: Sunlight to existing buildings

- 10.255 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*”.
- 10.256 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 during the winter months 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.”

10.257 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.”

10.258 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”.

10.259 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.

BRE Guidance: Overshadowing

10.260 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.

10.261 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”.*

Alternative Targets

- 10.262 Appendix F of the BRE Guidelines 'Setting Alternative Target Values for Skylight and Sunlight Access' provides a methodology for setting alternative daylight and sunlight target values. The guidelines provide a self-regulating methodology to establish a set of consistent target values which can be determined using the 'mirrored massing concept'. This essentially assumes a hypothetical massing is in place based on a development site which is of an equivalent height to the neighbouring building that could be affected by the new development.
- 10.263 No alternative targets have been undertaken and assessed by the applicant.

Assessment

- 10.264 The Applicant has submitted an initial assessment within 'Times House & Laundry, Daylight, Sunlight & Overshadowing Report' dated July 2021 prepared by Point2. The assessment report and addendums considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 10.265 The submitted Daylight and Sunlight report includes information on where internal arrangements have been sourced (planning applications and estate agent detail).
- 10.266 It is noted that the 'Regents Quarter Residents Group' have submitted an 'Independent review of daylight and sunlight assessment for Times House, Regents Quarter', prepared by BRE and dated 16 September 2021. Within the executive summary of this report, BRE have reviewed the scope and methodology, text and conclusions of the Applicant's report, but no verification of the calculations. Further, it corrects assumptions within the Point2 report in regards to room uses, which has been acknowledged by Officers further below where necessary.
- 10.267 Following amendments to reduce the extent of the massing to the fifth floor extension to Times House an updated Daylight and Sunlight report has been submitted in January 2022. The report indicates the updated impacts of the latest Time House designs which show some small improvements to the results.
- 10.268 The following assessment includes the details submitted by the Applicant in the initial 'Daylight, Sunlight & Overshadowing Report' and subsequent further submissions, as well as the submissions from neighbouring residents and groups.

Impacts to Daylight

- 10.269 The Applicant's submitted report indicates that a total of 80 windows facing the site and 51 rooms to neighbouring properties were assessed. The report demonstrates that 3/80 (3.75%) windows and 3/51 (5.9%) rooms would fail the BRE guidance criteria.
- 10.270 The following properties comply with the BRE guidance (reductions do not exceed 20% in VSC or NSL):
- 5 Caledonian Road;
 - 7-7a Caledonian Road

- 9 Caledonian Road;
- 24 York Way.

10.271 Transgressions (where window/rooms fail the BRE Guidance) are reported to neighbouring 1-15 Joiners Yard, 1-3, 11 and 13-17 Caledonian Road. These are individually considered further below:

8-15 Joiners Yard (labelled as 1-5 Joiners Yard by the Applicant)

10.272 This is a 5 storey building located adjoining to the east of the site. 12 windows and 12 rooms were assessed. 10/12 windows and all rooms, would meet BRE guidance.

Room Window /	Room Use	Vertical Component			Sky	No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)		Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>Third floor</i>									
R1/223 - W1	Bedroom	22.6	17.6	22.24%		15.3	15.4	15.3	0.6%
<i>Fourth floor</i>									
R1/224 - W1	LKD	31.5	25.1	20.28%		24.9	24.7	22.1	10.1%

Table 1 – 8-15 Joiners Yard

10.273 As shown in the table above, 2 windows which see reductions in VSC are located at third and fourth levels of the building. The reductions are only just beyond BRE guidance and would retain values in excess of 17%. The rooms to which these windows serve are a living/kitchen/diner and a bedroom, whilst both would not see a reduction in NSL beyond BRE guidance and as such the reduction in VSC to these windows is considered a negligible impact upon living conditions of the overall dwellings.

1-3 Caledonian Road

10.274 This building is located to the south east of the site. 12 windows and 8 rooms were assessed. All 12 windows, and 7 of 8 rooms, would meet BRE guidance.

Room Window /	Room Use	Vertical Component			Sky	No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)		Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>First Floor</i>									

R2/306 - W3	Bedroom (assumed)	20.3	17.9	11.7%	11.5	10.5	8.3	20.7%
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Table 2 - 1-3 Caledonian Road

10.275 The room which would see a minimal reduction beyond BRE guidance is located at first floor level of the outrigger and is a north facing window. The room is close to the main part of this building and is assumed by officers to be a bedroom given its size and orientation. The reduction is only a minor infraction beyond the BRE guidance and is therefore considered to be a negligible impact to the overall dwelling.

11 Caledonian Road

10.276 This building is located to the east of the site. 3 windows and 3 rooms were assessed. 2 of 3 windows, and all 3 of the rooms, would meet BRE guidance.

Room Window /	Room Use	Vertical Component			Sky	No Skyline (Daylight Distribution)		
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>First Floor</i>								
R2/251 - W2	Bedroom (assumed)	18.1	14.3	20.97%	11.1	10	9.1	10.1%

Table 3 – 11 Caledonian Road

10.277 The impacted window is located at first floor level to the rear of the building. The window is the only window serving the room, in which the room would meet BRE guidance with regards to NSL daylight distribution. The dwelling appears to be dual aspect with outlook from other rooms to the east over Caledonian Road. The reduction is only a minor infraction beyond BRE guidance and is therefore considered to have negligible impact to the overall dwelling.

13-17 Caledonian Road

10.278 This building is located to the east of the site. 17 windows and 8 rooms were assessed. All 17 windows, and 6 of 8 rooms, would meet BRE guidance.

Room Window	Room Use	Vertical Sky			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>First Floor</i>								
R2/231 – W4	Kitchen	16.4	14	14.36%	6.2	2.2	1.5	33.6%
<i>Second Floor</i>								
R2/232 – W3	Kitchen	23.4	20.5	12.41%	6.2	3.5	2.4	29.1%

Table 4 - 13-17 Caledonian Road

10.279 The two impacted rooms to this building are located at the same location on the first and second floors, and both relate to small kitchens. The reductions in NSL to these rooms would equate to losing one third of their view of the sky. This is considered acceptable given the small size of the windows and the area of these kitchens in relation to other rooms within the relevant dwelling. The dwellings are assumed to be dual aspect with outlook to the east over Caledonian Road. As such, the reductions to these rooms are considered to have a small impact to the overall dwelling.

Sunlight

10.280 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. There are no transgressions reported and all neighbouring properties would meet BRE guidance.

Overshadowing

10.281 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).

10.282 There is limited amenity and open space within the surrounding area due to the central London context. 6 neighbouring open space plots and 1 space within the application site have been identified and assessed by the Applicant. All of these spaces, which are located to the rear of buildings they serve, would meet BRE guidance, whilst one space to the rear of 1-15 Joiners Yard would see a minor increase in sunlight on the ground of 1%, however this appears to be a hard surfaced car park to this building.

Overall Summary for Daylight, Sunlight and Overshadowing

10.283 A comprehensive assessment of the impacts of the proposed development on surrounding windows, rooms and amenity areas to neighbouring dwellings has

been undertaken in accordance with BRE guidance and practice. It has to be acknowledged that there would be minimal impacts to neighbouring.

- 10.284 Quantitatively a small number of windows (3.75%) and rooms (5.9%) would fail to meet BRE guidance. Those that do fail BRE guidance do so by only minimal infractions, which officers consider to be acceptable due to the central London urban context of the surrounding area.
- 10.285 All neighbouring windows would meet BRE guidance with regards to Sunlight, whilst all neighbouring amenity/open spaces would also meet BRE guidance.

Overlooking

- 10.286 The supporting text to IDMP 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 should also be given 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.
- 10.287 Paragraph 2.3.36 of the Mayor of London’s Housing SPG states that such minimum distances “can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density”. This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor’s guidance does not override Islington’s Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 10.288 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m window to window requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties through overlooking windows of habitable rooms.
- 10.289 It is noted that the existing windows on the eastern elevation of the Times House building already overlook the rear windows of the neighbouring occupiers at 8-15 Joiners Yard to some degree due to windows at ground to third floor level and officers note the existing angle of view is at an acute angle between these existing windows and Joiners Yard. This is because the windows at Times House face in an easterly direction whereas the windows at Joiners Yard face in a southerly direction. See image 44 below indicating the relationship between the properties.

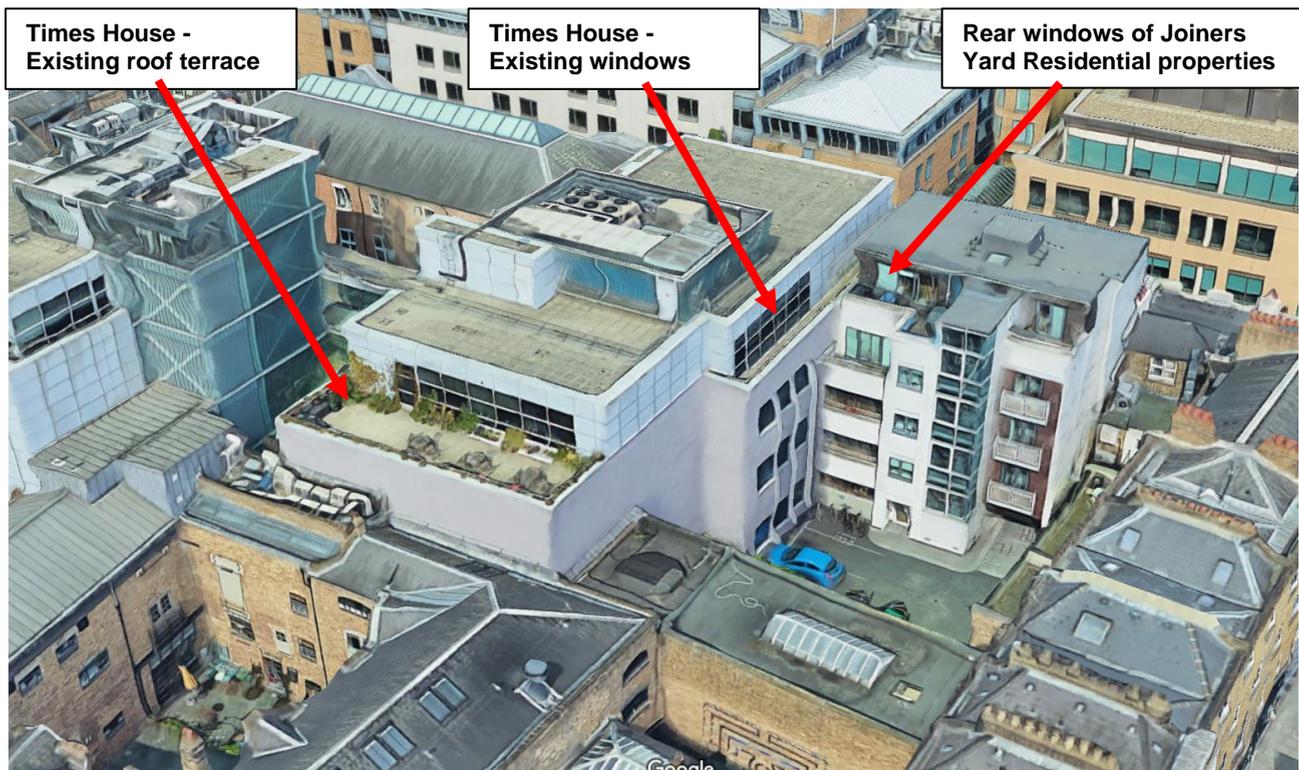


Image 44 – Existing relationship – Times House and Joiners Yard

- 10.290 Therefore, the key consideration is whether the proposed roof extensions would result in unacceptable increase in the level of overlooking towards the windows of the neighbouring properties.
- 10.291 The proposed office development would result in an infill to the existing third floor level, proposing 3no. windows on the eastern boundary, with a similar relationship to the existing windows, albeit the angle of view to the windows of Joiners Yard has become slightly more acute.
- 10.292 4no. windows are proposed on the eastern elevation of the roof extensions at fourth and fifth floor levels, however the position of these windows is at a more acute angle than the existing windows at third floor, they are located at a higher level than the residential properties and the fifth floor elevation is recessed from the eastern boundary, further reducing the angle of view.
- 10.293 Taking into account the site's highly urbanised and central location, and the existing levels of overlooking between buildings at Times House and Joiners Yard, it is not considered that any unreasonable level of overlooking would need to be mitigated. Notwithstanding that, due to the short distance between the proposed windows at third floor and the windows to neighbouring residential properties, it is considered appropriate to secure details of the obscure glazing on the side (east) elevation of the proposed infill extension at third floor to be agreed by the Council prior to the occupation of the development . This would ensure that the proposed extension would not pose an adverse impact towards the adjoining neighbours. A condition is recommended (37).
- 10.294 The Council's policies do not protect privacy to existing outdoor amenity spaces,

notwithstanding this, given the existing degree of overlooking towards the balconies of the Joiners Yard properties from the windows of Times House at ground to third floors, the additional windows at fourth and fifth floors are not considered to result in a materially harmful increase in overlooking as to require mitigation measures.

10.295 The eastern elevation of the roof extensions to Times House would face towards the rear elevation of properties at first to third floors which front onto Caledonian Road. The existing separation distance is approximately 18 metres and there is an existing level of overlooking from Times House due to windows at ground to third floors. The position and height of the additional windows on the proposed roof extensions is not considered to result in materially harmful increase in overlooking as to warrant mitigation measures. Notwithstanding this the third floor windows (as noted above) will be obscurely glazed to protect other closer properties.

Roof Terraces

10.296 There is an existing roof terrace on the rear elevation on the eastern side of Times House at third floor level, facing in a southerly direction. The proposals would remove this roof terrace and introduce a roof terrace at fourth floor level, located in the same position but at a higher level. This roof terrace would therefore not result in a materially different relationship to the adjacent residential properties as to require mitigation measures and could arguably reduce the degree of potential overlooking.

10.297 The proposals also introduce roof terraces on the western side of Times House at first, fourth and fifth floor levels. See images 45 to 47 below.

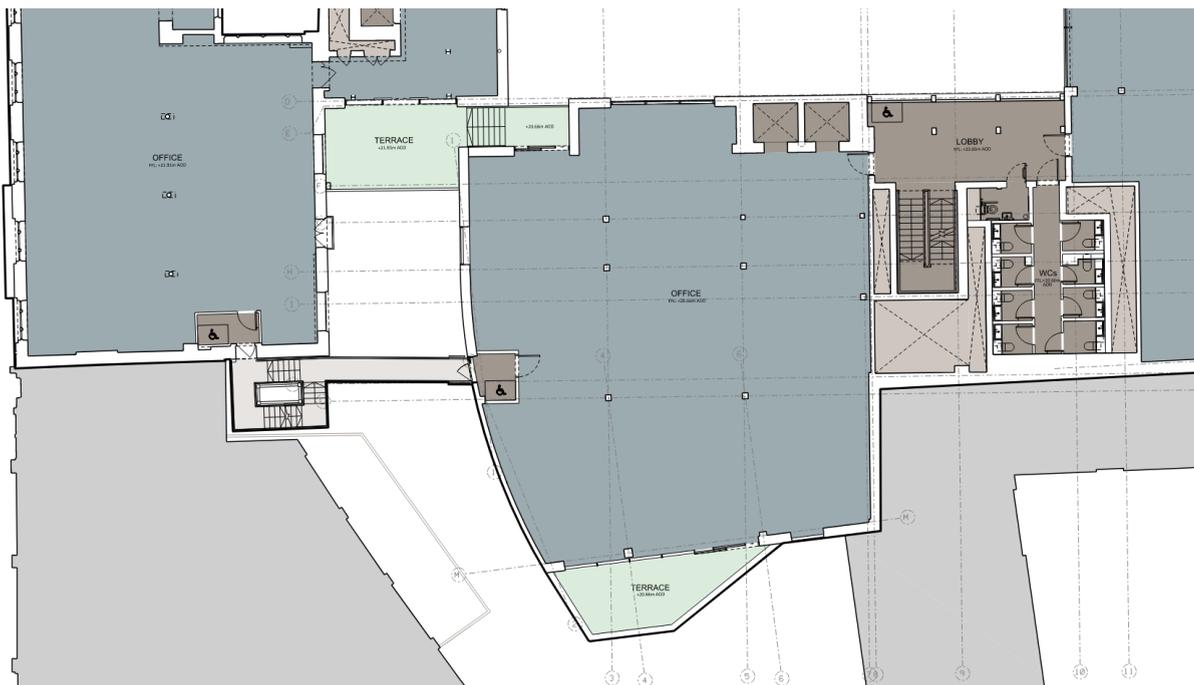


Image 45 – Proposed Roof Terraces at first floor level

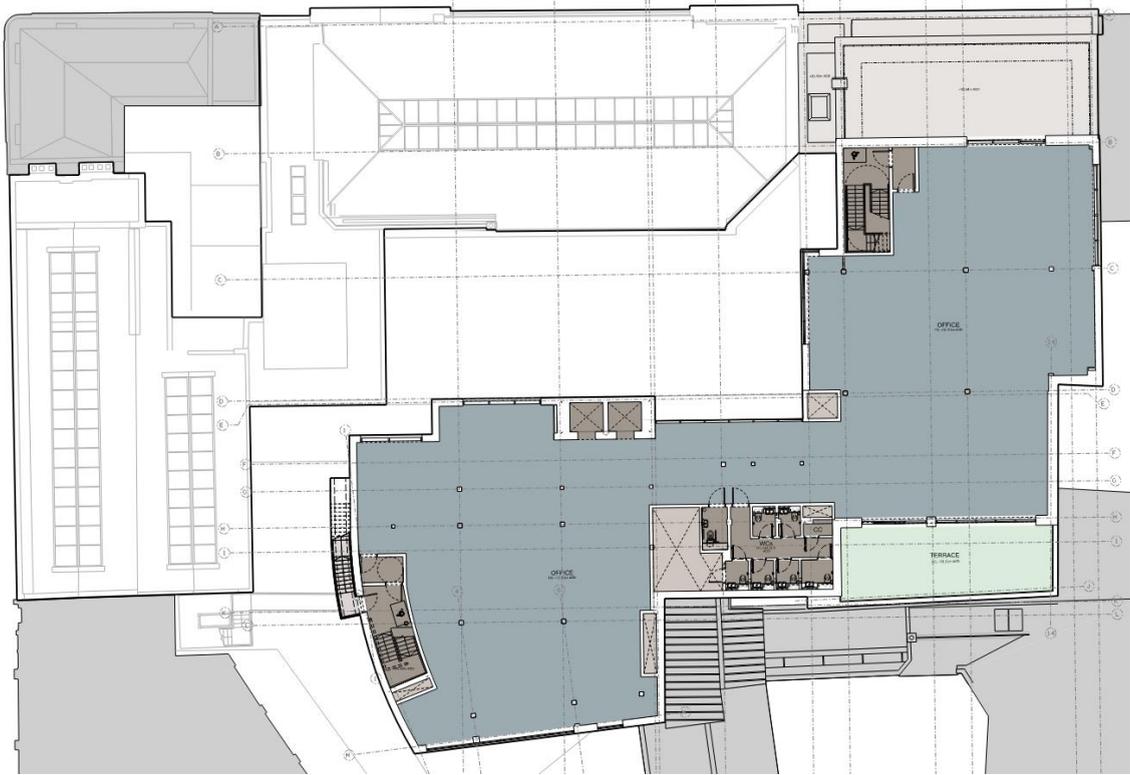


Image 46 – Proposed Roof Terrace at fourth floor level

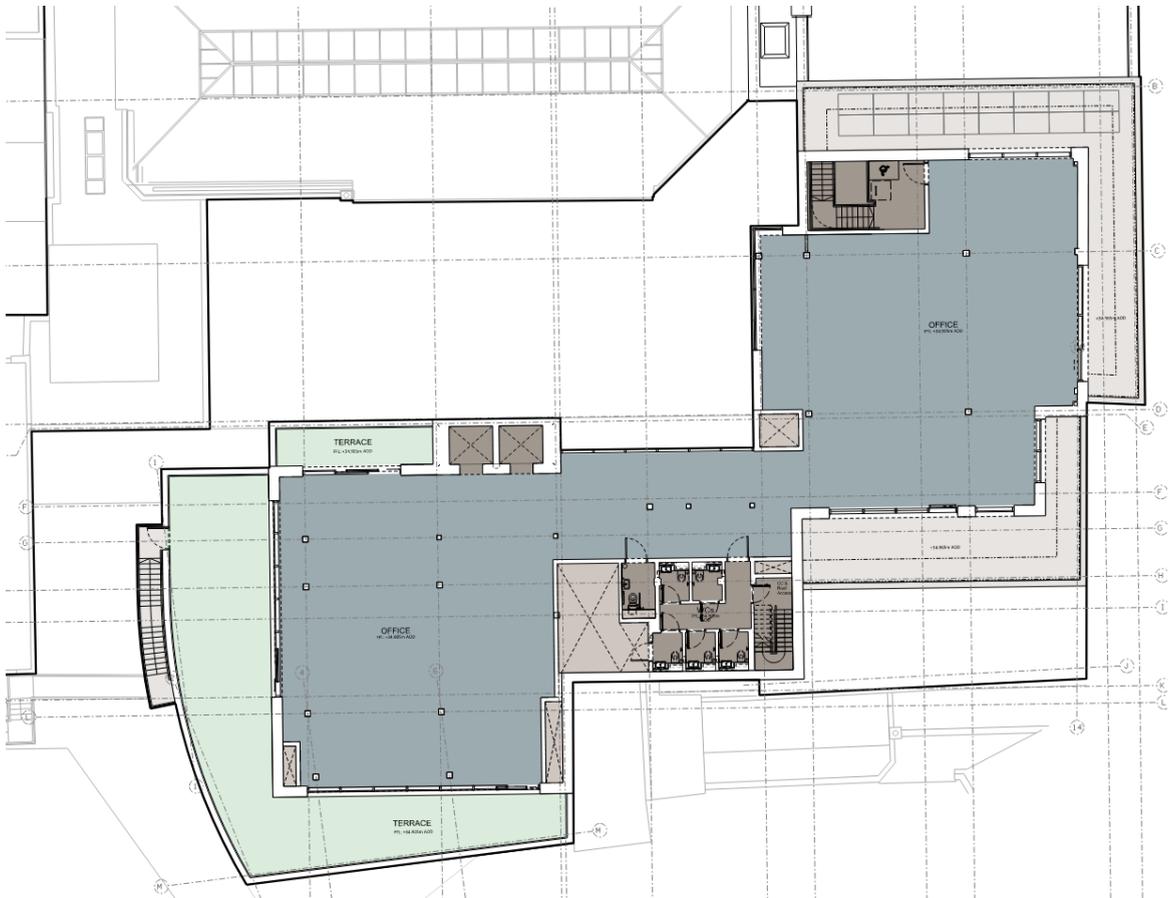


Image 47 – Proposed Roof Terraces at fifth floor level

- 10.298 The position of the proposed roof terraces at first and fifth floors is not located immediately adjacent to any residential properties. The roof terrace at fourth floor level is positioned in the same location as the existing third floor roof terrace. The rear elevations of the residential properties on the upper floors fronting onto York Way are blocked by the building at 10 York Way, known as Noah's Yard. Notwithstanding this, given the site's proximity to residential properties, the Acoustic Officer has requested that a condition is imposed requiring a noise management plan and restrictions on the hours of use of the proposed roof terraces (conditions **14 and 36**) to avoid potentially harmful amenity impacts.
- 10.299 Overall, officers are satisfied that the proposal would not unduly affect the neighbours' privacy and the proposed development would not result in unacceptable overlooking towards the adjoining neighbours. Conditions would mitigate any potential noise impacts from roof terrace use.

Outlook and enclosure

- 10.300 The residential properties at 8-15 Joiners Yard adjoin the eastern boundary of Times House with the exception of the top floor to both buildings due to an existing recess of 1.5 metres between the third floor of Times House and the fourth floor of Joiners Yard, due to the difference in finished floor levels between the buildings. There is an existing plant room on Times House which is recessed by a further 1.8 metres from the shared boundary (See image **44**).
- 10.301 A The proposed extension at the fourth floor of Times House would infill the existing 1.5 metre recess with Joiners Yard, and add 3.5 metres on the height of the existing building. Scaling off the proposed context section East-West-Proposed drawing, there would be a total of 6.5 metre increase on the boundary and extend 10 metres to the south of Joiners Yard.
- 10.302 The fifth floor level roof extension would a further 3.8 metres recessed from the boundary by 2.4 metres. The plant room on top would be recessed by a further 2.1 metres (totaling 4.5 metres from the boundary).
- 10.303 The dual aspect properties at Joiners Yard have windows facing south and are located adjacent to the shared boundary with Times House. The closest windows to the proposed additional height, bulk and massing on Times House, are at the third and fourth floor level of the Joiners Yard building with a slight recess from the boundary of approximately 1.5 metres.
- 10.304 It is noted that the proposals result in an increase in height, scale, bulk and massing, located on the western boundary of the residential flats at fourth floor level. In assessing the impacts on outlook and enclosure to these properties, consideration is given to the existing generous outlook from these flats which face in a southerly direction, the dual aspect nature of the flats with a further outlook onto Caledonia Street to the north, and the existing setting and the distance between the surrounding properties.
- 10.305 There would be an increased sense of enclosure on the right side of the Joiners Yard properties, resulting in a detrimental impact on the outlook and sense of

enclosure to the top floor flat to Joiners Yard, compared to the existing situation. However the impact would be limited to the right side and the overall impact on amenity would not be unduly harmful. Therefore it is considered that the proposed development would not pose unacceptable harm to the adjoining neighbours in terms of outlook and perceived sense of enclosure.

- 10.306 It is noted that it is bad design practice to locate windows on a flank boundary as this is well known to have the potential to sterilize development potential of adjoining land. However in this instance, there are existing windows at ground to second floor levels on the eastern boundary of Times House, with existing windows recessed from the boundary at third floor level. The undeveloped land to the east of the site serves as a car park and refuse storage and its position allows for aspect to the rear elevations of 1-15 Joiners Yard. Therefore in the circumstances, the design is not considered to prejudice the potential for the future development of the adjoining site.
- 10.307 In respect of 1-17 Caledonian Road, given the existing large separation distances of circa 20m, it is not considered that a part one, part two storey extension resulting in an overall building height of 25m including the recessed fifth floor and plant room, at this distance would impact their outlook in a detrimental way, nor would it cause an overbearing appearance or sense of enclosure.

Noise and disturbance

- 10.308 Noise and disturbance are likely to be generated from the proposed construction works, as well as the commercial operations proposed under this application, including the office uses on the upper levels, and the flexible commercial uses on the ground floors.
- 10.309 The Acoustic officer comments that there is the potential for noise impacts from the operation of the flexible class E units and there should be a commitment from the applicant to ensure that these impacts are considered at an early stage within the design. If the design is not sufficiently finalised, and this is the best assessment they can currently carry out, then there needs to be a further report looking at impacts when the design is finalized, which is secured by condition **(13)**.
- 10.310 In regard to the plant noise, the Council's Acoustic Officer has reviewed the submitted noise assessment. The proposal includes rooftop plant and its specification has been reviewed. It is recommended that the acoustic specifications of the plant be controlled by **conditions 11** and post installation verification report **12**, to ensure that the noise impacts are minimised and that it would not adversely affect the surrounding occupiers in terms of noise.

Construction Impacts

- 10.311 The construction works proposed under this application would unavoidably cause some degree of noise and disruptions which would affect neighbouring residents. It is considered that the construction works under this application would need to be carefully managed and controlled to minimise disturbance to the neighbours.
- 10.312 The Acoustic Officer recommended that a full and updated Construction and

Environmental Management Plan be submitted to and approved by the Council (in consultation with TfL) prior to the commencement of development, the plan shall include details including methods of demolition, quiet periods and noise mitigation, in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by **condition 5**. It is worth noting that 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.

10.313 The transportation and highways impact during the construction stage is further discussed in the Highways and Transportation section below.

Hours of operations

10.314 In terms of hours of use, it is considered that the operational hours of the proposed flexible commercial uses would need to be adequately controlled to ensure that the surrounding neighbours would not be unreasonably affected. The Council’s Licensing Officer has recommended that the hours of operations are restricted as follows:

Use	Recommended hours of operations
E (b) – café/restaurant	Sunday to Thursday - 8am to 11pm Friday and Saturday - 8am to midnight
Sui Generis – Bar & Drinking Establishment	Sunday to Thursday - 8am to 11pm Friday and Saturday - 8am to midnight

10.315 Given the proximity to some residential uses in the surrounding area, the following uses, the hours of operation for the uses below, are to be controlled as follows:

E (a) – retail	Monday to Sunday - 7am - 11pm
E (d) – indoor sport, recreation or fitness	Monday to Sunday - 7am - 10pm

10.316 The hours of operations are controlled under **condition 20**.

Odour control

10.317 The proposed flexible use on the ground floor includes restaurant use in which the potential for odours would need to be addressed adequately.

10.318 **Condition 10** is recommended to secure details of extract ventilation system to be submitted approved and installed /operational prior to commencement of any restaurant uses on site to ensure that any potential odour impact caused by the restaurant operations would be adequately mitigated through management and design / other measures.

Air Quality

- 10.319 IDMP Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.320 The application submission includes an Air Quality Assessment and Air Quality draft Dust Management Plan. The EPPP officer notes that this states NRMM should meet Stage IIIA. Inside the CAZ, NRMM should achieve at least Stage IV and outside the CAZ should achieve at least IIIB. The officer does not raise an objection in this regard.
- 10.321 The Dust Management Plan report states that prior to the implementation of appropriate mitigation measures, the potential impact significance of dust emissions associated with the preparation works of the proposed development has potential as 'medium' at some worst affected receptors without mitigation. The document states that appropriate site-specific mitigation measures have been proposed based on Section 8 of the IAQM 'Guidance on the Assessment of Dust from Demolition and Construction', 2014. The document concludes that with these appropriate mitigation measures in place, the risk of adverse effects due to emissions from the preparation works will not be significant.
- 10.322 The Officer from the EPPP Team has reviewed the scheme and raised no objection in this regard. It is judged that mitigation measures for dust suppression during the construction stage should form part of the Construction and Environmental Management Plan.
- 10.323 In regard to the operational phase of the development, it was concluded that the proposal would not adversely affect the air quality of the local area, as the proposals would be car free and most of the trips generated would be through public transport.

Light pollution

- 10.324 The site usage has been established as commercial. The proposal would not alter the commercial nature of the site and therefore, it is not recommended that the hours of operation of the office uses be restricted. However, the proposal raises the possibility of night time light pollution occurring, should office staff need to work outside normal office hours; due to the proposed intensification of commercial use of the site, the cumulative impact is likely to be greater than existing and therefore measures would need to be in place to mitigate any adverse light pollution impact.
- 10.325 To address this, **condition 7** is recommended for details of measures to adequately mitigate light pollution affecting neighbouring residential properties. The measures that are suggested and could be used include automated roller blinds, lighting strategies that reduce the output of luminaires closer to the façades or light fittings controlled through the use of sensors.
- 10.326 It is considered that this condition would ensure the extent of light being used within

the building is reduced and help minimise any impact on neighbouring properties, and address any light pollution concerns.

Neighbouring amenity summary

- 10.327 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity.

Biodiversity, Landscaping and Trees

- 10.328 LP policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure network. Policy G5 further 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.
- 10.329 ICS policy CS15 and IDMP policy DM6.5 state that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 10.330 The existing site and existing buildings have no green coverage or soft landscaping, and therefore, it is judged that the proposal would not adversely affect the existing natural environment.
- 10.331 The applicant has submitted details of green roofs in the application. Green/Blue roofs are proposed on the roof of the Times House building to provide additional green coverage. The green roof is proposed under and around the PV panels to form a bio-solar roof. These details are welcomed by officers.
- 10.332 The sustainability officer queried the scope for additional green roof areas. The structural limitations prevent further green roofs on the areas around the plant equipment, however these areas will be maximised for blue roofs. The proposed terraces have been included to provide a reasonable size of amenity for the large office use within this dense urban location. In this respect, the request for additional green roof areas on these terraces would diminish the quality of the building for its future office use and additional green roofs would impact the structural load balance. These responses have been accepted by the Sustainability Officer and as such the scheme is considered compliant with policies CS15 and DM6.5.
- 10.333 The proposed green roofs would enhance the biodiversity and ecological value of the site. The scheme includes the provision of hedging through vertical greening in Laundry Yard.
- 10.334 Details of the proposed green and blue roofs would need to be submitted and approved prior to commencement of superstructure works to ensure it would promote and enhance the biodiversity of the site and surrounding area (**Condition**

6).

Urban Greening Factor

- 10.335 The London Plan 2021 has introduced an Urban Greening Factor assessment required by Policy G5 (Urban greening) which states that all 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 to increase the overall urban greening factor of sites. The policy also expects councils to develop their own urban greening factor.
- 10.336 Draft Local Plan policy G1 (Green infrastructure) states that 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.
- 10.337 Policy G1 received minor objections so has limited to moderate weight. An Urban Greening Factor assessment gives a rating to each type of surface on the site, with more biodiverse and permeable surfaces achieving a higher rating than hard landscaping and similar surfaces.
- 10.338 Currently the building has minimal ecological activity, with existing trees in the yards providing the only source of greening. The proposals include roof extensions, infill extension and refurbishment of the existing buildings.
- 10.339 The applicant has submitted a Biodiversity Net Gain Assessment and Urban Greening Factor Review. Following the removal of the planters from Albion Yard and Ironworks Yard, the UGF has been confirmed as 0.16. The report considers that opportunities for greening have been maximised. In addition to the retention of all existing ecological features and the provision of a green roof across much of the new rooftop, there will be other ecological features created, such vertical greening within Laundry and Times Yard and bird, bat and invertebrate boxes.
- 10.340 Whilst acknowledging the scheme comprises of refurbishment and infill development so it may not be able to reach an UGF of 0.3, the sustainability officer queried whether there are opportunities for the Urban Greening Factor score to be increased. The applicant has commented that there are no opportunities for tree pits due to the extent of the existing basement, and structural limitations prevent plant equipment from incorporating green roofs however the areas around the plant are used for blue roofs.
- 10.341 The Sustainability Officer has accepted that the site's constraints prevent the UGF from increasing towards the required 0.3 rating and raises no objections in this regard. Therefore the proposal is not considered to raise conflict with London Plan policy G5.

Energy and Sustainability

- 10.342 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.
- 10.343 The NPPF para 157 states that in determining planning applications, LPAs should expect new development to a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.344 LP policy GG6 seeks to make 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.
- 10.345 LP 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 will 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.
- 10.346 In regard to Energy Infrastructure, policy SI 3 part D states that all major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system, which should be selected in accordance with the following heating hierarchy:
- connect to local existing or planned heat networks
 - use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
 - use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
 - use ultra-low NOx gas boilers

- 10.347 Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.
- 10.348 Policy SI 4 'Managing Heat Risk' of the new London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure; The submitted energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.
- 10.349 Core Strategy Policy CS10 requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 10.350 IDMP 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.
- 10.351 The applicant has submitted the relevant details within an Energy Statement prepared by Norman Disney & Young dated 26 July 2021 (Version 3.0).

Carbon Emissions

- 10.352 The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 10.353 Based on SAP10 carbon factors, a saving of 45.8% is estimated, against a Part L 2013 baseline. This surpasses the London Plan target. Based on SAP 2012 carbon factors, a 25% reduction is anticipated. No objection was raised from the Energy Officer in this regard.
- 10.354 In terms of Islington's policies, the council 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.
- 10.355 The initial submission indicates that the development would achieve an overall saving of 29.1% on total emissions. However, for the existing building, the baseline is derived using the GLA's specification (in Appendix 4 of their 2020

Energy Assessment Guidance). For assessment against the Islington target, a baseline of an equivalent development complying with Part L 2013 should be used.

- 10.356 A subsequent comparison against a part L 2013 notional building has been undertaken. This shows that the development is anticipated to achieve a 12.9% on total emissions (SAP10 figures) which falls short against the council target.
- 10.357 However the Energy Officer has accepted that given the substantial refurbishment elements of both developments, it is extremely unlikely that either could make sufficient improvements to hit the 27% target – and the 11-13% reductions made are not insignificant in the circumstances. The officer notes that it might be possible to make some small improvements to the efficiency specifications and the PV capacities, but even if this is possible, this is only likely to have a small impact on overall emissions.
- 10.358 It is noted that latest updates provided by the applicant's energy consultant, mention detailed design stage, while the Environmental Design SPD places the onus on applicants to demonstrate that, for refurbishments not achieving the 27%, emissions have been minimised as far as reasonably possible. Given this, the Energy Officer has accepted the current energy position, and requested that an assessment of any potential further improvements is required by condition **(23)** prior to implementation.

Zero Carbon Policy

- 10.359 As mentioned above, the London Plan Policy SI 2 stipulates development proposals to aim to be zero carbon, this is supported by Islington Core Strategy Policy CS10 which states that development will need to promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 10.360 The council's Environmental Design SPD states that "*after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution*", this includes both regulated and unregulated emissions. The SPD further states that the calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.
- 10.361 The latest energy statement quotes an offset contribution of **£145,176** based on residual emissions of 157.8 tonnes, which includes both the regulated and unregulated CO2 emission. This has been confirmed by the Energy Officer that this value is correct. In the event efficiencies are found via condition 2 3, then this contribution is likely to be reduced accordingly.

BE LEAN – Reduce Energy Demand

- 10.362 IDMP 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.” It further states that “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”.

- 10.363 The proposed U-values for the development are new walls = 0.20; existing walls = 0.35 at Times House and 1.70 for Laundry Building (i.e. no insulation upgrade in this latter case), roof = 0.16 and floors = 0.50. The proposed U-values for windows are new = 1.60, with retained windows at Times House = 2.20 and at Laundry Building = 3.30.
- 10.364 An air permeability of $5\text{m}^3/\text{hr}/\text{m}^2$ is specified for new-build areas at Times House, with $10\text{m}^3/\text{hr}/\text{m}^2$ anticipated for retained areas at Times House, and $25\text{m}^3/\text{hr}/\text{m}^2$ anticipated for the Laundry Building. Since mechanical ventilation with heat recovery is proposed, the officer recommends that further improvements in air permeability for Times House and the Laundry Building are investigated.
- 10.365 Lighting controls include absence detection and daylight dimming are proposed in workspace areas. The luminous efficacies shown are relatively good, but the officer would suggest investigating further improvements to these, as the development falls short against the GLA 15% energy efficiency target for non-residential.
- 10.366 For the same reasons, the energy officer would suggest improvements to any of the other energy efficiency parameters is also considered. It is noted that external wall insulation is ruled out for the walls at the Laundry Building, due to heritage considerations. However, the officer requests that that internal wall insulation is investigated as a potential alternative.
- 10.367 The Energy Officer has accepted that no further amendments to the energy efficiency specifications are proposed for now, although there may be scope for further improvements at detailed design stage and this is secured by condition **(23)**. BREEAM credentials are to be secured by condition **(24)**.

Overheating and Cooling

- 10.368 IDMP Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by including details of internal temperature modelling under projected increased future summer temperatures.
- 10.369 Dynamic thermal modelling in line with CIBSE TM52 has been carried out. In general, the underlying assumptions for this analysis were considered to be reasonable. However, the energy officer noted that the modelling appears to

have been undertaken with a mechanically cooled building as the starting point. Natural ventilation has been identified as unfeasible due to local noise and pollution issues – so the officer requested that the development is at least initially modelled as a mechanically ventilated building with no active cooling, to see if this is sufficient to mitigate overheating risks and the officer requested that the analysis should be updated to take account of this.

- 10.370 Further details of the overheating modelling have subsequently been provided, including the results for modelling of the development with mechanical ventilation alone. This scenario shows many areas of the building failing the criteria by a significant margin. Therefore, the Energy Officer has accepted that active cooling can be used within the development.

The need for active cooling

- 10.371 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”.
- 10.372 The use of active cooling in order to prevent overheating has been accepted by the Energy Officer as outlined above.

BE CLEAN - Low Carbon Energy Supply

- 10.373 The development is identified as being relatively close to both the Somers Town Heat Network and the Kings Cross Heat Network, and contact has been made with both network operators. However, on the basis of this, it would appear that neither network is likely to extend in the direction of the development in the short or medium term. In addition, there are issues regarding capacity constraints as well as distance to the networks – and therefore, it has been decided that the development will not connect to either network. This is accepted by the Energy Officer.
- 10.374 Space heating and cooling will be provided to the development via a VRF system. Domestic hot water will be provided to Times House via an air source heat pump system, while point-of-use electric heaters will be provided to the upper floors of the Laundry Building. No objection was raised by the Energy Officer in this regard.

Connection to a DEN

- 10.375 IDMP Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”
- 10.376 The energy statement does not propose connection to a network as neither of the local heat networks is likely to extend in the direction of the development in the short or medium term and this is accepted by the Energy Officer.

Site-wide communal system/network and design for district network connection

- 10.377 London Plan Policy 5.6C states “where future network opportunities are identified, proposals should be designed to connect to these networks.” Council Policy DM7.3A states “all major developments are required to be designed to be able to connect to a Decentralised Energy Network (DEN)”. The Council’s Environmental Design Guide states “to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development (technical design standards to enable future connection are set out in Appendix 1).”
- 10.378 Council Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”
- 10.379 The Council’s Environmental Design Guide states “to enable this and to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development (technical design standards to enable future connection are set out in Appendix 1).”
- 10.380 GLA Guidance 10.14 states “the site heat network should be supplied from a central energy centre where all energy generating equipment, such as CHP and boilers, is located.”
- 10.381 The energy statement suggests that, given the development design, future-proofing for connection would be accomplished via reserved plant room space. This is agreed. The applicant has provided a drawing showing further details of protected pipework routes from the edge of the development to the plant room, which the Energy Officer has accepted as sufficient and nothing further is required at this stage. This is secured at condition **39**.

Shared energy networks

- 10.382 Islington policy DM 7.3D states “Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.”
- 10.383 Potential for a shared heat network has not been assessed. The Energy Officer does not see that there is a clear opportunity for a shared heat network and longer-term, it would probably be more desirable to pursue a direct heat network connection in this area. Therefore, no further assessment of this is required.

CHP/CCHP or alternative low carbon on site plant

- 10.384 In accordance with the London Plan hierarchy where connection to district heating or cooling networks are not viable, on-site low carbon heating plant should be proposed and CHP/CCHP prioritised (this may also form the basis of

the alternative strategy, where the primary strategy is for connection to a district heating or cooling network if found viable through further investigation).

- 10.385 The Council's Environmental Design Guide (page 12) states "Combined Heat and Power (CHP) should be incorporated wherever technically feasible and viable. Large schemes of 50 units or more, or 10,000sqm floorspace or more, should provide detailed evidence in the form of an hourly heating profile (and details of electrical baseload) where the applicant considers that CHP is not viable; simpler evidence will be accepted on smaller schemes."
- 10.386 On-site CHP is not proposed, on grounds of low heat loads and carbon factors. Given this, and the current GLA position on CHP, this is considered to be acceptable by the Energy Officer.

BE GREEN – Renewable Energy Supply

- 10.387 The Mayor's SD&C SPD states "although the final element of the Mayor's energy hierarchy, major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible."
- 10.388 The Council's Environmental Design SPD (page 12) states "use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets."
- 10.389 A solar PV array covering an area of ~78m² and 14,500kWh/yr outputs is proposed, and this is supported. The latest update confirms that the PV array is of outputs 18.3kWp and now 11,300kWh/yr.
- 10.390 The Energy Officer has asked for further information to be provided regarding the potential to increase the solar PV capacity and this is secured by condition **(23)**.

BREEAM - Sustainable Design Standards

- 10.391 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".
- 10.392 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".
- 10.393 The submitted BREEAM pre-assessment tracker shows the development achieving a rating of 'Excellent' as required, with an overall score of 74.59%. This offers a fair margin of comfort over the minimum 70% required to achieve an 'Excellent' rating. This is secured through **Condition (24)**.

Draft Green Performance Plan

- 10.394 IDMP policy DM7.1 and the Environmental Design SPD 8.0.12 – 8.0.18 states "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.

10.395 The initial draft Green Performance Plan did not include targets for renewable energy generation, based on the energy modelling of the building and more details were required in terms of Arrangements for Addressing Performance. Subsequently an amended GPP has been provided. At this stage, the Energy Officer has accepted the GPP, although there will need to be further updates under the s106 Draft and Full GPP requirements.

Circular Economy

10.396 LP Policy SI.7 ‘Reducing waste’ states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.

10.397 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.

10.398 The proposal comprises of significant building works, including the alterations to the existing building as well as the new roof level and infill extensions.

10.399 It is required to demonstrate that materials extracted from demolition can be re-used where possible, and that the building will adapt to change over its lifetime. The development also needs to minimise the environmental impact of materials through the use of sustainably-sourced, low impact and recycled materials. The application includes a Site Waste Management and Circular Economy Statement. The Statement sets out how Circular Economy considerations have been a key part of the Development’s sustainability strategy and have informed the Whole Life Cycle Assessment. The statement provides key circular economy commitments including minimising the quantities of materials and other resources used, prioritising materials that are responsibly sourced and with a high recycled content, designing for reusability, and to design out construction waste arising. The statement sets out the plans for implementation of the circular economy and the end-of-life strategy.

10.400 It is recommended that the details within the Site Waste Management and Circular Economy Statement are secured and implemented by **condition (34)**.

Sustainable Drainage

10.401 LP Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the ‘Wat 01’ water category or equivalent, and incorporate measures

such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.

- 10.402 ICS Policy CS10 requires all development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating and incorporates sustainable drainage systems. IDMP Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water runoff to a 'greenfield rate', where feasible.
- 10.403 The Sustainability officer queried if the surface water runoff rates could be reduced beyond offsetting the increase in foul water flows, including evidence of the structural limitations imposed by the existing structure and foundations to determine if there are further opportunities for blue roofs or attenuation tanks. The applicant has confirmed that all of the new roofs are additional storeys supported on the existing structure which load the existing foundations. The strategy used to determine structural loading is a "load balance" approach where the engineers have observed that the original structure was overdesigned for high floor loads, and by re-assessing the actual floor loads needed, the engineers have freed up spare capacity in the foundations which is used for building the additional structure. Along with the floor and roof loads and building extra storeys, to ensure the foundations are not overloaded, it has been identified that 100mm blue roof thickness can be spared for blue roof in certain areas. The limited information on the foundations which means the applicant can't carry out calculations to add more load, and therefore must stay within the loads they were originally designed for.
- 10.404 The applicant's consultant has confirmed that the only place where it is feasible to introduce attenuation on the Times House and Laundry Buildings site is as a blue roof on Times House. This roof is very structurally constrained as it is building on top of existing structure and existing foundations. The calculation on flow rates was carried out at design stage and showed that the amount of blue roof attenuation required to offset the increase in foul water flow was already at the maximum that the structure could accommodate, and it would not be possible to increase attenuation further.
- 10.405 In relation to the surface water drainage, the applicant states that 'flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer to meet local authority requirements.'
- 10.406 The Council's Sustainability Officer has reviewed the proposal and has welcomed the reduction of runoff rates.
- 10.407 In response to a further query by the Sustainability Officer, the applicant has confirmed that whilst rainwater and grey water recycling have been considered, the additional plant space and pipework distribution provision required would not make this feasible with the current schemes. The officer has reviewed the proposal and has welcomed the reduction of runoff rates and accepts that the proposal to reduce surface water runoff to offset the increase in foul water flows only.

- 10.408 The applicant has provided an existing plan demonstrating geocellular storage is unviable due to existing Network Rail structures.

Highways and Transportation

- 10.409 The NPPF para 110 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.
- 10.410 The New London Plan Chapter 10 relates to highways and transportation. LP Policy T4 (A) states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Part (B) requires Transport Statements to 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, will be required to address adverse transport impacts that are identified.
- 10.411 The IDMP 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.
- 10.412 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 6b (Best). The site is located opposite Kings Cross Rail Station which sits adjacent to St Pancras International Rail Station and also provides Kings Cross St Pancras underground station. The station provides train services on several London underground lines and National Rail lines as well as international train services. The site is also located at relative proximity to a number of bus routes including on York Way, Euston Road and Pentonville Road.

Proposal

- 10.413 The site comprises of two buildings, Times House and Laundry Building. Times House has a number of existing access points. The existing sui generis flexible commercial units are accessed from Caledonia Street and Laundry Yard. The existing office building in Times House is accessed via Times Yard and the existing gym unit is also accessed via Times Yard. The existing offices in the Laundry Building which front onto Caledonia Street are accessed via Laundry Yard and the other office unit has access via both York Way and Laundry Yard with a reception area for the upper floors also accessed via Laundry Yard. There is no vehicle entrance to the site. The development is proposed to be car free,

with no vehicle parking proposed on-site.

- 10.414 In regard to disabled parking, due to the constraints of the current site, no dedicated vehicle access or parking can be facilitated on-site and any provision of new disabled parking facilities will therefore need to be accommodated on the adjacent carriageways. The applicant identifies potential capacity for up to 2 designated parking bays across both applications (P2021/2269/FUL and P2021/2270/FUL), 1 no. located within the existing general use bays provided on York Way and 1 no. located within the existing general use bays adjacent to the Albion Yard entrance to Block C, on Balfe Street. The Council's Highways Officer has no objections to these proposals.
- 10.415 In terms of cycle parking, it is proposed to provide 105 secure cycle spaces and associated shower and changing facilities and mobility scooter charging points to be located in the reconfigured basement for use by the office and retail workers. Visitor cycle parking is provided in the form of 25 short stay cycle stands for 50 cycle spaces across the courtyards in Block B and on the highways including 9 stands within Times Yard and Bravington's Walk, and the remaining 16 additional stands are located on the footway in Caledonia Street and Caledonian Road. There are also a number of existing on-street cycle parking areas in close proximity to the site, including around Kings Cross Station.

Vehicle parking

- 10.416 No vehicle parking is proposed on-site, this is considered acceptable and in line with Islington's policies CS10 and DM8.5, which requires development to be car free. TfL has reviewed the application and has also expressed their support of the proposal being car free.
- 10.417 The site has a PTAL rating of 6b(Best), which indicates that the site benefit by excellent public transport provision. There are on street parking spaces within close proximity to the site on York Way; however, based on the scale and nature of the proposed development, it is considered that the proposed commercial development is unlikely to generate an unacceptable level of vehicle trips to the site to adversely affect the local highways network. The Council's Highways Team has commented on the application and no objection was raised in this regard.
- 10.418 In regard to disabled parking, there is no disabled parking proposed on site, however, it is anticipated that the need for disabled parking provision would increase as a result of the development. In accordance with Policy DM8.5 and the guidance with the Planning Obligation SPD, a financial contribution of £2,000 per space is required to secure additional on-street blue badge parking bays, or alternative accessibility improvements to be agreed by the Council's highway officers. The financial contribution (£8,000) is to be secured by the s.106 agreement.

Cycling

- 10.419 In terms of cycling, LP Policy T5 states that development proposals should help remove barriers to cycling and create a healthy environment in which people

choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

- 10.420 The London Plan states that office development should provide 1 space per 75sqm of office floorspace.
- 10.421 IDMP Policy DM8.4(C) requires the provision of cycle parking in accordance with the minimum standards set out in Appendix 6 of the Development Management Policies document. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. Cycle parking shall include an adequate element of parking suitable for accessible bicycles and tricycles.
- 10.422 Appendix 6 sets out the cycle parking requirements for each use (the area relates to Gross Internal Area for the purpose of calculations). It is required to provide 1 space per 60sqm of retail, café/restaurant floorspace, 1 space per 80sqm of office floorspace, and for leisure and sports 1 space per 275sqm.
- 10.423 Based on the total floorspace of the refurbished and extended office building of 7,628sqm the proposal would be required to provide 105 spaces for office workers to accord with the London Plan requirement and 95 spaces to accord with the adopted Local Plan requirements.
- 10.424 The proposed 172sqm of retail would necessitate a further 2 spaces (1 long stay/1short stay) as required by the London Plan. For the flexible use units including café/restaurant and drinking establishments, the London Plan requires 1 space per 175sqm for employees and 1 space per 20sqm for visitors or customers.
- 10.425 The proposed long stay secure cycle storage would be located in the basement floor level, it would provide 68 doubled stacked spaces, with 5 oversized accessible spaces, 18 spaces will be adaptable spaces provided by Sheffield stands which could be used as oversized spaces; and 10 spaces will be provided as folding bike locker. This provision is to be secured by condition 4.
- 10.426 Given the site's constraints and the provision of cycle parking in the footway in close proximity to the site, the provision of 105 secure spaces for office and retail staff, and 50 short-stay cycle parking spaces provided for visitors, located within and around Block B and on the footway, is considered to accord with the aims of the new London Plan.
- 10.427 As per the requirement under Policy T5, 25 short stay cycle stands are required to meet the expected demand following the development. The cost of providing 25 short stay stands includes the design, consultation, approvals and implementation of the stands by the Traffic and Parking Team. This is to be secured by s106 obligation.
- 10.428 The applicant has committed to the required financial contribution for the provision of cycle stands in the public realm, which is to be confirmed by highways officers, and therefore, it is considered that overall, the proposal would provide an acceptable level of cycle facilities to support the development and to

encourage use of alternative transport modes, which complies with the objectives of LP Policy T5, and IDMP Policy DM8.4.

Servicing and Waste management

- 10.429 IDMP Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance
- 10.430 The site has pedestrian access points from York Way, Caledonia Street, Caledonian Road and Pentonville Road. York Way, Caledonian Road and Pentonville Road are busy main roads within the area.
- 10.431 The southern end of York Way, extending from Pentonville Road to its junction with Caledonia Street, forms part of the Transport for London Road Network (TLRN). To the north of Caledonia Street, York Way is managed by LBI.
- 10.432 York Way provides a one-way route in a northbound direction along the western boundary of the site, connecting Euston Road / Pentonville Road to the A503 Camden Road. York Road feeds vehicular traffic onto Caledonia Street through Regent Quarter in an eastbound direction, whilst receiving westbound traffic from Railway Street at the northern edge of Regent Quarter. York Way is utilised as a major bus corridor by TfL with the western side of the carriageway reserved as a bus stand in the vicinity of the site. The eastern side of the carriageway is characterised by a series of loading bays, controlled parking bays and marked drop-off bays.
- 10.433 The site falls within Zone B of Islington's Controlled Parking Zone (CPZ) and as such the 2 controlled parking bays located adjacent to the southern portion of Regent Quarter are operational between the hours of 08:00 – 18:30 (Monday to Friday) and 08:00 – 13:30 (Saturdays), consistent with the other local parking bays. There are also 2 loading bays provided on the southern (TLRN) section of York Way, whereby stopping is not permitted between the hours 08:00-19:00, except for disabled parking and deliveries, with loading activity permitted between 10:00 and 16:00 hours for a maximum duration of 20 minutes.
- 10.434 The applicant has submitted a Transport Statement (RGP – 30 July 2021), and a Delivery and Servicing Management Plan (DSMP) (RGP - 30 July 2021) in support of the application, to demonstrate the proposed servicing arrangements and how waste would be managed on site. During the course of the application a Transport Statement Addendum has been submitted (RGP – October 2021).
- 10.435 TfL have confirmed their acceptance of the locations for the short-stay cycle parking, the proposed arrangements for the disabled parking on the eastern side of York Way, and the loading bays on York Way.

- 10.436 The Transport Statement Addendum anticipates that the additional office floor space to be provided as part of the proposed development at Times House and Laundry Building would likely generate a net increase of 15 two-way vehicle trips over the course of a typical weekday. As a worst-case scenario, 3 additional two-way movements could occur during the AM peak hour period. It is noted that some of the collections and deliveries trips generated by this development are unlikely to be new but already on the highway serving neighbouring properties.
- 10.437 The DSMP has not been updated to reflect the proposed change of use from office to flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit in Laundry Building. As a result, the details of the Delivery and Servicing Arrangements are proposed to be secured by condition (26).
- 10.438 The Council's Highways officer has reviewed the documents including latest Transport Statement Addendum and has not raised an objection to the details subject to conditions (4 and 5) and planning obligations.

Refuse and recycling

- 10.439 The DSMP anticipates that the office accommodation will generate 2 weekly refuse collections, which would be undertaken from the loading bays on York Way by a private waste removal contractor. All collections would be scheduled outside of the conventional highway peak hour periods.
- 10.440 The DSMP considers that based on the combined mix of uses, the site would be required to provide a capacity of 29,400L to accommodate a single weekly collection of waste and recycling on-site, equating to 27 x 1,100L Eurobins. The DSMP considers that the retail standards provide an accurate reflection of the requirements for the three flexible Class E (b) Food and Drink/Sui Generis Bar/Drinking Establishment Units and four Class E (a) Retail units.
- 10.441 Based on the council's guidance on refuse and recycling storage requirements, officers consider that 18 x 1,100L Eurobins would be required, and that 50% of this capacity should be retained for the storage of separated waste for recycling. However the guidance does recommend a maximum storage provision of no more than 8 Eurobins.
- 10.442 The DSMP states that 15 x 1,100L Eurobins would be provided for shared use of the site within the Laundry Yard, generating a requirement for 2 weekly collections to be scheduled as part of the site's operation post-development. This store would be shared between the office and flexible Class E (b) Food and Drink/Sui Generis Bar/Drinking Establishment Units and four Class E (a) Retail units and would accommodate bins allocated for the disposal of general waste and mixed dry recycling.
- 10.443 However the proposed ground floor plan indicates that the proposed refuse storage within the Laundry Yard would accommodate up to 8 Eurobins (1100L). Therefore based on the submission, officers considered that further information is required in relation to the storage capacity and frequency of the refuse collection. Waste/recycling capacity is also be required on-site for the use of the

active flexible Class E commercial unit, as the uses include retail, café/restaurant, fitness and office. The requirements of the retail or restaurant use is dependent on the type of retail or food outlet. The Council's guidance indicates that Street Environment Services will assess each proposal individually. Therefore it is considered that some of the flexible commercial uses (i.e. restaurant) may require additional and separate refuse storage to accommodate the uses. Therefore, it is recommended that final details of refuse storage to be submitted and agreed by the council prior to the occupation of the development (**Condition 8**), on how waste would be managed on site, especially in regard to the proposed flexible commercial uses.

Construction impacts

- 10.444 The proposed construction works would inevitably have some impact to the local area during the construction period.
- 10.445 The draft Construction Traffic Management Plan was noted to have included arrangements are for the Highway Footway on the eastern side of York Way to remain open however the Council's Highways officer has objected this, and as such, a final revised version would need to be submitted and agreed by the Council prior to any construction work commence on site.
- 10.446 The Council's EPPP Team also recommended submission of a final version of a CEMP prior to commencement of development and to include measures set out by the Air Quality and Dust Assessment and should adhere to the guidance of Islington's CoPCS.
- 10.447 A full Construction and Environmental Management Plan should outline measures for the routing, accommodation, loading and unloading of construction vehicles during the entirety of the construction phase. A construction programme should also be provided within the CEMP and once a contractor has been appointed. This will set out indicative timescales for each phase of construction. This is secured in **condition 5**, to ensure that the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbouring amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.448 The council's Highways Team has recommended that the applicant would need to cover any cost to repair any damages to the public footway/carriageway caused by the development. This would be secured under section 106 agreement.
- 10.449 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together with a payment of £3,076 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.
- 10.450 Furthermore TfL requested a financial contribution towards junction safety upgrades at the junction of York Way and Pentonville Road. However the

justification for this was not considered to be sufficient to meet the tests. Alternatively, the applicant has agreed to a £71,000 financial contribution (split equally (£35,500) between this application and the application for Jahn Court) to be spent on the public realm immediately adjacent to the site. This could include TfL junction improvements if through further discussions that was found to be the most appropriate public realm / highways project between all parties (including Camden). There are considered to be options to improve the functioning of the York Way public realm in particular.

Highways summary

10.451 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. Public realm and / or highways projects in the immediate vicinity of the site are to be funded via a financial contribution of £35,500 related to this application (£71,000 in total). The proposal would be acceptable subject to conditions and planning obligations, and would comply with London Plan (2021) Policy T5 and T6, Islington Core Strategy (2011) Policies CS10, CS11 and CS13; Islington Development Management Policies DM8.2, DM8.4, DM8.5 and 8.6

Safety and Security

10.452 The surrounding area is mixed with commercial and residential uses. Block B has existing pedestrian access points from York Way, Caledonia Street, Pentonville Road and Caledonian Road.

10.453 As per consent P000434 (s106A) the existing gates in Block B from Caledonia Street and York Way are open between 08:00 and 21:00 hours on Mondays to Saturdays, and between 10:00 and 20:00 hours on Sundays.

10.454 It is proposed to close the gates at Pentonville Road and Caledonian Road between midnight and 1am as the last gates to close following closing time at the bars and restaurants in Vanisher's Yard and Bravington's Walk. These gates lie outside of the application site boundary and therefore it is propose to change the hours of operation of these gates via s106 agreement.

10.455 Cycling is prohibited within all the courtyards in Block B.

10.456 The applicant has confirmed that the Estate Security Control Room is unaffected by this application, and the client plans to retain that capability to serve both these buildings and the wider estate. The applicant states that a security management capability and security presence is described for each building in this application on top of the estate security measures.

10.457 The applicant has responded to queries from the Design Out Crime Officer at the Metropolitan Police (DOCO) as follows:

- The short-stay cycle parking on Bravington's Walk will experience good natural surveillance;
- The DOCO recommends the use of London cycle parking stands. This is to be

- secured by condition (27);
- The DOCO recommends that that access into the site be gated and access controlled overnight. Security rated gates be used at the key entry points. LPS 1175 SR2 (issue 8 B3) or STS 202 BR 2 (issue 9) are the preferred specification. The applicant has confirmed that the proposed accesses to the site will be gated and controlled overnight. The design of these gates will be bespoke and will minimise vulnerability to intrusion and climbing. It is considered that details can be secured by a planning condition (27);
 - The existing gate/shuttered area at Bravington's Walk is to be retained;
 - All proposed seating will be moveable at close of business and to be placed within the tenant space;
 - External lighting (including emergency lighting) will meet the relevant standards. The details are to be secured by condition (27);
 - The DOCO recommends the doors to the basement cycle store use PAS24:2016 security doors.
 - As requested, cycle stands will be set into the floor.
 - Reception desks will be configured to have a direct line of sight to the main entrance;
 - Existing site constraints mean that it is not practical to provide two bin stores per retail/commercial unit. However, the gate to the basement bin store will be sure and in-line with MET Police requests;
 - The DOCO requested that the entrance lobby should be 'airlock'. The applicant has responded that due to the layouts, this is not readily achievable. The applicant notes that the access stair from the entrance lobby will be controlled by a security gate.
 - The applicant has confirmed that a centralised post room in Times House basement will be provided and will be lockable when required.
 - No 'hit and miss' brick will be proposed with any graspable profile below 3.5m;
 - External planting to be included for the bin store and minimise risk of graffiti;
 - Appropriate anti-graffiti treatment will be proposed to none-glazed facades and developed through the detailed design;
 - Details of CCTV coverage and lighting strategy and design shall be submitted. The lighting should comply with BS 5489-1:2020. The CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system would need to be registered with the Information Commissioner's Office, as it would be recording public areas. Appropriate signage indicating this fact needs to be displayed.

10.458 Officers consider that following consultation with the DOCO, the applicant's responses to the DOCO and with the imposition of condition 27 (in consultation with the DOCO), ensure the proposals will accord with the principles of Secure By Design.

Fire Safety

10.459 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 third party, suitably qualified assessor.

- 10.460 The Fire Statement submitted with the application, has prepared by Richard Sherwood of Norman Disney & Young, consulting engineers, a suitably qualified person, a member of the Royal Institute of Fire Engineers. The development has been consulted with the London Fire Brigade, who on 17/6/2021 provided a written response to the approved inspector.
- 10.461 In response to queries from the Council's Building Control Officer relating to the requirements of the London Plan policy D12b), a revised document has been submitted and amended in February 2022.
- 10.462 The submitted information is specific and relevant to the proposal and the fire statement form references compliance with BS9999.

London Plan policy D12(b) requires all major development proposals should be submitted with a Fire Statement which details how the development proposal will function in terms of:	Response:
1. The building's construction: methods, products and materials used, including manufacturers' details	This is an existing retail and office building to be retained, with a proposed part 1, part 2 storey roof extension and infills to Times House. The existing structure will be retained and external wall cladding retained where possible, with new rooftop and infill extensions to be added. The extension elements consist of steel frame construction, with metal deck slabs. The external walls are predominantly a metal rainscreen cladding. The proposed roof is a flat roof with areas of green and blue roof.
2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach	The south-west external escape stair terminates at ground floor, which is shared by Times House and Laundry Buildings. The north-east escape stair terminates in a protected lobby at ground floor with a direct protected escape route out of the building. There is a separate escape stair from the basement also discharging into this protected lobby.
3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans	A Category L1 fire detection and alarm system is proposed with increased lobby protection to the perimeter stairs and disabled refuge points on all floors. Natural smoke clearance system provided to the basement.
4. Access for fire service personnel and	Fire service access will be via the

equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these	existing locations off York Way and Caledonia Street, using the two existing dry risers which are visible from the street. The existing protected stairs will be provided with an uplift in lobby protection on all floors except the top (5th) floor.
5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building	Both the south-west external escape stair and the north-east escape stair provide a dry riser inlet within sight of the appliance location, York Way and Caledonia Street respectively. An additional new dry riser is being proposed which can be accessed adjacent to the north-east stair inlet for further coverage of the basement storey only. A plan is included indicating the Fire Service Vehicle Access from York Way and Caledonia Street and the position of the existing and also the additional dry riser to serve the basement only.
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.	There are no proposed further landlord modifications. Tenant fit-out modifications on floor would be in compliance with the buildings fire strategy. Any future modifications will be considered in conjunction with the basebuild fire strategy, with building control and LFB approval.

10.463 It is proposed that any permission should be subject to a condition (35) ensuring that the development should only be occupied and managed in accordance with the submitted fire strategy.

Resident Engagement/Consultation

10.464 Paragraph 39 of the NPPF (2021) states:

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

10.465 Paragraph 132 of the NPPF (2021) states:

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

10.466 A number of residents have submitted comments concerning the applicant's consultation with residents.

10.467 Details of the pre-application consultation can be found within the Statement of Community Involvement (SCI) that was submitted with the application. During the course of the application, the applicant has provided the following additional comments:

As the long-term owner and steward of the Regent Quarter estate, the Applicant has committed to continuing its dialogue with residents beyond the life of the planning application that has been submitted. This includes discussions around the management of the estate and public spaces, with the aim to create an informed approach to the positive regeneration of the Regent Quarter.

This engagement has been undertaken by a range of methods including public meetings, one to one meetings with residents and newsletters and has led to the Applicant making significant alterations to the plans being brought forward and additional commitments to residents in order to respond to the concerns raised.

Post-submission engagement

On 28 August the Applicant issued a newsletter to all on-site residents and those living within close proximity to the Regent Quarter, summarising the planning applications that were submitted and notifying recipients of their opportunity to send comments on these applications directly to the local authority. This also outlined the Applicant's desire to continuing dialogue with residents going forward.

The Applicant has since hosted three resident meetings on site, on 13 July, 18 November and 30 November 2021 respectively. Both meetings were attended by representatives of the Applicant and the project team, including planning consultants, Savills, and architects, Piercy & Company. These meetings offered a chance for the project team to present the schemes coming forward and listen to residents' views, specifically about issues relating to the public realm and management of public spaces.

The Ward Councilors' were also notified of both meetings and offered a chance to attend. In light of this Cllr Una O'Halloran joined the event on 18 November.

In addition to these meetings, the Applicant has continued to host one-to-one meetings with residents. So far, 25 separate meetings have been held to this end and the Applicant remains committed to continuing this open and direct dialogue going forward.

Since the planning application was submitted, the Applicant has also held follow up meetings and site tours with key community stakeholders, including the Learning Quarter Partnership (Hugh Myddelton and Winton primary schools) and the Knowledge Quarter. This engagement has led to an ongoing collaboration and steps

toward a formal partnership.

The Applicant also took the opportunity to present the scheme to members of the planning committee and local ward councilors at a briefing that was held by the London Borough of Islington on 8 October.

Feedback and Applicant's response

The Applicant has carefully considered the feedback it has received from residents and ward councilors during this period of engagement and in response has made a number of changes to the plans and commitments going forward. These include:

- *Producing daylight and sunlight reports for individual properties upon request;*
- *Appointing TOREN security consultants to improve on-site security management;*
- *Committing to the appointment of a contractor who is part of the Considerate Constructors Scheme;*
- *Providing on-site cycle spaces for residents.*
- *Improving the interface of the development with York Way by providing more active uses and frontages where possible (Laundry Building on York Way).*

Planning Obligations and CIL

- 10.468 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.
- 10.469 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.
- 10.470 ICS Policy CS 18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. As mentioned in the previous section in the report, the proposed development would be subject to section 106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution and a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.
- 10.471 In order for the development to mitigate its own direct impacts, and to be acceptable

in planning terms the following heads of terms are recommended, secured by a separate s.106 agreement for each application. The contributions outlined below relate solely to application P2021/2269/FUL:

- A contribution towards provision of off-site affordable housing of: £234,413.33.
- No occupation of any of the uses / development hereby approved unless and until the Affordable Workspace at 34b York Way has been delivered to the satisfaction of the Council. This shall be provided at peppercorn rent for 10 years with a 50% reduction in service charge for that whole period.
- In the event that the associated application P2021/2270/FUL is refused then an affordable workspace location shall be identified within this scheme to deliver a minimum of 5% of the uplift in floor area at a peppercorn rent for a minimum of 10 years including a 50% reduction in service charge.
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of £24,582 to improve the prospects of local people accessing new jobs created in the proposed development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount for this application is £145,176.00. This amount may be reduced in the event that through addressing condition **23** further energy efficiency is obtained and the financial contribution can be reduced accordingly.
- Facilitation, during the construction phase of the development, of the following number of work placements: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £3,007 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.
- The provision of 4 accessible parking bays or a contribution of £8,000 towards accessible transport measures.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.

- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Locations of 16 short stay cycle parking stands (32 spaces) to be accommodated within the Highway at locations that will serve the development, to be agreed through the S278 Agreement.
- Changes to the hours of opening of Block B entrance gates to Pentonville Road and Caledonian Road. The gates at Pentonville Road and Caledonian Road to close between midnight and 1am as the last gates to close following closing time at the bars and restaurants in Vanisher's Yard and Bravington's Walk.
- Engagement Plan with local schools, Winton Primary School and Hugh Myddelton Primary School through the Learning Quarter Partnership, to secure Endurance Land engagement with the Schools to support future learning opportunities. To secure:
 - Hosting site visits to Regent Quarter and providing talks about the project
 - Providing seminars to learn about the property industry and sector; and
 - Encouraging future tenants within Regent Quarter to host seminars about their respective industries and sectors

Planning Balance Assessment

10.472 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*".

10.473 The proposed development is considered acceptable in principle and in land use terms, the scheme is considered to be compliant with the London Plan policy SD5 and E1, Islington Core Strategy policies CS6 and CS13, Islington Development Management Policies DM5.1 subject to the acceptability of other material considerations. The proposal includes the provision of 388sqm of affordable workspace which accords with policy E3 of the London Plan 2021, and exceeds the minimum requirements of policy DM5.4 of the Islington Development Management Policies 2013.

10.474 The scheme would also comply with policies relating to design, archaeology, energy, sustainability, accessibility and transportation.

10.475 Whilst the proposed development in terms of its bulk and mass to Times House would cause less than substantial harm to the setting of adjacent and nearby listed buildings and the character and appearance of the King's Cross Conservation Area, that harm is considered to be outweighed by the public benefits brought forward within these proposals.

10.476 The proposals bring forward the following public benefits which should be afforded weight. These have been discussed throughout the report, and include:

- Uplift in commercial floorspace of 1,723.6sqm (GIA) with respect of this specific planning application within the CAZ, refurbishment to the existing office building, with flexible commercial uses on ground floor level to provide greater degree of active frontage on York Way;
- Provision of affordable workspace to support the council to provide affordable workspace within the borough, exceeding the minimum 5 percent stipulated the adopted policy (in the event both planning applications are approved);
- If the associated application is refused then a 5% affordable workspace provision shall be secured via approved details and plans at peppercorn rent for a minimum of 10 years with a 50% reduction in service charge;
- Provision of financial contributions towards affordable housing provision in the borough amounting to £234,416.33;
- Provision of a financial contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Significant improvements to the quality and permeability of the public realm, through works to the courtyards within Block B as secured by condition **29**.
- Heritage benefits, including works to enhance the courtyards within Block B by alterations to the paving through introducing a fine surface treatment to be secured by condition **3**, and works to both the street facing and courtyard facing façades of the Laundry Building.
- Increase in employment at the site, as well as the relevant jobs and training contributions set out in the Planning Obligations SPD;
- Enhancement to the appearance of the facades of the building;
- Improvements to the energy efficiency of the operation of the building and reuse of structural elements of the existing building in its redevelopment.
- Engagement with local schools to engage local pupils in an understanding of the construction processes. Further details are to be negotiated within the s106 agreement. Moderate weight is given to this initiative as it lends weight to both this application and the associated application to Jahn Court.

10.477 In summary, Officers consider that the aforementioned public benefits outweigh the less than substantial harm caused to the setting of adjacent listed buildings (including the National Set Piece) and to the character and appearance of the Kings Cross Conservation Area.

11. CONCLUSION

11.1 As set out in the above assessment, the proposal has been assessed against the

adopted Development Plan, the emerging Local Development Plan and the comments made by residents and consultees.

- 11.2 The proposed commercial intensification of the site, with additional office and flexible commercial floorspace is considered to be the most appropriate use for this site, taking into account its location and the context of the area in CAZ, as well as the clear policy intent (E1) of the new London Plan (2021).
- 11.3 The proposed improvement to the appearance of the buildings is considered to contribute to an enhancement to the character of the area, particularly at street level surrounding the site, with enhancements to the conservation area and listed building settings in ground level views. Whilst the height and massing of the proposal will be visible in some (but minimal) views around the site and is concluded to cause less than substantial harm (to the lower end of the scale) to the setting of the nearby listed buildings and the character and appearance of the Kings Cross Conservation Area. However this harm is considered to be outweighed by the public benefits of the scheme. In terms of energy, the proposed development would represent significant improvement to the existing building in energy terms. The proposal would also have acceptable impacts on highways, sustainability and inclusive design.
- 11.4 The proposal would deliver affordable workspace that exceeds the minimum policy requirement of 5% of the uplift (10.4% of the two planning applications floorspace uplift) and covers a period of 10 years, with a 50% reduction in service charges. This would have to be delivered prior to first occupation of this development.
- 11.5 The proposals would cause minimal impact to daylight receipt of nearby properties, marginally in excess of BRE losses which given the context of the site in a highly urban location are considered to be acceptable, given those guidelines are intended to be applied flexibly.
- 11.6 The servicing arrangements propose amendments and refuse collection are secured by condition. The development is otherwise car free and would be secured as such. A financial contribution towards improvements to the public realm surrounding the site has been agreed with the applicant.
- 11.7 As such, the proposal represents sustainable development and would comply with the relevant national, regional, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies, and associated Supplementary Planning Documents).
- 11.8 It is recommended that planning permission is granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations in relation to application P2021/2269/FUL 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 towards provision of off-site affordable housing of: £234,413.33.
- Provision of Affordable Workspace at 34b York Way for 10 years at peppercorn rent with a 50% reduction in service charge. No occupation of this development unless and until the affordable workspace at 34b York Way has been delivered to the satisfaction of the Council / Inclusive Economy Team.
- In the event that the associated application P2021/2270/FUL is refused then an affordable workspace location shall be identified within the scheme to deliver a minimum of 5% of the uplift in floor area at a peppercorn rent for a minimum of 10 years including a 50% reduction in service charge.
- A contribution of £35,500 towards public realm improvement works in the streets immediately abutting the development site.
- Employment and training contribution of £24,582 to improve the prospects of local people accessing new jobs created in the proposed development.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount for this application is £145,176.00. This amount may be reduced in the event that through addressing condition 23 further energy efficiency is obtained and the financial contribution can be reduced accordingly.
- Facilitation, during the construction phase of the development, of the following number of work placements: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000.
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £3,076 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.
- The provision of 4 accessible parking bays or a contribution of £8,000 towards accessible transport measures.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the

applicant and the work carried out by LBI Highways. Conditions surveys may be required.

- Compliance with the Code of Employment and Training.
- Compliance with the Council's Code of Local Procurement.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of, and compliance with, a Green Performance Plan.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Locations of 16 short stay cycle parking stands (32 spaces) to be accommodated within the Highway at locations that will serve the development, to be agreed through the S278 Agreement.
- Changes to the hours of opening of Block B entrance gates to Pentonville Road and Caledonian Road. The gates at Pentonville Road and Caledonian Road to close between midnight and 1am as the last gates to close following closing time at the bars and restaurants in Vanisher's Yard and Bravington's Walk.
- Engagement Plan to be agreed with Local Schools prior to implementation of the development.
 - During construction – Endurance Land will host site visits and seminars on construction and property matters for two local schools where there is an existing relationship with the developer:
 - Winton Primary School; and
 - Hugh Myddelton Primary School;
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Site location Plan - 13601-A-Z2-LXX-00-001; Existing Site Plan (1:500) - 13601-A-02-LXX-00-020; Existing Site Plan (1:200) - 13601-A-02-L00-01-050; Existing Basement Plan - 13601-A-02-LG1-01-099; Existing Ground Floor Plan - 13601-A-02-L00-01-100; Existing First Floor Plan - 13601-A-02-L02-01-101; Existing Second Floor Plan - 13601-A-02-L02-01-102; Existing Third Floor Plan - 13601-A-02-L03-01-103; Existing Fourth Floor Plan - 13601-A-02-L04-01-104; Existing Roof Plan - Lower - 13601-A-02-L05-01-105; Existing Roof Plan - Upper - 13601-A-02-L06-01-106; Street Elevations - Existing (North and West) - 13601-A-02-LXX-01-150; Context Section - Existing (North - South) - 13601-A-02-LXX-01-160; Context Section - Existing (East - West) - 13601-A-02-LXX-01-161; Existing North Elevation - 13601-A-02-LXX-01-200; Existing West Elevation - 13601-A-02-LXX-01-201; Existing South Elevation - 13601-A-02-LXX-01-202; Existing East Elevation - 13601-A-02-LXX-01-203; Existing Section AA - 13601-A-02-LXX-01-300; Existing Section BB - 13601-A-02-LXX-01-301; Existing Section CC - 13601-A-02-LXX-01-302; Existing Section DD - 13601-A-02-LXX-01-303; Existing Section EE - 13601-A-02-LXX-01-304; Existing Section FF - 13601-A-02-LXX-01-305; Existing Section GG - 13601-A-02-LXX-01-306; Existing Section HH - 13601-A-02-LXX-01-307; Existing Section II - 13601-A-02-LXX-01-308;</p> <p>Basement Plan - Demolition - 13601-A-02-LG1-02-099; L00 Plan - Demolition - 13601-A-02-L00-02-100; L01 Plan - Demolition - 13601-A-02-L02-02-101; L02 Plan - Demolition - 13601-A-02-L02-02-102; L03 Plan - Demolition - 13601-A-02-L03-02-103; L04 Plan - Demolition - 13601-A-02-L04-02-104; Lower Roof Plan - Demolition - 13601-A-02-L05-02-105; Upper Roof Plan - Demolition - 13601-A-02-L06-02-106; Times House North Elevations - Demolition - 13601-A-02-LXX-02-200; Times House West Elevations - Demolition - 13601-A-02-LXX-02-201; Times House South Elevation - Demolition - 13601-A-02-LXX-02-202; Times House East Elevation - Demolition - 13601-A-02-LXX-02-203; Laundry Buildings North Elevation - Demolition - 13601-A-02-LXX-02-204; Laundry Buildings West Elevation - Demolition - 13601-A-02-LXX-02-205; Laundry Buildings South Elevation - Demolition - 13601-A-02-LXX-02-206; Laundry Buildings East Elevation - Demolition - 13601-A-02-LXX-02-207;</p> <p>Proposed Site Plan (1:500) - 13601-A-02-LXX-07-020 P1; Proposed Site Plan (1:200) - 13601-A-02-L00-07-050 P1; Proposed Basement Plan - 13601-A-02-LB1-07-099 P1; Proposed Ground Floor Plan - 13601-A-02-L00-07-100 P2; Proposed First Floor Plan - 13601-A-02-L01-07-101 P1; Proposed Second Floor Plan - 13601-A-02-L02-07-102 P1; Proposed Third Floor Plan - 13601-A-02-L03-07-103 P1; Proposed Fourth Floor Plan - 13601-A-02-L04-07-104 P2; Proposed Fifth Floor Plan - 13601-A-02-L05-07-</p>

105 P2 ; Proposed Roof Plan - Lower - 13601-A-02-L06-07-106 P 2; Proposed Roof Plan - Upper - 13601-A-02-LRF-07-107 P 2; Street Elevations - Proposed (North and West) - 13601-A-02-LXX-07-150 P 2; Context Section - Proposed (North - South) - 13601-A-02-LXX-07-160 P 2; Context Section - Proposed (East - West) - 13601-A-02-LXX-07-161; Proposed North Elevation (Caledonia Street) - 13601-A-02-LXX-07-200 P 2; Proposed West Elevation - 13601-A-02-LXX-07-201 P2; Proposed South Elevation - 13601-A-02-LXX-07-202; Proposed East Elevation - 13601-A-02-LXX-07-203 P 2; Proposed Section AA - 13601-A-02-LXX-07-300 P1; Proposed Section BB - 13601-A-02-LXX-07-301 P2 ; Proposed Section CC - 13601-A-02-LXX-07-302 P2; Proposed Section DD - 13601-A-02-LXX-07-303; Proposed Section EE - 13601-A-02-LXX-07-304 P2 ; Proposed Section FF - 13601-A-02-LXX-07-305; Proposed Section GG - 13601-A-02-LXX-07-306; Proposed Section HH - 13601-A-02-LXX-07-307 P1; Proposed Section II - 13601-A-02-LXX-07-308 P1;

Laundry Yard and Times Yard Existing Plan - 0182c_PR3-P-X-LY-01 rev B; Laundry Yard Existing Sections AA, BB, CC + DD - 0182c_PR3-P-X-LY-02 rev A; Laundry Yard Existing Sections EE, FF, GG + HH - 0182c_PR3-P-X-LY-03 rev A; Laundry Yard + Times Yard Proposed Plan - 0182c_PR3-P-GA-LY-01 rev B; Times Yard Proposed Sections AA, BB, CC + DD - 0182c_PR3-P-GA-LY-02 rev A; Laundry Yard Proposed Sections EE, FF, GG + HH - 0182c_PR3-P-GA-LY-03 rev A; Laundry Yard and Times Yard Proposed Services Plan - 0182c_PR3-P-DT-LY-02 rev B; 0182c-PR3-P-GA-BlockB Rev B; 0182c-PR3-P-GA-LY-04 Rev B; Laundry Yard Proposed Detail Plan + Isometric - 0182c_PR3-P-DT-LY-01 rev A; Laundry Yard Proposed Plan - 0182c_PR3-P-DT-LY-03 rev A;

Air Quality Assessment - Tetra Tech July 2021; Air Quality Dust Management Plan - Tetra Tech July 2021; Arboricultural Impact Assessment - TMA July 2021; Archaeological Desk Based Assessment - Savills August 2021; Biodiversity Net Gain Assessment and Urban Greening Factor Review - MKA Ecology July 2021; Construction Traffic Management Plan - RGP July 2021; Cover letter - Savills 2 Aug 2021; Daylight sunlight and overshadowing report - Point 2 Surveyor July 2021; Delivery and Servicing Management Plan - RGP July 2021; Design and Access Statement - Piercy and Company July 2021; Economic Benefits and Social Value Infographic July 2021; Flood Risk Assessment and Drainage Strategy Report - Arup July 2021; Framework Travel Plan - RGP July 2021; Geoenvironmental and Geotechnical Report - Campbell Reith July 2021; Health Impact Assessment Screening Form - Savills July 2021; Heritage and Townscape Statement - Turley July 2021; Noise Impact Assessment - Scotch Partners July 2021; Planning Statement - Savills July 2021; Preliminary Ecological Appraisal and Preliminary Roost Assessment - MKA Ecology July 2021; Public Realm report - Publica July 2021; Statement of Community Involvement - London Communications Agency July 2021; Sustainable Design and Construction Statement - Normal Disney and Young July 2021; Transport Statement - RGP July 2021; DRP Response Schedule 27.08.21; Letter from Point2 dated 8 October 2021; Noise Impact Assessment Addendum Revision 02 27 October 2021; Transport Statement Addendum October 2021 Ref: 19/4978/TN11; Energy Statement Responses to Planning Comments 18 October 2021; Heritage and Townscape Statement October 2021; NDY-G-SK-048[1.0]; MKA Ecology-Regents Quarter-Bat Mitigation Close Down Report 1.0; Letter from Savills 8 December 2021; Regent Quarter - Affordable Workspace Statement November 2021; Letter form Savills 26 January 2022; Times House - Massing & Materiality Progression Summary January 2022; Design & Access Statement Addendum January 2022; Fire Planning Statement dated 28 January 2022 ref: 14220-004;

	<p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and Samples (Details)</p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Precast red entrance elements with complementary rendered facades; b) Pale yellow brickwork; c) Gold coloured metal work; d) White render; e) Articulated green coloured metal cladding; f) Profiled glass cladding; g) Metal cladding; h) Window treatment (including sections and reveals); i) Roofing materials including roof extension facing; j) Balustrading treatment (including sections); k) Green Procurement Plan l) Paving slabs and any other materials to be used as part of works to public realm in Laundry Yard and Times Yard m) 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	<p>Cycle Parking (Compliance)</p> <p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings Proposed Basement Plan 13601-A-02-LB1-07-99-P1 and Proposed Ground Floor Plan 13601-A-02-L00-07-100-P2, shall be covered, secure and comprise of no less than</p> <ul style="list-style-type: none"> - 101 secure cycle spaces with associated shower, changing facilities, lockers and mobility scooter charging points. - 25 short stay cycle spaces; <p>The secure bicycle spaces 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>
5	<p>Construction and Environmental Management Plan (Details)</p> <p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction and Environmental Management Plan 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 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;
- e) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from construction works;
- f) 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 neighbouring 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 of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.

The report shall assess the impacts during the preparation and construction phases of the development, 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 CEMP must refer to the new LBI Code of Practice for Construction Sites. The CEMP shall specify the hours of construction, vehicle movements are restricted to take place outside of the peak times of 8am-10am and 4pm and 6pm. It should also provide details on method of demolition, quiet periods and noise mitigation.

No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Construction and Environmental Management Plan.

The development shall be carried out strictly in accordance with the details so approved and no change there to shall take place without the prior written consent

	<p>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>
6	Green roofs (Details)
	<p>CONDITION: Notwithstanding the approved plans, details of all proposed green/blue/brown roofs across the approved development shall be submitted and approved by the Local Planning Authority prior the commencement of superstructure works on site. The proposed green/blue/brown roofs shall be designed, installed and maintained in a manner that meets the following criteria:</p> <p>a) green roofs shall be biodiversity based with extensive substrate base (depth 120 - 150mm);</p> <p>b) laid out in accordance with plans hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The green roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
7	Lighting (Details)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
8	Refuse and Recycling (Details)
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p>

	<p>The details shall include:</p> <ul style="list-style-type: none"> a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan c) Any additional or separate refuse storage required for the flexible commercial uses, including Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) uses. <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	<p>Bird and Bat Nesting Boxes (Details)</p> <p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of a minimum of 12 bird and bat boxes shall be submitted and approved by the Local Planning Authority.</p> <p>The details approved shall be installed prior to the first occupation of the building, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	<p>Extract ventilation for restaurant use (Details)</p> <p>CONDITION: Notwithstanding the approved plans, the restaurant uses (Class E(b)) as part of the flexible uses hereby permitted shall not commence operation unless details of extraction/ventilation system and odour assessment in relation to such use, is submitted to and approved by the Local Planning Authority.</p> <p>The approved extraction/ventilation system shall be fully installed and operational prior to the occupation of the restaurant use, and shall be maintained in perpetuity.</p> <p>REASON: To protect the neighbouring occupiers and ensure that the restaurant operation would have an acceptable impact in terms of noise and odour control.</p>
11	<p>Plant Equipment (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,T}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>The development shall be carried out strictly in accordance with the scheme prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>

12	Plant equipment - Post-Installation Verification (Details)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 12. The report shall include site measurements of the plant insitu.</p> <p>The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
13	Scheme for the Management of Uses (Details)
	<p>CONDITION: A scheme for the management of the Class Eb) Café/restaurant / Sui Generis uses within the development shall be submitted and approved by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <ul style="list-style-type: none"> a) sound insulation measures including walls/floors, glazing, ventilation, doors and lobbies; b) hours of use; c) a full dispersal policy and procedure; d) a door policy; e) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; f) servicing and delivery times/arrangements as part of a site wide plan; g) bottling out and waste management noise and times as part of a site wide plan; h) control and levels of noise from any amplified music within the unit; i) control of any noise from any designated smoking areas; j) control of noise from any external areas; k) close down policy with amplified music shut-off and increased lighting; l) security, including any additional proposed CCTV; m) any additional external or security lighting; n) capacity (of each use); o) private hire facilities/functions; p) any use of roll cages/trolleys <p>REASON: To protect the amenity of the neighbouring properties and the other commercial operations within the building.</p>
14	Restricted use - roof terraces (Compliance)
	<p>CONDITION: The roof terraces at first, fourth and fifth floor levels hereby approved shall not be used for any purpose except as an ancillary outdoor space in association with the office use (Class E(g)(i)).</p> <p>The roof terraces hereby approved shall not operate outside the hours of:</p> <ul style="list-style-type: none"> - 0800 to 1800 hours Monday to Friday <p>REASON: To protect the amenity of the neighbouring properties and the other commercial operations within the building.</p>
15	Restriction of PD rights - Class E to residential (Compliance)
	<p>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-</p>

	<p>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 retains control over the change of use of the building in the future.</p>
16	<p>Restriction of office use (upper levels) (Compliance)</p> <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. With the exception of the ground floor level uses specified under condition 18, the upper floors of Times House building and Laundry Building hereby approved shall only be used for office use and for no other purpose (including any other purpose within Class E 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 and retains control over the change of use of the building in the future.</p>
17	<p>Restriction of commercial uses (ground floor) (Compliance)</p> <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible units on the ground and first floor levels, except the permitted use(s) hereby approved (as shown on plan no. 13601-A-02-L00-07-100-P2):</p> <p>A) Times House - 4no. Ground floor retail units only - Class E (a) – retail</p> <p>B) Times House – 2 No. Ground floor Flexible Use Units Class E b) – Food and Drink Sui Generis Bar & Drinking Establishment</p> <p>C) Laundry Building 1no. Ground floor Flexible Use Unit Class E b) – Food and Drink Sui Generis Bar & Drinking Establishment</p> <p>D) Laundry Building 1no. Ground floor Active Flexible Use Unit Class E (a) – retail Class E b) – Café/Restaurant Class E (d) - fitness Class E (g)(i) - office</p> <p>and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England)</p>

	<p>Regulations 2020) or 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 commercial use(s) only and retains control over the change of use of the building in the future.</p>
18	Accessible Showers/WC's (Compliance)
	<p>CONDITION: For the hereby approved development the accessible showers and WC's shall be installed in accordance with drawing no's 13601-A-02-LB1-07-099-P1; 13601-A-02-L00-07-100-P2; 13601-A-02-L01-07-101 P1; 13601-A-02-L02-07-102 P1; 13601-A-02-L03-07-103 P1; 13601-A-02-L04-07-104 P2; 13601-A-02-L05-07-105-P2 ; and shall be available for users upon the first occupation of the development.</p> <p>The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
19	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
20	Hours of Operation (Compliance)
	<p>CONDITION: The flexible uses on the ground and first floor levels hereby approved shall only operate between the following hours:</p> <p><u>Class E (a) – Retail:</u></p> <p>7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p><u>Class E (b) – Restaurant:</u></p> <p>7am to 11pm - Monday to Thursday 7am to midnight - Friday and Saturday 8am to 9pm Sundays</p> <p><u>Class E (d) – indoor sport, recreation or fitness:</u></p> <p>7am - 10pm Monday to Saturday 8am - 8pm Sundays</p> <p><u>Sui Generis – Bar & Drinking Establishment</u></p> <p>8am to 11pm - Monday to Thursday 8am to midnight - Friday and Saturday 8am to 10pm Sundays</p>

	<p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity.</p>
21	No Plumbing or Pipes (Compliance)
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the northern external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>
22	No obscure glazing or vinyl graphics (Compliance)
	<p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area.</p>
23	Energy (Details)
	<p>CONDITION: Prior to commencement of superstructure works the following updated Energy information shall be submitted to the Local Planning Authority and approved in writing:</p> <ol style="list-style-type: none"> a) Potential improvements to air permeability for Times House and the Laundry Buildings (U-values), including internal wall insulation for the Laundry Building; b) Potential improvements to luminous efficacies; c) Potential increase to solar PV capacity and additionally to secure the following details (solar PVs): <ul style="list-style-type: none"> - Location; - Area of panels; - Design (including elevation plans); - PV specification / efficiency; and - How the design of the PVs would not adversely affect the provisions of green roofs on site <p>The updated Energy efficiency measures and increased solar photovoltaic panel capacity shall be installed prior to the first occupation of the development in accordance with the updated details so approved and retained as such permanently thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features are met.</p>
24	BREEAM (Compliance)
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
25	Inclusive Design Principles (Details)
	<p>CONDITION: Prior to occupation of the development, to ensure compliance with the</p>

	<p>principles of Inclusive Design, the following amendments/details shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing:</p> <p>a) The glazed entrance doors shall visually contrast with their frames, with a contrast of at least 30 LRV points.</p> <p>b) The cycle lift will have dimensions of 2300mm x 1200mm. The door to the cycle store will be power assisted and the secure entrance key fob will be located at height accessible to wheelchair users. Details shall be submitted to demonstrate this for approval.</p> <p>c) Audio-loops will be included within the reception desks.</p> <p>The details so approved shall be installed prior to first occupation of the relevant building and retained as such permanently thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
26	<p>Servicing and Delivery Plan (Flexible Use Unit) (Details)</p>
	<p>DELIVERY & SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements for the proposed non-office uses, including the flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i)) unit, 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 units hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
27	<p>Crime Prevention (Details)</p>
	<p>CONDITION: Details of measures to prevent crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority prior to occupation including:</p> <p>a) Access into the site is required to be gated and access controlled overnight. Security rated gates are to be used at the key entry points. LPS 1175 SR2 (issue 8 B3) or STS 202 BR 2 (issue 9) are the preferred specification.</p> <p>b) Details of the proposed London Cycle stands.</p> <p>c) Details of external lighting (including emergency lighting).</p> <p>d) Details of any externally accessed refuse stores should be LPS 1175 SR1 or STS 202 BR2 security rated doors. They should be single leaf and have an auto close feature.</p> <p>e) Details of the basement level cycle store door should be either PAS24:2016 or LPS 2081 security rated. Accessed through encrypted key fob with data logging facility (not a digital key pad). Auto-close and lock feature to prevent tail gating.</p> <p>f) Details of CCTV coverage and lighting strategy and design shall be submitted. The lighting should comply with BS 5489-1:2020. The CCTV with complimentary lighting to be considered for the exterior/entrance and communal areas (internal). A formal, overt CCTV system should be installed and maintained by a member company of either the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB). Images should be retained for a minimum of 30 days. This system would need to be registered with the Information Commissioner's Office, as it would be recording public areas. Appropriate signage indicating this fact needs to be displayed.</p> <p>g) Details of Anti-graffiti treatments for exposed gable ends where appropriate.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
28	<p>Wildlife friendly planting (Details)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the wildlife friendly shrub/perennial planting including species type and location, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained</p>
29	<p>Public Realm Improvements (Details)</p> <p>CONDITION: Details of the proposed public real improvements shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The proposed improvements to the public realm shall include the following works:</p> <ol style="list-style-type: none"> a) Reconfiguration of the ground floor of Times House to open up the pedestrian link to Bravington's walk and removal of the gate and replacement of paving slabs within courtyard; b) Installation of a new bin store enclosure with planter; c) Reinstatement of the entrance to Laundry Building from Caledonia Street, including associated passages and new Times Yard; d) Installation of new paving to the threshold of Times House south elevation on Bravington's Walk; e) Installation of circular light reflectors to all covered passages, and light reflectors and painting the wall in the passage way from Caledonia Street; f) Addition of planters adjacent to Bravington's Walk and vertical planting within Laundry Yard; g) Installation of wall mounted lighting to Laundry Building and Times House; h) Installation of cycle stands across courtyards and on Caledonia Street southern pavement, including 4 located on surrounding highway (outside of red-line); i) Replacement railings to the railway cutting adjacent to Bravington's Walk. <p>The public realm improvements shall be implemented strictly in accordance with the details so approved within six months of first occupation, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the scheme brings forward sufficient provide public realm improvements.</p>
30	<p>Network Rail – Construction Methodology</p> <p>CONDITION: Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.</p>

	REASON: The safety, operational needs and integrity of the railway.
31	Network Rail – Ground investigation
	<p>CONDITION: No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works.</p> <p>Such details to be approved in writing by the local planning authority in consultation with Network Rail.</p> <p>REASON: The safety, operational needs and integrity of the railway.</p>
32	Tree Protection
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA

	<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>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>
33	Roof-Top Plant & Lift Overrun (Details)
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
34	Site Waste Management and Circular Economy (Compliance)
	<p>CONDITION: The details and measures regarding the Site Waste Management and Circular Economy Statement within the submitted Sustainable Design and Construction Statement dated July 2021 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
35	Fire Strategy (Compliance)
	<p>CONDITION: The details and measures set out in the Fire Statement dated 28 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) required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Safety 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 Safety Strategy under this condition and shall be maintained as such thereafter.</p>

	REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.
36	Noise Management Plan
	<p>CONDITION: Prior to the first use of the first, fourth and fifth floor level roof terraces hereby approved and indicated on drawings 13601-A-02-L01-07-101 P1, 13601-A-02-L04-07-104 P2 and 13601-A-02-L05-07-105 P 2, a Noise Management Plan for use of the terraces, covering management of the space, controls of noise and numbers shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The use of these terraces shall take place strictly in accordance with the details so approved (and condition 14).</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity.</p>
37	Obscure Glazing and Privacy Screens (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing and privacy screens to prevent overlooking from the windows on the eastern elevation of the proposed roof extension (Times House) to the neighbouring properties at Joiners Yard shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking, to protect the amenity and privacy of residents.</p>
38	Inclusive Design (Compliance)
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design and the measures shown in the drawings hereby approved shall be implemented prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
39	Future connection to a district energy network (Compliance)
	<p>CONDITION: The details of the plant room allocated for the future connection to a district energy network shall be provided prior to first occupation of the development hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided and allows for the future connection to a district heating system.</p>
40	Surface Water Discharge (Compliance)
	<p>CONDITION: Prior to the occupation of the development hereby approved, in accordance with the submitted details, flow restrictors will be installed on the rainwater outlets from the blue and green attenuated roofs to reduce the surface water discharge flow rate into the sewer, and maintained as such throughout the lifetime of the development.</p> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates</p>
41	Air Quality Assessment
	<p>CONDITION: During the construction of the development hereby approved, the proposals shall achieve a Non-Road Mobile Machinery score of at least Stage IV as outlined in the Air</p>

	<p>Quality Assessment and dust management plan, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the construction of the development would not adversely affect the air quality of the local area.</p>
42	Hours of opening – Gates (Details)
	<p>CONDITION: The opening hours of the gates to Block B shall continue to operate as per those in condition P000434(S106A) unless revised opening hours are submitted to and agreed in writing by the Local Planning Authority.</p> <p>For the avoidance of doubt, the permitted hours of opening of the gates to Block B are as follows: the Internal Walkways in Block B: the period from 0800 to 2100 hours on Monday to Saturday inclusive and 1000 to 2000 hours on Sundays (but excluding in both cases Christmas Day, Boxing Day and New Year’s Day) or such other periods as may arise from time to time be agreed in writing between the Developer and the Council such agreement not to be unreasonably withheld or delayed by either party;</p> <p>REASON: For the protection of neighbouring residential amenity.</p>

List of Informatives:

1	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.
2	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.
3	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.
4	Roof top plant
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
5	Construction works
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
6	Highways Requirements

	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through . <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <u>streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <u>streetworks@islington.gov.uk.</u></p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <u>streetworks@islington.gov.uk.</u></p>
7	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>

8	Highways Requirements (3)
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
9	Secured by Design:
	<p>You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures.</p>
10	Fire Safety
	<p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. 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.</p>
11	Thames Water – Ground Water
	A Groundwater Risk Management Permit from Thames Water will be required for

	<p>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>
12	Thames Water – Surface Water
	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p>
13	Thames Water - WASTE WATER NETWORK and SEWAGE TREATMENT WORKS
	<p>The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. “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.” 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. Please read our 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/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>
14	Draft Travel Plan
	The draft Travel Plan to be submitted as part of the discharge of the Planning

	Obligations shall include measures to remind cyclists that cycling is prohibited within the block, and to promote responsible cycling to the site, and to discourage inappropriate cycling the wrong way down York Way and Balfe street.
15	Thames Water
	<p><u>Waste Comments</u></p> <p>As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing 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> <p>Thames Water would advise that with regard to the COMBINED WASTE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p><u>Water Comments</u></p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p>
16	Network Rail
	<p>Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.</p> <p>Given the proximity of the site to operational railway tunnels and the nature of the works proposed, it is imperative that the below requirements are met prior to any work commencing on site.</p> <p>The relationship between the work proposed and the York Road Cure railway tunnel is unclear from the information submitted. The developer must provide a survey showing the position of this work in relation to the tunnel. Additionally, the documentation provided in support of this application indicates that the design will</p>

result in increases in loads on Network Rail assets beneath and adjacent to the site. Detail relating to this design and loading must be agreed with our Asset Protection Team (details below) prior to work commencing on site. The developer will also be required to liaise with our Asset Protection Team during construction works. Early engagement with Network Rail to address these points is strongly recommended.

Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

" The type and method of construction of foundations

" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.

The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Additional Requirements

Tunnels

Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

" The type and method of construction of foundations

" Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel

	<p>will be necessary.</p> <p>Any proposal must not interfere with Network Rail's operational railway or jeopardise the structural integrity of the tunnel.</p> <p>The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel.</p> <p>No right of support is given or can be claimed from Network Rails tunnels or railway land.</p>
17	Network Rail
	<p><u>Fail Safe Use of Crane and Plant</u></p> <p>All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following.</p> <p>Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.</p> <p><u>Excavations/Earthworks</u></p> <p>All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.</p> <p>Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.</p> <p>Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.</p> <p><u>Security of Mutual Boundary</u></p> <p>Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the</p>

applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision

	<p>and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.</p> <p><u>ENCROACHMENT</u></p> <p>The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.</p> <p><u>Access to the Railway</u></p> <p>All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.</p>
18	Trees
	<p>With regards to the works to protect trees, the following British Standards should be referred to:</p> <p>BS: 3998:2010 Tree work – Recommendations.</p> <p>BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.</p>
19	Transport for London
	<ul style="list-style-type: none"> - To be in line with London Plan policy T1 (Strategic Approach to Transport) and T2 (Healthy Streets), the surrounding footways and carriageways on York Road, Pentonville Road and Caledonia Street and Road must not be blocked during the construction. Temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, bus passengers and cyclists or obstruct the flow of traffic. - All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

	<ul style="list-style-type: none">- Any hoarding for the proposed development would be subject to a separate Section 172 licence application under the Highways Act 1980 to the Asset Operations team at TfL.
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APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 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 GG1 Building strong and Inclusive Communities

Policy GG2 Making best use of land

Policy GG3 Creating a healthy city

Policy GG4 Delivering homes Londoners need

Policy GG5 Growing a good economy

Policy GG6 Increasing efficiency and resilience

2 Spatial Development Patterns

Policy SD4 The Central Activities Zone

Policy SD5 Offices, other strategic functions and residential development in CAZ

3 Design

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D5 Inclusive Design

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

4 Housing

Policy H4 Delivering affordable housing

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

Policy HC3 Strategic and Local Views

Policy HC6 Supporting the night-time economy

B) Islington Core Strategy 2011 Spatial strategy

8 Green Infrastructure and Natural Environment

Policy G1 Green Infrastructure

Policy G5 Urban Greening

Policy G6 Biodiversity and access to nature

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI3 Energy Infrastructure

Policy SI4 Managing heat risk

Policy SI5 Water infrastructure

Policy SI7 Reducing waste and support 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 Parking

Policy T6.2 Office parking

Policy T6.5 Non-residential disable persons parking

Policy T7 Deliveries, servicing and construction

Policy T9 Funding transport infrastructure through planning

11 Funding the London Plan

Policy DF1 Delivery of the Plan and Planning Obligations

Policy CS11 Waste

Policy CS6 King's Cross Road and Pentonville Road

Policy CS12 Meeting the housing challenge

Policy CS13 Employment Space

Strategic Policies

Policy CS8 Enhancing Islington's character

Infrastructure and Implementation

Policy CS18 Delivery and Infrastructure

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

Policy CS10 Sustainable Design

C) Development Management Policies June 2013

2. Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

5. Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

6. Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

7. 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

8. 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

9. Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Affordable Housing Small Sites Contributions (October 2012)
- Development Viability (January 2016)
- Environmental Design (October 2012)

London Plan

- Affordable Housing & Viability (August 2017)
- Crossrail Funding (March 2016)
- Housing (March 2016)
- Central Activities Zone (March 2016)

- Inclusive Design in Islington (February 2014)
- Islington Urban Design Guide (January 2017)
- Planning Obligations (Section 106) (December 2016)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- London Planning Statement (May 2014)
- Sustainable Design and Construction (April 2014)
- Planning for Equality and Diversity in London (October 2007)

Draft Islington Local Plan Policies

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

Draft Islington Local Plan Policies	
<p>Policy PLAN1 – Site appraisal, design principles and process</p> <p>Policy SP2 – Kings Cross and Pentonville Road</p> <p>Policy SC3 – Health Impact Assessment</p> <p>Policy B1 – Delivering business floorspace</p> <p>Policy B2 – New business floorspace</p> <p>Policy B4 – Affordable workspace</p> <p>Policy B5 – Jobs and training opportunities</p> <p>Policy R1 – Retail, leisure and services, culture and visitor accommodation</p> <p>Policy S1 – Delivering Sustainable Design</p> <p>Policy S2 – Sustainable Design and Construction</p> <p>Policy S3 – Sustainable Design Standards</p> <p>Policy S4 – Minimising greenhouse gas emissions</p> <p>Policy S5 – Energy Infrastructure</p> <p>Policy S6 – Managing heat risk</p> <p>Policy S7 – Improving Air Quality</p> <p>Policy S8 – Flood Risk Management</p>	<p>Policy T1 – Enhancing the public realm and sustainable transport</p> <p>Policy T2 – Sustainable Transport Choices</p> <p>Policy T3 – Car-free development</p> <p>Policy T4 – Public realm</p> <p>Policy T5 – Delivery, servicing and construction</p> <p>Policy DH1 – Fostering innovation and conserving and enhancing the historic environment</p> <p>Policy DH2 – Heritage assets</p> <p>Policy DH3 – Building heights</p> <p>Policy DH4 – Basement development</p> <p>Policy DH5 – Agent of change, noise and vibration</p> <p>Policy DH7 – Shopfronts</p> <p>Policy ST1 – Infrastructure Planning and Smarter City Approach</p> <p>Policy ST2 – Waste</p> <p>Policy ST3 – Telecommunications, communications and utilities equipment</p> <p>Policy ST4 – Water and wastewater infrastructure</p>

<p>Policy S9 – Integrated Water Management and Sustainable Drainage</p> <p>Policy S10 – Circular Economy and Adaptive Design</p>	
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APPENDIX 3 – DRP COMMENTS

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Our ref: Q2020/3318/PPA

Date: 19th April 2021

Dear Ms Forster,

ISLINGTON DESIGN REVIEW PANEL

RE: Regent Quarter, Kings Cross, London N1 (Pre-Application Ref. Q2020/3318/PPA)

Thank you for attending Islington's Design Review Panel meeting on 13/04/21 for a 1st Review of the above scheme. The proposal is for multiple development and (quasi) public realm interventions and insertions within two historic, fine grain, urban blocks with the primary focus being changes to Jahn Court and environs to the northern block, and to the Laundry and Times Buildings to the southern block together with associated improvements and rationalisation of the public realm.

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. Given the Covid 19 Pandemic situation, this DRP was carried out virtually.

The scheme was reviewed by Richard Portchmouth (Chair), Tim Ronalds; Sarah Featherstone; Martin Pearson; and George Saumarez Smith

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals. The site visit was presented virtually, as part of the presentation by the applicant team.

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

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment on the scheme and thanked the design team for such a clear presentation. A question and answer session then took place followed by a commentary on the scheme provided by each panel member. The meeting concluded with the Chair's summing up. Each section is therefore recorded below.

Questions and Answers

Panel Query: The Panel sought clarification with regard to cycle infrastructure including connectivity to existing or planned cycle routes. Also would like to understand the hierarchy of movement through and adjacent to the site – existing and proposed.

Answer: Secure cycle parking is to be accommodated within each block, in two distinct locations. Visitor cycle parking proposed to be located to Caledonia Street. Servicing strategy currently being formulated.

Panel Query: How has the applicant arrived at the phasing strategy? Queried the benefits of first investing in the heart of the blocks and not the periphery given the latter more likely to draw people in. The pedestrianisation of Caledonia Street seems an obvious 'early win'.

Answer: All about the financing. Must demonstrate a commercial return on the principal buildings before going further with public realm. But investing early in a major upgrade of Laundry Yard will further enhance and support the already successful uses and activities within the adjacent Varnishers Yard.

Panel Query: Concerned at the claim that some buildings are wrongly identified as Locally Listed. Clarification was sought.

Answer: Jahn building has been significantly altered including a large element that was demolished to create a new and enlarged opening. The fenestration to the flank is also not therefore original and the proportions at odds with those of the host. These changes detract from its significance leading the team to consider the listing potentially faulty.

Council response: The site lies within a conservation area which protects all buildings from unregulated demolition. The guidance states that all 19th C buildings are positive contributors, regardless of listing status, and should therefore be protected and enhanced. The Grade I and II listings across the site are all accurate.

Panel Query: Was it the design team's intention to create a unified identity for the whole masterplan area as well as an inter-relationship between the 2 sites? The two buildings are quite different in their approach – the southern being more granular and crumbly with extensions that sit amidst the roof tops while Jahn Court reads almost as a standalone. Also routes such as Bravington Walk are excluded and yet seem integral from the outset.

Answer: The Southern block is to be more civic and more active - more "city". The Northern block is more residential and more "Islington".

Overall the conception for the 2 main buildings is very different. This is to reflect the more granular and crumbly form of the southern block which is of a more complex character. Scale and massing to north is larger therefore requires a different form and approach.

Focusing on improved connections as a unifying element and together with devices such as proposed use of a pigmented base material to new build elements throughout.

Panel Query: Panel queried how the masterplan could be achieved given the number of sites that are outside of the applicant's control.

Answer: The applicant has a strong commercial relationship with the hotel owners and other landholdings that are outside of their demise. Does not see this as a barrier to change given the likely benefits arising from the changes proposed that will enhance neighbouring buildings and their settings.

Panel Query: How does the planned removal of gates and railings create a safe and defensible place? Is access to be offered 24/7 or will it be controlled in some way?

Answer: There will be a managed programme with some parts being closed relatively early, particularly those with residential adjacencies, while less sensitive spaces will be open for longer and later. A nuanced approach is proposed to hours of operation and access. Removal of some railings and gates is also needed to remove clutter and to upgrade boundary treatments not to threaten safety.

Panel Query: Is the approach to the ground floor social and hospitality activities and interactions similar to both north and south blocks?

Answer: No. The southern block will be much livelier reflecting its existing uses and proximity to the station forecourt and to the busy Pentonville Road while the northern block will be less active and quieter given it contains more residential uses with less commercial adjacencies.

Panel Commentary

SF: How do you attract and draw people in? Public realm changes will signal some change but would suggest that earlier intervention on improvements to the exterior faces of the blocks, rather than the focus on the interior, may be more beneficial and make the invitation to enter into the heart of the block clearer.

Routes and desire lines through the blocks as well as to the blocks need to be better explored and explained. Are there existing barriers to be overcome? Where are people coming from – who are they? Is it a new audience being catered for? Is the scheme competing with the Kings Cross offer to the west or looking to move towards a greener and more local character? What are you offering that is different? Didn't get the sense that the proposals are actively building on the strengths of the existing food and cultural offers.

Concerned that there may be conflicts arising between the realities of servicing requirements and the pedestrian environment including movement. Transforming Caledonia Street from vehicle to pedestrian would be a big win.

Inputs and commentary from residents living in the northern block would be useful to be fed back to the next DRP.

GSS: Not convinced about the merit of challenging classifications of some locally listed buildings and would advise against it.

Found it difficult to fully appreciate the change proposed to the movement routes and spaces. An overlay of the proposed on the existing plan would have been useful.

Advised team to consider the function and quality of the public realm just outside of the site's boundary and how it could inform change.

There needs to be clarity that the scheme is deliverable in its entirety by the current owners of the site given the position of the redline boundary.

Security and surveillance of the yards needs to be factored into the design process.

The architecture is still quite high level but a bit more integration between the two sites might be needed, in terms of materials and palette. Any increase in bulk and mass will need to be justified if it has an impact on heritage assets. Additional height and mass may not be a problem, but justification would be expected given there is a visual impact.

TR: There has been lots of discussion about public realm inside the blocks. But the public realm on the perimeter of the blocks/street is horrendous at the moment. Could the scheme improve the public pavement and street junctions in conjunction with TFL/Islington/relevant owners?

There needs to be a sunlight/daylight study assessing the impact of the proposed blocks on the internal courtyards as there is reduced benefit in creating an attractive courtyard which is permanently in shade.

At the moment there is a strong contrast between the old and the new buildings in terms of materials, glass against brick, void vs solid etc. The existing site isn't particularly successful in this sense. The proposed new and re-faced buildings are also very glazed. A less contrasting palette may be preferable and allow for a more detailed architectural conversation between old and new.

MP: There is some confusion as to what is driving the design decisions. The base-pavilion-crown arrangement on the north block and the interlocking volumes on the south block seem to lack a context in the retained form of the rest of the site. An overarching architectural narrative is needed.

The public realm feels too distinct from the architecture and composite drawings showing the landscape and architecture engaging with one another would be helpful.

The Times House extension is bulky and a more consistent approach to the roofscape as a whole would provide more articulation to the site as a piece of cityscape.

Chair's Summing Up

DRP is supportive of the principles of the project which have the potential to contribute positively to the area. There is tremendous ambition to make this somewhat underused

precinct a more permeable and inviting quarter of the city and to see the location of the blocks as a hinge site within a wider rich and varied urban context.

The analysis and background study, to date, is very responsible and informative in its approach. Identifying key opportunities is a constructive outcome from all of this initial work.

The Panel has highlighted the development of the north and south blocks as an opportunity to bring forward proposals for the perimeters of the blocks to ensure that the outside and inside are consistently inviting. The materials within the public realm could form a stronger and more cohesive link between the two blocks.

Servicing for food/beverage and retail will need to be considered soon as this will have an impact on the design and character of the public space.

There is a need to work closely with the existing heritage of the site and not to challenge designations. The different ownerships of the site needs to be better understood in terms of the connections etc being proposed. As the design moves forward the need to avoid or justify any non-positive impacts on heritage assets will need to be demonstrated and the role and form of the roofscape in long views and key views will require refinement. Views 05 of Jahn Court from York Way and View 10 from Caledonian Road of the Times House & Laundry Buildings were noted as being of particular significance within the Key View Study document.

The detailed architectural design needs to be developed to offer more sense of what is driving the contextual development of the site, a clearer architectural narrative. A process of questioning the conjunction of the old and new and considering how the two address each other is needed. A more conversational approach might be more enriching and sophisticated and lend greater quality to the buildings and spaces. The sense of detachment between the public realm and the architecture could be avoided by more collaboration in the design process and both could better inform and enrich the other. The opportunities to improve Kings Cross/ York Way/Pentonville public realm are there and need to be explored.

There is a question of how much consistency and inter-relationship is legible between the proposed blocks. Having said that, Laundry Yard and the other yards have their own historical character and the proposals could capitalise on the history of the site to lend to the character and atmosphere of the spaces. The new elevations could be more referential to the historic street elevations and more use of brick might be made. Generally a more homogenous approach to materials may give greater coherence and legibility across the quarter.

The roof-form of Jahn Court has industrial northlights which then change direction at the south, undermining the authenticity of the form. There needs to be a more logical relationship between the form and roofscape references to create a convincing relationship with the surrounding heritage context.

The proposals have a lot of potential, but a considerable amount of detailed development is needed. The DRP would be pleased to consider future iterations of this scheme.

Confidentiality

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

Yours sincerely

Linda Altken
Principal Design Officer

APPENDIX 4 – DRP CHAIR AND ONE PANEL MEMBER REVIEW OF APPLICATION SCHEME

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Our ref: Q2020/3318/PPA

Date: 23rd December 2021

Dear Ms Forster

ISLINGTON DESIGN REVIEW PANEL

RE: Regent Quarter, Kings Cross, London N1 (Pre-Application Ref. Q2020/3318/PPA)

Thank you for attending Islington's Design Review Panel, Chair's Review, meeting on 17th December 2021 for a 2nd Review of the above scheme.

The proposal is for multiple development and (quasi) public realm interventions and insertions within two historic, fine grain, urban blocks with the primary focus being changes to Jahn Court and environs to the northern block, and to the Laundry and Times Buildings to the southern block together with associated improvements and rationalisation of the public realm.

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. Given the Covid 19 Pandemic situation, this DRP was carried out virtually.

The scheme was reviewed by Richard Portchmouth (Chair), and Martin Pearson.

It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals.

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

Panel's Observations

The Chair of the Panel welcomed the opportunity to comment further on the scheme and thanked the design team for such a clear presentation noting that 'untangling' such a complex site with its pair of intricate urban blocks and associated issues is not an easy task. He acknowledged the amount of detailed design work that had gone into the proposals to produce such a coherent and successful response.

A question and answer session then took place followed by a commentary on the scheme provided by the two members. The meeting concluded with the Chair's summing up.

Each section is therefore recorded below.

Questions and Answers

Panel Query: The applicant team was commended on its very clear presentation and the considerable amount of work that has gone into this scheme since the Panel last saw it in April 2021.

It was noted from last DRP meeting that there had been a lot of discussion around the potential wider public realm benefits that lie outside of the red line and sought an update on the progress of any opportunities beyond the red line. Was there still a reliance on the spaces and routes outside of the applicant's control? To what extent, for example, is the applicant physically proposing changes to connections such as Bravington's Walk as a key threshold into the site?

Answer: The most recent revisions focused on improvements onto York Way. While there are relatively limited opportunities to do this, due in part to the heritage buildings to the frontage and the amount of building line actually within the red line boundary which is quite limited, solid doors have been replaced with clear glazed doors and opaque glazing replaced with clear glazing. Changes have also been made to the ground floor to the corner unit to Jahn Court to increase the site's visual permeability to the York Way edge. Sensitive signage is being considered to further promote the uses and spaces within the blocks and encourage and welcome people into the core of the blocks.

The applicant team is examining how to comprehensively treat the multiple entrance points off the surrounding streets to the entire estate. This is an extensive exercise which will take time. But there is an intention to produce that study going forward.

The applicant confirmed that Piercy & Co have just been instructed to consider design changes for Bravington's Walk and environs as a next phase of the project. So while the proposed changes to the Times Court block establish new and improved connections with this important Bravington's Walk route, actual works to Bravington's Walk will come forward following the Times House and Laundry Yard project.

The applicant team has been in discussion with Transport for London with regard proposals to improve the pedestrian environment to the junction of York Way with Pentonville Road.

The team reported that TfL's intention is to widen the pavement and reorganise the crossing points to make them safer and to improve the alignment of the cycle lane. This work was not expected to be undertaken for two to three years.

Panel Query: It seems a shame to have lost the pergola and seating initiatives to the northern block and these particular spaces now feel as though they are lacking something as a result.

Answer: The applicant acknowledges that these features did contribute to the richness of the area but that these changes are because of resident objections. The applicant confirmed their preference to do something more interesting and so will engage with residents going forward to find a middle ground.

Panel Query: Clarification was sought on the sunlight and daylight impacts to both the squares and to residential amenity

Answer: The applicant confirmed that the proposal will result in some limited over shadowing on the courtyards. However these are already quite overshadowed but nevertheless, the spaces will continue to meet the BRE 21st March assessment date standards.

Some impacts on the flats in the Ironworks building is also evident but those impacts are to some degree worsened by the existing overhang providing reasonable mitigating reasons for the impact. Where impacts affect residential homes these are mostly to bedrooms – or to rooms with additional windows/dual aspect.

Panel Query: Is there a sustainability and energy strategy for the revamped offices

Answer: The design team confirmed that the Mayoral required target for urban greening factor would be achieved.

BREEAM excellent is demonstrated as being achieved on both buildings. Carbon reductions are to GLA standards and will significantly exceed these standards.

Renewable energy and green factors – both new build elements have green roofs.

A net increase in biodiversity is being achieved on both sites.

Panel Query: Are you planning on reusing any existing materials after demolition?

Answer: Yes.

To Jahn Court – there is very limited demolition and therefore little opportunity for this. However to Times House, with a greater element of demolition, as much of the existing fabric as possible will be reused.

Both schemes, with their limited amounts of demolition, are highly sustainable and make good use of retaining materials and their reuse. Looking internally to retain existing floors as well.

Panel Commentary

Times House and Laundry Building

The Panel commented it considers this to be a very carefully considered and successful scheme. While there had been some concerns expressed in the spring at the earlier DRP review about the impact on longer views, the subsequent refinement of the massing has been successful, particularly to the backdrop to the heritage sensitive Kings Cross Station.

The choice of materials and applied materiality is also successful which coupled to the change to the massing has had a really positive impact. The colours of the materials proposed were also supported.

The evolution of the designs of the roof form have created a more sympathetic response to the broader townscape including in its response to Kings Cross and as seen in the longer views. The historic referencing to Victorian water tanks is a particular delight.

Struggled to fully understand the approach to the landscape design to the yard spaces which historically are generally quite fluid spaces that evolve over time. And yet there are rather 'civic' styled interventions proposed.

However consider the proposed interventions to York Way, including visual connections are negotiated very well. Since the first DRP the applicant has made beneficial improvements to the new 'Times Yard. This space opens up oblique views, improves legibility, and creates a better sense of connection with Laundry Yard.

There is a real distinction between the two blocks, their characters and nature are quite different.

The paving to the Laundry Yard is working at 2 levels – the orientation of the joining creating a suggestion of movement through the yard as one transitions from York Way to Caledonia Street and the triangle patterning successfully responding at a larger scale responding to the buildings that address and hold the space.

If the scheme gets the materials right, i.e. a good stone or granite – this will result in an interesting duality of geometries going on there – simple and subtle but influential as to how one experiences that space.

Times Yard – considers this is working well as a sequential space – an ante room. This is commended as a very important element as it is this intervention around the new Times Yard in particular that heightens the block's overall legibility.

The balconies to the offices above significantly help to animate the space and are supported.

The new Bravington's Walk link is also greatly helping in terms of opening up this key route. The importance of that link is stressed given connections to it create the opportunity for the success of this route in the future.

The Panel very much liked the way the arcade is enhancing the public realm and the circular light motive gives coherence and consistency for the route through Block B.

Caledonia Street – new frontage at street level is successful, creating an enhanced rhythm and transparency to the street. Coupled with the planned removal of the railings will help activate this as an important east/west link street. The Panel supports the work that has been done to this street edge.

In respect of the architecture, previously struggled to understand the overarching architectural approach. However, consider there is now a really strong materiality and that the refinement of detail and language are all really successful.

The Panel commend the design team on a very interesting architectural narrative with Times House. It supports the more filigree top and crown with its integrated glazing and this contrast with the more solid base.

The Panel consider this to be a well-crafted, sensitive and tailored response and consider that the modifications have enhanced the buildings. The Panel now feels very positive about the scheme.

Jahn Court

The Panel acknowledges the considerable amount of work that has gone into the evolution of the massing. Combined with the work undertaken to reduce the heights, the building now feels calmer and recessive – a suitable backdrop to the heritage buildings to the fore. This works well.

The Panel therefore considers that changes to the Jahn Court building are now appropriate and successful having moved forward from the earlier interesting and characterful reference to industrial buildings with the saw tooth roof form, which perhaps was not quite appropriate in this location.

The concept around the revised and simplified crown is successful including the reference to Victorian water towers. The result is a much calmer appearance on the street front but with a very effective jostling of volumes on the courtyard side.

The massing, particularly the way the top floors in the longer views have been addressed, now creates a calmer, more coherent backdrop including in relation to the classic heritage views and settings.

As such, the design team has created a fine backdrop with proportions that work very well including the suitably recessive treatment to roof top plant. This all evidently follows a series of sophisticated and clever moves.

It was particularly noted how the design has succeeded in taking an interesting ensemble of buildings and elements on York Way – the Chimney, Jahn and Hub building and created a complimentary 4th element – the entrance – as a positive contribution to the other trilogy of elements.

The Gate House, with its solid brick base, works very well and the subtle changes and opening up to the public realm in this important frontage location are successful.

The design is referential and the way key elements have been picked out and celebrated – the gatehouse, pavilion, plinth, and crown, coupled with making the base more permeable – are all part of a successful scheme design.

Publica's, and others, work on York Way to create active uses, and to changes to the ground floor of the Jahn building, now create positive contributions and enhancements to the busy York Way and to the broader conservation area. The proposals will make an interesting and subtle backdrop to the activities and events of this street.

The Panel feels fully comfortable and supportive of these moves which reflect the design teams long and hard thinking about the narrative it seeks and which now it successfully portrays.

The Panel considered it a shame to have lost the earlier proposed pergola and the public seating within courtyards, losses which now somewhat diminish the character of the spaces. It was suggested that perhaps they could be subsequently softened, perhaps just with planting rather than simply stripping out all the characterful features in response to public objections?

The applicant's amendments to the courtyards in response to resident concerns is understood. However it would be interesting to see what could be introduced that adds character and give something back to the residents while promoting a rich journey through the interiors of the urban blocks – designs that reflect to the transitional nature of moving through the lanes and courtyards.

The choice of materials and the refinement of the character and approach to materiality is coming through very successfully. This is considered to be a particularly successful element of the proposal.

The Panel commended the applicant and design team on the work that has been done – including in particular the pedestrian movement and wheelchair users and cyclists – all can now access the activities and functions at ground floor level throughout the block making everyone feel much better connected.

Chair's Summing Up

The Panel supports what you have created and enhanced – a great, high quality and sympathetic range of new office and workshop spaces. This will be a fantastic place to come and visit and to work in. Every aspect of the place will be much better as a result and will likely continue to improve over time.

The proposals capture and enhance the heritage setting with their clear and coherent architectural narrative. There is now a much clearer hierarchy of routes and these have themselves been significantly enhanced with specific regard to improved levels of accessibility and cyclist movements.

There will also be a significant upgrading of the office space.

The Chair wished to credit the applicant team with the work undertaken beyond the red line, particularly to York Way and to the Pentonville Road junction at the threshold of the development.

The Chair considers that the team has now developed a successful approach to scale and massing. These important elements respond well to the immediate and wider context. In addition to that, a significant amount of public benefit is evident that The Panel would support and agree with which encompasses economic, social and environment benefits.

A last thought – in all of this demonstrable enhancement and improvement it is important that at the end of the day, in terms of the public realm and using it, that these urban blocks feel like they are a part of the city, and not separated from it.

In a recent visit the Chair felt overly surveilled, as though there were cameras all over the place. Guards were popping out and the effect was a feel of trespassing as one moved through an urban block.

The Panel do not want these blocks to feel like they are gated communities. Rather the aspiration should be to feel like you are strolling through the lanes and courtyards of Covent Garden and Soho. This is the sort of ambience the proposals should strive for.

Confidentiality

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

Yours sincerely

Linda Aitken
Principal Design Officer

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.

Planning Committee - 22 February 2022

- 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.

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- 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.

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- 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:

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- 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 stand out 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.

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- 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.

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- 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:

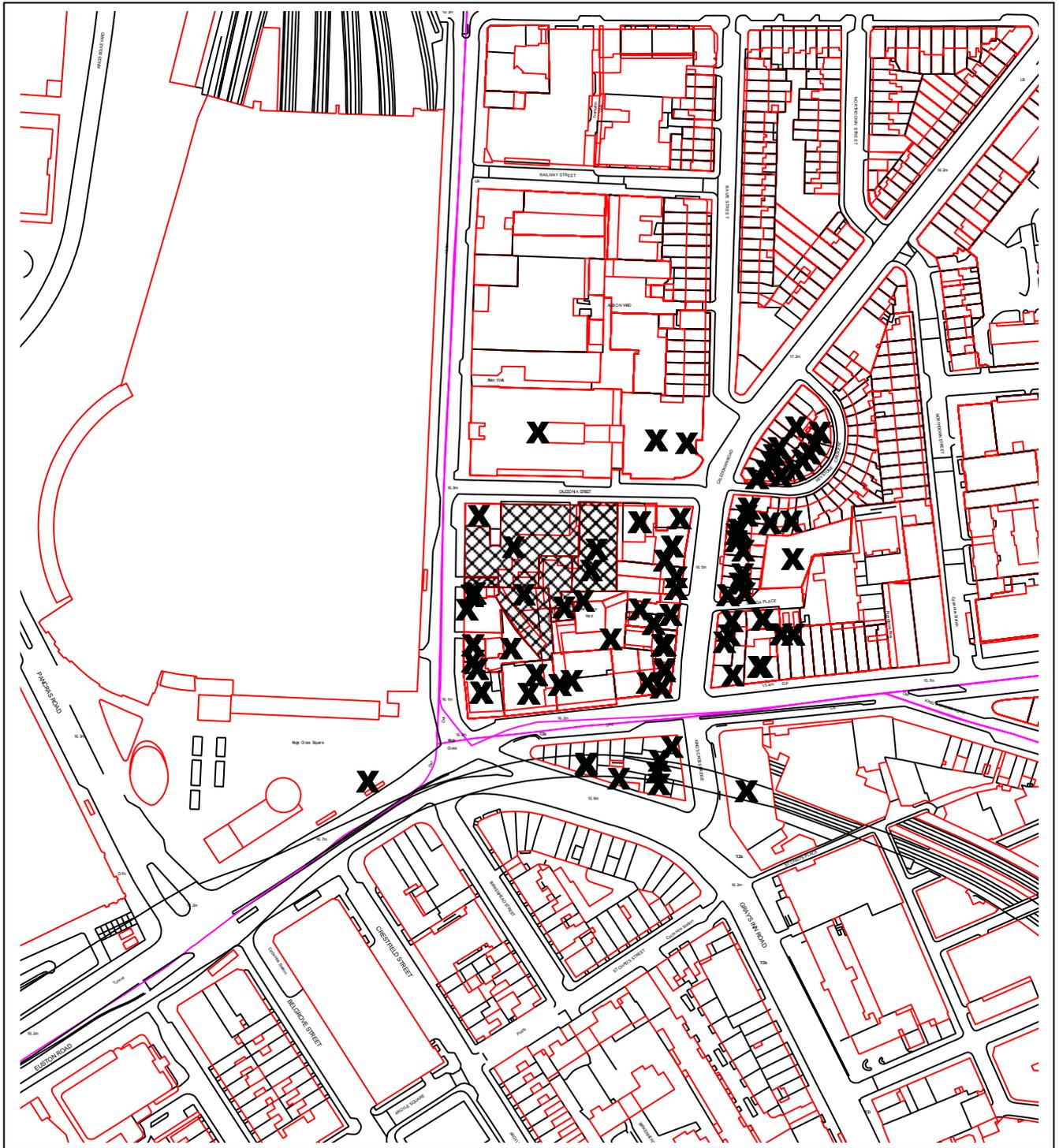
That consideration of the application be deferred for the reasons outlined above.

The meeting ended at 0.25 am

CHAIR

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Islington SE GIS Print Template



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P2021/2269/FUL

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PLANNING COMMITTEE REPORT
ADDENDUM

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM NO:	
Date:	7 th June 2022	NON-EXEMPT	

Application number	P2019/2651/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Adjacent to Grade II Listed Building (no. 36 Islington Park Street) to west
Conservation area	Barnsbury Conservation Area
Development Plan Context	Locally Listed Building (no. 44 Islington Park Street) Within 50m of the Upper Street (North) Conservation Area (to east) Within 100m of TLRN (Transport for London Road Network) (Upper Street) Local cycle routes Article 4 Direction (Barnsbury Conservation Area) Article 4 Direction A1-A2 (Town Centres)
Licensing Implications	None
Site Address	Hostel and Premises, 38-44 Islington Park Street London N1 1PX
Proposal	Change of use of existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). Excavation at lower ground floor level to increase the floor to ceiling heights and enlarge existing rear lightwells. Alterations to front and rear elevations including instalation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

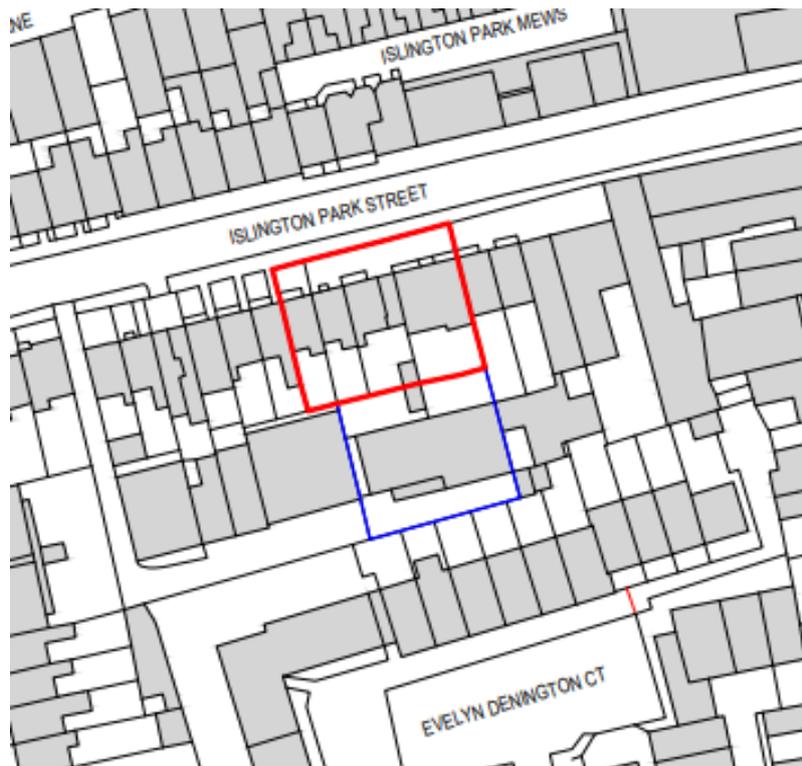
Case Officer	Mr Daniel Jeffries
Applicant	One Housing Group - Mr Parry
Agent	Davies Murch – Mr Jonathan Murch

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. REASONS FOR REFERRAL TO COMMITTEE

- 3.1 This application was previously presented to the Planning Committee meeting on 23rd April 2020 (see original Committee Report at Appendix 3) where Members resolved that planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the Committee Report.
- 3.2 The agreed minutes for the meeting confirmed that in the discussion the following points were made:
 - The Planning Officer informed members of the following updates – Floor plans PL11-PL14 (proposed lower level ground to proposed second level floor plan) in condition 2 of the Committee report need to be amended to Rev. P2. These revisions were submitted during the course of the application to demonstrate a soft spot in the proposed dwelling where a floor lift could be located had been changed to the installation of a lift and to address inclusive Design Officer comments.
 - In addition, the Planning Officer highlighted changes to the Heads of Terms – Correcting recommendation (a) – Requiring the 7 no.units to be for social rented housing including the requirement for the nomination rights for the 'Move On' units

to return to Islington in accordance with local authority lettings policy should the GLA 'Move On' scheme cease to exist.

- The Planning Officer advised the meeting that the site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone.
- Members were reminded that the loss of the existing vacant HMO is considered acceptable having consulted the Council's Environmental Health Team who manage and license HMO's within the Borough. The team had assessed the existing accommodation as not of good quality.
- Members were advised that the Council's Housing Team had not objected to the loss of HMO and welcomes the change of use as the proposal would deliver affordable homes which is one of the Council's key objectives identified in Part G of Policy CS12 of Islington's Core Strategy Policies (2011).
- The Planning Officer acknowledged that excavation works is to be carried out in the basement and is considered acceptable in design terms, and that the proposed works are compliant with the Council's Basement SPD in regards to its structural impact. The Building Control Officer had reviewed the application and raised no objections to the excavation works from a structural perspective.
- A member of the public stated that whilst he supported the proposal and had a good relationship with One Housing Group who had been supportive in discussions with him, he did have concerns over the excavation works to the basement, which according to a structural engineers report could cause cracking and problems to his property. He requested for a waiver especially on this issue. (Following questions from the committee the objector clarified that his use of the term 'waiver' was intended to mean that he was requesting that the committee agree to omit the basement excavations from the application.)
- In response to the objectors concerns, the applicant stated that a structural engineers report had been submitted with the application. The Planning Officer acknowledged no works would commence until a structural report had been submitted and were issues to arise in the future this would be addressed through Party Wall agreement. Meeting was informed that a structural engineer would be engaged on site to assess any problems. The Chair stated that in addition if the applicant wished to engage his own structural engineer then the applicant would be liable for the cost of this under the Party Wall Act.
- Members welcomed and supported the scheme considering that the building that had been abandoned for quite a while and importantly the addition of the new social rented housing units.

3.3 Since the date of this meeting further neighbour consultation responses have been received raising a number of concerns with the proposal, including the request for a revised Site Location Plan and the proposed ground floor plan showing alterations to the position of the proposed refuse and cycle storage, which has been submitted and further consultation carried.

4. BRIEF SUMMARY OF PROPOSAL

4.1 The application seeks permission for the change of use of the existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). The proposal also includes excavation at lower ground floor level to allow for the increase in the floor to ceiling heights and enlarge existing rear lightwells. The proposal would also include alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

5 UPDATES FOLLOWING COMMITTEE ON 23RD APRIL 2020

Policy Updates

- 5.1 The National Planning Policy Framework 2021 was revised on 20 July 2021. The London Plan 2021 was also formally adopted on 02 March 2021. Therefore, the local development plan comprises of the London Plan 2021, the Islington Core Strategy 2011 and the Islington Development Management Policies 2013.
- 5.2 The relevant policies from the recently adopted London Plan 2021 in respect to this application are listed below:
- Policy GC5- Policy D1 London's form, character and capacity for growth
 - Policy D4 Delivering good design
 - Policy D5 Inclusive Design
 - Policy D6 Housing quality and standards
 - Policy D7 Accessible housing
 - Policy D8 Public realm
 - Policy D12 Fire safety
 - Policy D13 Agent of change
 - Policy D14 Noise
 - Policy H2 Small sites
 - Policy H4 Delivering affordable housing
 - Policy HC1 Heritage conservation and growth
 - Policy T5 Cycling
 - Policy T6 Car parking

Islington Local Plan Examination in Public (2019)

- 5.3 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.
- 5.4 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).
- 5.5 Emerging policies relevant to this application are set out below:
- Policy PLAN1: Site appraisal, design principles and process
 - Policy H2 New and existing conventional housing
 - Policy H4 Delivering high quality housing
 - Policy H5 Private outdoor space

- Policy H10 Houses in Multiple Occupation
- Policy G4 Biodiversity, landscaping design and trees
- Policy S1 Delivering Sustainable Design
- Policy T3 Car free development
- Policy DH2: Heritage assets
- Policy DH4 Basement development

5.6 Whilst the changes to policy are a material consideration, these are such that the amended/updated policy would not impact the assessment of this application as detailed in the Committee Report and the deliberations of the Planning Committee.

6. CONSULTATION

Public Consultation

- 6.1 As detailed in the previous Committee Report letters were originally sent to occupants of adjoining and nearby properties on 9th September 2019, and Site and Press Adverts were also displayed. The consultation period expired on 6th October 2019. However, the Council accepts representations up until the determination of the application.
- 6.2 At the time of the writing of the report presented at the 23rd April 2020 Planning Committee, a total of 3no. objections/comments were received. The letters of representation raised the following summarised concerns and comments (these were addressed in the previous Committee Report with relevant paragraph references for responses provided at paragraph 8.2 of the Report at Appendix 3).
- Concerns in relation to the excavation at basement level, including lowering floor level and extension of rear lightwells, would have a detrimental impact on the adjacent Listed Building
 - Supportive of reinstatement of metal railings but requests that the details are secured by condition
 - Concerns regarding security with the rear bin alley with bike sheds created
 - Requests that the paintwork to the front elevation is removed
 - Requests historically accurate colours are used in the frontage, including windows and doors
 - Requests that front gardens are not used for parking
- 6.3 Since the previous Planning Committee, a representation has been received raising a number of concerns with the development and Members' resolution to grant planning permission.
- 6.4 One of the concerns raised regarded the inaccuracy of the submitted Site Location Plan, which omitted part of the relevant application site. The applicant subsequently submitted a revised Site Plan together with a series of revised drawings relating to the cycle and refuse storage locations. Following this, notification letters were sent to occupants of adjoining and nearby properties on 30th November 2021, 10th March 2022 and 10th April 2022. The public consultation of the application expired on 24th April 2022, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 6.5 At the time of the writing this report and since the original Planning Committee, six additional representations raising objection have been received from the public with regard to the application. The issues raised can be summarised as follows:

Design and Conservation

- Raised concern regarding original assessment in terms of the impact on visual appearance and historic character of the host building and Barnsbury Conservation Area
- Concern that the assessment failed to take into consideration the Inspectors comments on an appeal at no. 8 Purley Place
- Lack of details to front gardens (including railings, bin storage, hard and soft landscaping) and concerns that the bin stores to the front gardens would subsume front railings
- Concerns in relation to the visual appearance of refuse and cycle storage to the front and rear gardens including loss of usable space for future occupiers
- Concerns about the size of the rear lightwells
- Requests that external lighting to the front elevation be removed
- Concerns about the lack of written comments from the Council's Design and Conservation Officer
- Security concerns
(Paragraphs 7.5 to 7.37)

Amenity Impacts

- Concerns in relation to use of rear gardens and alleyway for refuse/cycle storage (including increased noise and disturbance, loss of privacy, anti-social behaviour, safety and security for existing and future occupiers)
- Noise Pollution to surrounding properties and lack of noise report to assess impacts
(Paragraphs 7.38 to 7.48)

Standard of Accommodation and Accessibility

- Concerns about the lack of fully accessible accommodation
- Concerns about the quality of the private amenity space to front gardens
(Paragraphs 7.49 to 7.65)

Highways

- Concerns that the Highways comments were not followed in respect of cycle storage
(Paragraphs 7.66 to 7.75)

Other Matters

- Drawings incorrect (including the Site Location Plan and 7 Purley Place not being shown on drawings)
- Failure to serve notice on neighbouring properties
- Inaccurate declaration on application form (in relation to creation of public right of way)
- Tenure blind design (proposal assessed differently due to being affordable housing)
- Party Wall issues and damp associated by basement excavation
- Unauthorised works
(Paragraphs 7.79 to 7.87)

Internal consultees

- 6.6 **Council's Highways Team:** provided further comments and confirmed that they had no objections and that the site has excellent public transport provision. Requested that the site be car-free, including no vehicle parking to front gardens, and restriction of parking permits secured by legal agreement. Requested conditions to secure cycle storage and detail of front boundaries and a Construction Management Plan.

7. ASSESSMENT

Land Use

- 7.2 The original assessment of the proposal concluded that the *loss of the existing HMO, is considered acceptable, subject to the proposed development providing accommodation to meet an acute need identified by the council's housing department, given the Council's Environment Health Team considers that the majority of the host building is inhabitable and cannot be described as a good quality HMO.*
- 7.3 Also that *whilst the acceptability of the proposal, in terms of the housing mix, the standard of accommodation, the design, the amenity impact on neighbouring properties, amongst other material considerations, is assessed later within this report, the proposal is considered to be acceptable in land use terms, and compliant with the relevant policies in the Development Plan.*
- 7.4 The original assessment was made against the current local policies in the Islington Core Strategy (2011) and Development Management Policies (2013). The main policy changes relate to the adoption of the National Planning Policy Framework (2021) and London Plan (2021), which are considered to be consistent with the local policies. The original assessment that the proposal is acceptable in land use terms remains.

Design and Conservation

- 7.5 The Committee Report presented to Members of the Planning Committee (on 23rd April 2020 detailed at Appendix 3) concluded (para. 10.40) *that subject to the recommended conditions, the proposal would be in keeping with the visual appearance and historic character of the area. In line with Section 66(1) and 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 Barnsbury Conservation Area, its setting and any of its features of special architectural or historic interest, and the setting of the Grade II Listed Building (no. 36 Islington Park Street) and is considered acceptable in design terms.*
- 7.6 Representations have been received which consider that the original design assessment set out in the Committee Report does not meet the statutory test of preserving the visual appearance and historic character of the heritage assets. A detailed assessment, in accordance with the relevant statutory tests can be found within paragraphs 10.17 to 10.54 of the original Committee Report, which assessed the proposal as being acceptable in design terms.
- 7.7 The representations received also considered that the Council did not take into consideration the assessment by the Inspector within their report for the dismissed appeal decisions associated with developments at 8 Purley Place, located to the south of the site, that took place in 2009 (P081931). The appeals / applications that have been referenced are as follows:
- P081931: Demolition of existing building and construction of a part two storey part three storey residential care building comprising 9 x 1 bedroom residential units including ancillary facilities, amenity space and cycle parking.
 - P061614: Remodelling of existing two storey building incorporating small bay extensions and additional third floor with shallow pitched roof, to provide ten supported self-contained 1 bedroom flats

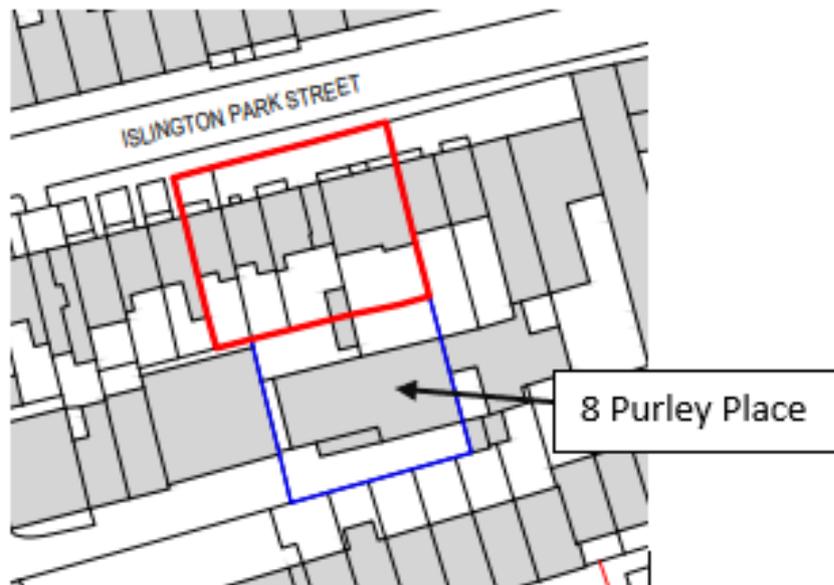


Image 1: Site Location Plan showing site in proximity to no. 8 Purley Place

- 7.8 The planning application has been assessed against relevant planning policy and legislation with relevant material considerations, inclusive of context and previous decisions, given due consideration. It should be noted that while a material consideration, a previous decision is not considered to act as a 'precedent' and the weight afforded to this in the decision making process is a matter for the decision maker.
- 7.9 Regarding the lack of reference to the Inspector's views on development at 8 Purley Place (Ref. P0819312), including the enlargement of the rear lightwells, that has been raised in a representation, it should be noted that the scope of the two applications differ considerably. Furthermore, and as previously noted, the proposals were subject to different planning policy context. As such, the previous applications (appeals) referenced are materially different to the current proposal and that is the reason that limited weight was attributed to the previous appeals in the assessment of the current application.
- 7.10 In addition, the references made by occupiers of neighbouring properties in the representation to the relevant Appeal Decision (2009) (see paragraph 7.7) referred to comments by the Inspector about the cluttered appearance of the rear elevation of the proposed building (8 Purley Place) rather than the buildings subject to this application. The Appeal Decision does not refer to any minor structures to the rear garden of the new 3 storey building within this application.
- 7.11 Whilst the current application largely retains the existing properties and involves a change of use and some relatively minor refurbishment, it is considered to be different in so much as the scale and scope of the external changes proposed and therefore impact on the heritage assets. Subsequently, the decisions and assessment made by the Inspector, which was 13 years ago, and was subject to a different planning policy context, including the 2002 Islington Unitary Development Plan and the National PPG 15: Planning and the Historic Environment as opposed to the current Islington Development Management Policies (2013) and NPPF (2021). It is therefore considered that limited weight can be attributed to these decisions.
- 7.12 Notwithstanding the above, since the date of the original assessment, the Council has received amended drawings to revise the proposed refuse and cycle storage to the

proposed units. The proposed ground floor plan (drawing no. 202/PL12/P2, Image 2 below) shows the previously refuse and cycle storage arrangements. As shown in Image 2 below, both the refuse and cycle storage was previously proposed to be located within the rear garden of the three dwellings.



Image 2: Proposed Ground Floor presented at Planning Committee on 23rd April 2020 (Ref. PL12/Rev.P2)

- 7.13 Following correspondence between concerned residents and the Head of Development Management it was confirmed that officers would request *bin and bike storage for the houses are to be secured to the front of the houses however for the flats, the bins and bikes are to remain to the rear*. Following these discussions Officers requested amended drawings from the applicant to alter the position of the proposed refuse and cycle storage to from the rear to the front gardens. The amended drawings received have altered the refuse storage for the three houses (no's 38, 40 and 42) from the rear to the front garden, whereas the refuse storage to the four flats (at no. 44) has been retained to the rear garden. The refuse and cycle storage for the 4 flats (within 44) has been repositioned away from the rear boundary.
- 7.14 Whilst the applicant has investigated the provision of cycle storage to the front garden, officers consider that the introduction of secure cycle stores to the front of the site would be unduly prominent and incongruous within the conservation area, whilst also being limited by the space available. Therefore, the amended plans detail the cycle storage to be retained to all of the proposed units within the rear gardens. The main changes include the reduction of the footprint of the storage for no.s 38, 40 and 42, and the repositioning of the storage at no. 38 away from the rear boundary. Whilst the size of the cycle storage for the flats within no. 44 would be retained, it has been

repositioned towards the east of the area to the rear of this property, which would be adjacent to the refuse storage and the existing alleyway. This revised arrangement is shown in Image 3 below:



Image 3: Revised Proposed Ground Floor Plan with amendments to refuse and cycle storage

- 7.15 To assess the acceptability of these changes in design terms, it is important to take into consideration the design advice found within the Islington Urban Design Guide (UDG) 2017 and Barnsbury Conservation Area Design Guidelines (CADG).

Refuse storage

- 7.16 Paragraphs 5.186 to 5.188 of the UDG advises that *in addition to Islington’s Recycling and Refuse Storage Requirements (refer to Guidance for Architects) bin stores should be designed so they neatly integrate with building frontages and thresholds and do not undermine community safety. Also, that it is normally unsuitable to locate them in the front threshold area where their height can block sight lines particularly around residential entrances. For convenience as well as community safety reasons they are normally better located behind the building façade next to the building entrance.*

- 7.17 Paragraph 10.33 of the CADG provides the most relevant advice in relation refuse storage enclosures with the following:

‘Some of the properties in the conservation area have front basement areas, protected by cast iron railings, which are important to the character of the area. The filling in or covering over of these areas prejudices light to the basements and spoils the appearance of the front elevation. The widening of front entrance steps, and the

construction of dustbin and meter enclosures have a detrimental effect on the area. Dustbins and meter enclosures should be discreetly located so as to be invisible from the street'.

- 7.18 As noted above, amended drawings were received to alter the position of the refuse storage area for the three houses following concerns raised in representations, in terms of the proximity to neighbouring properties to the rear. However, it should be noted that representations have been received raising objection to refuse stores being located on the street frontage.
- 7.19 It is acknowledged that the above design guidance recommends that refuse storage is not located on the street frontage. However, as shown in the streetview photographs there are examples of refuse storage in front gardens within the surrounding area, including previously at no. 44 which forms part of the application site. The Council's planning records indicate that this storage does not appear to have been granted planning permission and some has since been removed. However, the other storage area has been situ for at least 4 years and would therefore be immune from enforcement action. Also planning permission was granted for a refuse storage as part of the conversion of no. 26 Islington Park Street (Ref. P2015/3554/FUL) into flats. Therefore, the principle of refuse storage areas to front gardens, along this section of Islington Park Street, is considered to be acceptable in design terms. However, the remaining refuse storage to the rear garden of no. 44 for the four flats is also considered to be consistent with the design advice above.



Image 4: Street view photos showing refuse storage areas along Islington Park Street

- 7.20 It is acknowledged that limited details have been provided in terms of the refuse storage design including its impact on the streetscene. However, it is considered appropriate that the details of this storage area could be secured through a condition. A condition (7) is recommended requiring details of the proposed storage and collection arrangements to be submitted to and approved in writing by the Local Planning Authority.
- 7.21 In addition to this, conditions relating to the boundaries (4) and the landscaping for the front garden (13) were previously recommended. These conditions continue to be recommended, albeit in an altered form. The Council recommends that the conditions are altered to ensure that the details are submitted prior to the relevant parts of the development commencing, but that the approved details would need to be installed

prior to the first occupation of the proposal. Whilst the representations have raised concerns that the refuse storage would potentially subsume the proposed railings, officers consider that the installation of historically appropriate railings to the street frontage would be a heritage benefit. Therefore, any submission of the approval of details for the proposed front garden, which would include the refuse storage, hard and soft landscaping, as well as the railings would need to ensure that they would meet the statutory test of preserving or enhancing the visual appearance and historic character of the host building and the setting of the heritage assets.

Cycle storage

- 7.22 As detailed at paragraph 7.12 of this report, since the presenting of the Committee Report to the 23rd April 2020 Planning Committee, amendments have been received relating to cycle storage, in terms of the size and position with the rear. The UDG and CADG do not have any specific guidance in relation to cycle storage. However, Development Management Policy DM8.4C advises that *cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible*. Given their similarities, the guidance in relation to refuse storage areas described above is considered relevant, noting that these should be located to reduce their visibility.
- 7.23 The advice regarding garden buildings in paragraphs 5.169 and 5.170 of the UDG is also considered relevant. It advises that they should be *designed to be subservient to the main building on the site. They should be as low as possible, with a modest footprint and should be sufficiently set away from boundaries to prevent cumulative impact or a 'terracing' effect arising from similar built form to the end of adjoining gardens. They should normally be of lightweight construction and will only be acceptable where sufficient garden/open space remains to provide high quality and useable amenity space that provides adequate space for day to day uses and does not result in fragmented areas incapable of supporting planting*.
- 7.24 As noted above, the footprint for the storage for nos 38 to 42 has been reduced in comparison to the storage presented in the original scheme, as well as relocating the refuse storage to the front garden, resulting in a modest area within the rear garden covered by these small scale structures. The refuse store for no. 44 has also been repositioned to allow occupiers of the flats to access these communal storage facilities, but results in the rear garden associated with the ground floor unit within this property being reduced in size by 9 sqm (from 39 sqm to 30 sqm). However the garden area remains acceptable in scale and layout.
- 7.25 Whilst addressed later in this report, the introduction of garden buildings would result in some reduction of useable space by future occupiers. However, the size of the storage buildings has been reduced in comparison to the original scheme and sufficient garden space remains. The applicant explored options for the introduction of storage to the front garden alongside the relocated refuse storage. However, officers did not consider this to be appropriate in design and conservation terms (see above) and considered that there was insufficient space if both refuse and cycle storage were located to the front garden. As such, it is considered appropriate that secure cycle storage can be accommodated within the rear gardens of the property.
- 7.26 The applicant has provided details of the proposed cycle storage (shown in image below). These are of timber construction with a lean-to roof at an approximate height 1.15m to the eaves and 1.36m to the ridge, and would have a depth of 2m with a width of 1.4m where they are in the rear gardens of the three houses (for 3 cycles) and 2m for the flats (for 5 cycles).

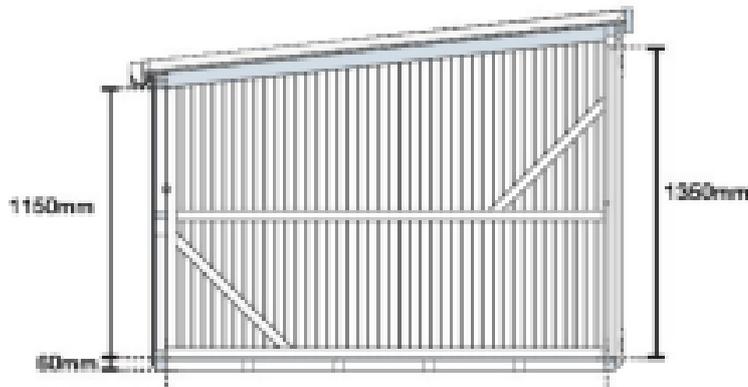


Image 5: Proposed cycle storage details

7.27 Notwithstanding the assessment in paragraphs 7.7 to 7.10 of this report, the comments raised in representations referencing the Inspectors comments in the Appeal Decision for the application at 8 Purley Place P0819312 have been addressed. The Inspector states the following:

[The rear gardens are a] well-used but restricted communal private amenity space of 38-44 Islington Park Street [and] the only area of readily accessible open space for the residents of this communal household and I consider it important that any new development should not impose even more limitations upon the usefulness of this intensively used slice of amenity land.

7.28 It should be noted that the use of the application site (38-44 Islington Park Street) is proposed to be changed and specific policies apply to the assessment of acceptability of such spaces. In this regard, the Inspector's comments related to a different use with different requirements, and therefore they hold limited weight in the consideration of the current application. It is considered that the position of the cycle storage in the rear garden would allow for most of the rear garden to be used by future occupiers and would not result in any fragmented spaces, and whilst this is assessed further in relation to the standard of accommodation it is considered acceptable. Furthermore, the design of the stores would be such that they would appear as typical small scale garden buildings that due to their minimal height and small scale, would not be

overbearing or visually intrusive to neighbouring occupiers and would not detract from the character and appearance of the conservation area, nor the setting of the listed buildings.

- 7.29 The previous recommendation detailed in the Committee Report recommended a condition (7) relating to cycle storage which states the following:

CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure cycle spaces for the proposed residential units hereby approved.

The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 7.30 The additional details in relation to cycle storage and the revised position and size are considered to be acceptable in design terms. Therefore, rather than a condition requiring further details to be submitted, a compliance condition has been recommended requiring the cycle stores to be implemented in accordance with the amended plans and details submitted prior to the first occupation of the proposed units.

Rear Accessway

- 7.31 Representations have been received raising concern with the proposed accessway to the two gardens serving No.s 38 and 40. The concerns regarding neighbour amenity and security are addressed later in this report. Concerning design, the access way would be limited in extent and would require an acceptable boundary treatment that is secured by condition. The limited extent of the alleyway and provision of appropriate boundary treatment is such that it would not detract from the character and appearance of the conservation area and is acceptable in design terms.

Lightwells

- 7.32 Concerns have been raised in representations in relation to the size of the rear lightwells, which form part of the basement development element of the proposal. The amended plans do not include any changes to the extent of the rear lightwells which were assessed within paragraph 10.24 in the original Committee Report (Appendix 3) stating that

'The position of the existing rear lightwell is considered to be appropriate and compliant with the above guidance. Whilst the proposed enlargement of these existing lightwells would result in a small portion of the rear gardens being excavated, the majority of the garden would be retained.

- 7.33 It is considered that the rear lightwells continue to be acceptable in design terms.

Lighting

- 7.34 Concerns have been raised in representations in relation to the removal of external lighting to the front elevation. The proposal does include any new external lighting

including to the front elevation. However, some external lighting may be necessary for security purposes, therefore a condition (16) has been recommended for the submission of details relating to any existing or proposed external lighting prior to the relevant works commencing.

Consultee Comments

- 7.35 Representations have also raised concern that Officers did not receive comments from the Council's Design and Conservation Officers. Whilst no written comments have been provided, the proposals have been discussed with the Design and Conservation Team and feedback provided in relation to the proposal from pre-application stage onwards.

Design and Conservation Conclusion

- 7.36 Given the above assessment of the amended plans, together with the original assessment detailed within the previous Committee Report it is considered that the amended proposal is acceptable in design terms. This is subject to the same conditions recommended in the original report, apart from the changes noted above. Therefore, the proposal is considered to preserve the visual appearance and historic character of the area. In line with Section 66(1) and 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 Barnsbury Conservation Area, its setting and any of its features of special architectural or historic interest, including the setting of the Grade II Listed Building (no. 36 Islington Park Street) and is considered acceptable in design terms.
- 7.37 It is noted that officers have written to concerned residents and advised that the location of the refuse and cycle stores would be secured to the front of the site. While the refuse stores can be successfully accommodated within the front area, for the reasons set out above, which follow further investigation, it is considered that the cycle stores cannot reasonably be provided within the front area and that the proposed design and location of the cycle stores to the rear of the site is appropriate in this case. The amended plans have been re-consulted upon and neighbouring residents are therefore aware of the proposed location of the refuse and cycle stores.

Neighbouring Amenity

- 7.38 Paragraphs 10.55 to 10.68 of the previous Committee Report details the assessment on the amenity of occupiers of neighbouring properties, including Overlooking and Loss of Privacy, Outlook/enclosure and Daylight and Sunlight and Noise/dust and disruption.
- 7.39 The assessment concluded in paragraph 10.66 of the Committee Report with the following:

The proposal is therefore considered not to have a detrimental impact, outlook, privacy and overlooking and daylight and sunlight, and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017 in this regard.

- 7.39 The additional consultation process raised concerns in representations about the amenity impact on the occupiers of neighbouring properties as a result of the proposed change of use, particularly in regard to the intensification of the use of the existing access to 8 Purley Place via the ground floor door located between no. 42 and 44

Islington Park Street. While a number of comments in representations consider that a new access is being created, this is not the case, with access currently provided by means of a walkway leading from Islington Park Street to 8 Purley Place.

- 7.40 Paragraphs 10.67 and 10.68 within the previous Committee Report provide an assessment in regard to noise and compliance with Policy DM3.7. The Committee Report detailed that the Council's Environmental Health Pollution Officer had no objections to the proposal, subject to a condition (8) requiring further details of noise mitigation relating to external sources to be submitted and approved in writing to protect future occupiers. This condition would help mitigate external noise to future occupiers of the proposed residential units and neighbouring residential.
- 7.41 With regard to noise generation generally, the site is not considered to be close to existing sources of noise; noise generating uses that raise disturbance issues nor does the application involve the installation of flues, air conditioning, plant, extraction etc. Therefore, a noise impact report is not necessary in this case. Furthermore, the proposal would introduce residential dwellings with fairly traditional garden layouts within a largely residential area, such that the use of the premises and gardens would not result in unacceptable noise levels above and beyond those typical of a residential dwelling.
- 7.42 As noted in the design section, the original proposal has been amended, with the proposed cycle and refuse storage re-located away from the neighbouring property at 8 Purley Place. Therefore it is considered important to assess the potential impacts of these changes, particularly in regard to the intensification of the use of the alleyway.
- 7.43 Following receipt of representations and correspondence with both residents and the applicant, the applicant explored options for relocating the refuse and cycle storage to the front gardens. However, as noted above, it is considered that there is insufficient space and subsequent design concerns with the location of both cycle and refuse stores to the front of the site for the three houses (no. 38, 40 and 42). Furthermore, it was not considered necessary to relocate the larger cycle and refuse enclosures serving the flats to the front of the site.
- 7.44 Officers also explored the possibility of requiring the occupiers of the three houses taking bicycles through the properties to the rear to omit the rear accessway to the two houses. However, it is considered that given the restricted access and level changes, with a number of staircases, this arrangement would not be practical, reasonable or accessible for future occupiers. Therefore, it is considered that the proposed access arrangements for No.s 38 and 40 to access their rear bike stores is acceptable. The limited number of occupiers of these units and access to limited numbers of cycle spaces are such that it would be unlikely that this accessway would result in unacceptable noise disturbance to neighbouring occupiers. However, in order to control the users of this alleyway to only be occupiers of the proposed units, a condition has been recommended for details of security arrangements to be submitted prior to the first occupation, to ensure that access through the rear part of the site is restricted only to occupiers of the proposed units as well as the existing occupiers of 8 Purley Place.
- 7.45 In terms of the refuse storage, the relocated storage associated with the three houses (no. 38, 40 and 42) to the front gardens and within dedicated stores is not considered to result in any unacceptable amenity issues. It is acknowledged that the refuse and cycle storage to the proposed flats (within no. 44) would be retained in the rear garden, but this has been relocated further from neighbouring residential boundaries. Although still requiring access via the existing alleyway, recommended Condition 6 requires details

of the refuse storage and collection arrangements, including how it is moved during collection days to be submitted to ensure this is acceptable.

- 7.46 The previous Committee Report recommended a condition (9) that required the implementation of the Secured by Design measures endorsed by the Metropolitan Police's Secured by Design Officer found within the Appendix of the Design and Statement. However, given the changes to the original proposal a revised condition has been recommended to ensure that these details are submitted prior to the commencement of the relevant parts of the development, with the approved details implemented in full prior to the first occupation of the proposed units.
- 7.47 Representations received also raise concerns regarding the potential loss of privacy to occupiers of neighbouring properties from users of the existing access and alleyway between no. 42 and 44 Islington Park Street as well as from rear gardens. The use of these paths to a limited number of properties and rear gardens is not considered to cause an unacceptable impact to privacy of the rear amenity spaces of proposed nor adjoining residential properties. It should be noted that these spaces will only be used by future occupiers of the proposed units for cycle and refuse storage purposes, with controlled access provided through to 8 Purley Place. The use of rear gardens would not result in a loss of privacy to neighbouring occupiers above and beyond any potential current use of these spaces. Privacy was also considered in the previous Committee Report (paragraphs 10.59 to 10.62) and found to be acceptable.
- 7.48 Given the above and the previously presented assessment, it is considered that the proposal would not result in unacceptable impacts on the amenity of neighbouring occupiers and would therefore be in compliance with policies DM2.1Ax of the Development Management Policies 2013.

Housing mix and Standard of Accommodation

- 7.49 Paragraphs 10.67 to 10.94 of the previous Committee Report outlined the Council's assessment in relation to the housing mix and standard of the proposed accommodation.
- 7.50 The assessment considered that whilst the housing mix deviated from Policy DM3.1, particularly the inclusion of a 5-bedroom house, it was considered that this housing mix was acceptable. It was noted at paragraph 10.72 that *in addition, the Development Management Policies (2013) recommend that in such cases, the Council needs to be satisfied that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington. The Council's Housing Team who manage the Council's Affordable Housing, have confirmed that the proposed unit mix would meet the Council's needs and they consider this housing mix is acceptable.*
- 7.51 In terms of the standard of accommodation the Committee Report (in paragraph 10.94) stated the following:

The proposed residential element of the development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

- 7.52 Representations have raised concerns about the standard of accommodation. These have referenced the use of 'intrusive' pathways, reduction in soft landscaping and storage of waste and bicycles that form part of the current proposal, stating that these would, *deprive its future occupants of privacy to the rear of their homes, and of the benefits associated with private outdoor space, namely health, quality of life and children's play.* The objections consider that the original proposal was considered acceptable due to it being proposed as affordable housing.
- 7.53 The previous Committee Report identified that all of the units would meet the minimum total floorspace standards and standards for bedrooms and living rooms, whilst providing dual aspect. However, the previous Committee Report outlined concerns with the standard of accommodation in relation to restricted outlook and daylight/sunlight levels experienced by future occupiers, together with restricted floor to ceiling heights.
- 7.54 The main concern in relation to the restricted outlook related to one of the lower ground floor flats (within no. 44) owing to the position and restricted size of the front lightwell. Paragraph 10.79 from the previous Committee Report provides the following assessment:
- 'Officers acknowledge that one of the front elevation windows at lower ground floor (within no. 44), is restricted in terms of the outlook, due to the position and the restricted size of the front lightwell. Whilst the enlargement of the front lightwells were explored by the applicant to improve outlook, this would be unacceptable in design terms and its impact on the wider conservation area. As a result, the proposal has improved the outlook to the rear of both this unit, and the basement level to the other dwellings, by the enlargement of the existing rear lightwells. Given the size of the rear lightwell, associated with the lower ground floor flat and that the rear elevation of the host buildings are south facing, means that it would receive direct daylight/sunlight and the restricted outlook would be largely mitigated. Officers do note that the lower ground open plan living spaces for each flat are dual aspect with larger windows/French doors also orientated to the south along the rear elevation thereby increasing the light serving these rooms. The accompanying Daylight Report also provides calculations on the level of light serving each room'.*
- 7.55 Paragraphs 10.80 to 10.85 of the Committee Report detail an assessment of daylight/sunlight experienced by future occupiers. Following the submission of an ADF (Annual Daylight Factor) report which confirmed that all of the habitable rooms would meet and exceed the BRE targets, this was considered acceptable.
- 7.56 Concerning floor to ceiling heights, paragraphs 10.86 to 10.89 of the Committee Report identifies a number of deficiencies but concludes that *the restricted floor to ceiling heights within the proposed units throughout the host building, whilst not ideal, is considered to be acceptable, on balance, given the acceptable standard of accommodation generally, in regards to dual aspect, levels of daylight/sunlight of outlook, the orientation of the property, and that the size of the units.* It is therefore considered that the lack of full compliance would be acceptable in this regard.
- 7.57 Representations received have raised concerns that the proposed units would not be fully accessible. The level of accessibility of the proposed units was assessed in paragraphs 10.95 to 10.99 of the previous Committee Report and found to be acceptable.
- 7.58 The previous Committee Report (in paragraphs 10.91 to 10.93) confirmed that the level of private amenity space provided for future occupiers was acceptable and in

compliance with Policy DM3.5. However as noted above, amended drawings have been received resulting in alterations to the level of amenity space provision.

- 7.59 The table below shows how the changes to the proposal has impacted the levels of private amenity space in comparison to the original scheme which was considered acceptable. It is noted that the lower ground floor flat (within no. 44) has 23sqm of amenity space, which does not meet policy requirements. However, the site is restricted in terms of the depth of the rear garden and the unit is considered to provide an acceptable standard of accommodation overall. With the exception of a 9 sqm reduction in the private amenity space for the ground floor unit at No. 40, the private amenity space figures would match those previously considered to be acceptable. Whilst the 9sqm reduction in garden space is regrettable, it would continue to exceed minimum requirements for the unit size.

House/Unit no.	Bedrooms/ Bedspaces	Required size (GIA)	Original size (GIA)	Proposed size (GIA)
38	3b/5p house	30 sqm	61 sqm	61 sqm
40	3b/5p house	30 sqm	58 sqm	58 sqm
42	5b/7p house	30 sqm	71 sqm	71 sqm
40 (lower ground)	2b/3p flat	25	23 sqm	23 sqm
40 (ground)	1b/2p flat	15	39 sqm	30 sqm
40 (first)	1b/2p flat	5	22 sqm	22 sqm
40 (second)	1b/2p flat	5	8 sqm	8 sqm

Table 1: Assessment of private amenity space

- 7.60 While 50 sqm of communal amenity space is proposed to the front of no. 44, given its location along Islington Park Street which is near the junction with Upper Street, the quality of the front gardens are not considered to provide a high quality private amenity space. However, it would be of visual benefit to the streetscene. It is considered therefore that less weight can be attributed to the front gardens with the 3 houses (within 38, 40 and 42) and this communal area for no. 44, with greater weight attributed to the private amenity space to the rear. Table 2 below breaks down the front and rear garden spaces for 3 houses (within 38, 40 and 42):

House/Unit no.	Bedrooms/ Bedspaces	Required size (GIA)	Proposed front garden size (GIA)	Proposed rear garden size (GIA)
38	3b/5p house	30 sqm	23 sqm	38 sqm
40	3b/5p house	30 sqm	22 sqm	36 sqm
42	5b/7p house	30 sqm	28 sqm	43 sqm

Table 2: Assessment of size of private amenity space in front and rear gardens

- 7.61 As demonstrated above, even with the removal of the front gardens from the amenity space calculations, each of the units would have a private amenity space in accordance with policy requirements.
- 7.62 Representations have raised concern in relation to the position of the proposed cycle storage in the rear gardens and the impact of these on the use of the space. As noted in the design section there are several similar outbuildings within rear gardens, and the footprint of these outbuildings have been reduced in size in comparison to the original submission, which was considered acceptable. Notwithstanding this, it should be noted that all three houses have rear gardens that exceed the minimum size requirements

for family sized dwellings by at least 6sqm. Therefore, with the footprint of the cycle stores removed from the above noted figures, the garden space available would continue to meet policy requirements.

- 7.63 Further comments have been raised in representations regarding the quality of the private amenity space due to the introduction of hardstanding. Whilst a condition has been recommended in relation to landscaping of these areas, the introduction of some hardstanding, which provides access routes and contributes to the use of this space is considered acceptable.
- 7.64 The proposal is considered to provide acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy H6 of the London Plan 2021, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

Accessibility

- 7.65 Paragraphs 10.96 to 10.99 of the previous Committee Report provides an assessment in relation to the level of accessibility for future occupiers. This assessment highlights deficiencies identified by the Council's Inclusive Design Officer and why the proposals were considered acceptable in this case.

Highways and Refuse Facilities

- 7.66 Paragraphs 10.104 to 10.107 of the previous Committee Report provides an assessment of the impact of the proposal on the wider local public highway network and the refuse provision for the proposed occupiers of the development.
- 7.67 This assessment considered that the proposal would be acceptable in terms of its impact on the local highway, ensuring the development would be car free, with future occupiers restricted from obtaining car parking permits and adequate cycle storage provided. It is therefore considered that subject to the same conditions and obligations the proposal would be acceptable.
- 7.74 The Council's Highways Team have reviewed the current proposal and have confirmed they have no objections. The Highways Officers have previously expressed a preference for cycle storage to be located to front gardens, but that on balance, the storage to the rear gardens is acceptable. They have requested that the proposal is car free, with no parking to the front gardens and occupiers prevented from obtaining car parking permits, and conditions to secure the cycle storage, as well as details relating to a Construction Management Plan and the front boundary details. As with the original recommendations, these matters are recommended to be secured by way of condition and legal obligations.
- 7.75 The proposal has been amended to relocate the refuse storage area for the three houses from the rear to the front gardens, with the storage for the 4 no. flats (within no. 44) being retained to the rear garden. As noted above, a condition is recommended for details of the refuse/recycling storage and how the refuse would be moved to the street frontage for collection to be submitted. It is considered that subject to this condition, the refuse facilities are acceptable.

Affordable Housing

- 7.76 As noted in paragraphs 10.111 to 10.115 of the previous Committee Report the proposal would deliver a 100% affordable housing scheme, which is required by

Islington Core Strategy (2011) policy CS12, as the applicant is a Registered Provider of affordable accommodation.

- 7.77 The proposal would secure all units at social rented rates, with four of the units comprising those within no. 44 Islington Park Street, delivered as 'Move-on' accommodation. 'Move-on' accommodation is a Greater London Authority (GLA) grant funding scheme that contributes towards the capital costs of developing accommodation for people leaving homelessness hostels. The proposed legal agreement would secure that where the 'Move-On' units cease to be funded by the GLA, these will revert to social rented units with nomination rights reverting back to Islington's Nominations agreement
- 7.78 As concluded in the original assessment, the Council's Housing Team have confirmed that proposal would meet Islington Core Strategy 2011 Policy CS12 Part G requirements of delivering 100% Affordable Housing. It is therefore considered that the proposal would be acceptable in this regard. This has been secured through a legal agreement.

Other Matters

- 7.79 Several other matters have been raised in representations, which include alleged inaccuracies and inconsistencies of both the submitted drawings and application form.
- 7.80 In terms of the drawings, the originally submitted Site Location Plan was incorrect as it did not include all 4 host properties which form the development (omitting no. 38). A revised Site Location Plan was submitted, which corrected this omission and the application re-advertised. The previous and amended Site Location Plans are detailed below:



Image 6: Comparison of Site Location Plan submitted originally (left) and revised (right)

- 7.81 A representation also considered that the adjoining neighbour context had not been detailed, with specific reference to the property at 7 Purley Place, and therefore a detailed assessment of the impact of the proposal on neighbouring properties could not be undertaken.
- 7.82 With the exception of the aforementioned Site Plan, the plans as originally submitted correctly identified the red line of the site, the full extent of the site and appropriate neighbouring context, inclusive of 7 Purley Place. This therefore enabled a detailed

assessment of the proposals to be made, with paragraphs 10.60 to 10.64 of the Committee Report addressing the amenity impact on neighbouring properties, with specific reference to 7 Purley Place.

- 7.83 A representations considers that the applicant is in breach of its requirement to serve notice on every person who is an owner of the land to which the application relates. The applicant has advised that they own all of the land to which this application relates and as such, has completed Certificate A in the application form, which confirms this position. While the representation makes reference to 8 Purley Place and notices as part of that application, this is a different application site.
- 7.84 Representations have also questioned the completion of Section 9 of the application form, which relates to 'Pedestrian and Vehicle Access, Roads and Rights of Way', specifically in response to the question "Is a new or altered pedestrian access proposed to or from the public highway?" where the applicant has responded "No". Given that the route through the site is existing and that no new access is being created it is considered that this section of the application form has been completed correctly.
- 7.86 Concerns have been raised in representations regarding Party Wall issues and damp associated with the proposed basement excavation. Whilst the structural impact of the proposal was considered at paragraphs 10.41 and 10.54 of the previous Committee Report, Party Wall issues alongside instances of damp fall outside of planning legislation and are civil matters between the applicant and any other relevant parties.
- 7.87 Representations suggest that unauthorised works have commenced on site, specifically excavation to rear garden. This matter is subject to an ongoing enforcement investigation and where a breach of planning control is identified action will be taken where appropriate.

8. SUMMARY AND CONCLUSION

Summary

- 8.1 The principle of the loss of the existing and vacant HMO is considered to be acceptable in land use terms. This is following consultation with the Council's Environmental Health Team, who manage and licence HMOs within the Borough, assessing the existing accommodation not to be of 'good quality' and subject to the proposal meeting an acute need identified by the Council's Housing Team. This acute need is considered to be the delivery of 7 no. self-contained affordable housing residential units, with the proposal delivering 100% affordable units on site in accordance with Policy CS12 of Islington Core Strategy Policies (2011).
- 8.2 The proposal, subject to detailed conditions in relation to the materials, the landscaping, including appropriately designed railings and refuse storage, is considered to pay special regard to the visual appearance and historic character of the host buildings, wider area, the Barnsbury Conservation Area and the setting of the heritage assets, and is considered acceptable in design terms.
- 8.3 The proposed residential units would provide an acceptable standard of accommodation, meeting and exceeding the minimum requirements in terms of daylight, providing dual aspect, good levels outlook, exceeding the minimum floorspace standards and providing appropriate amenity space.

- 8.4 Conditions have been recommended to mitigate the impact of the development on the amenity of the occupiers of the neighbouring properties, the trees within surrounding area and to the surrounding public highway network, including a legal agreement to restrict future occupiers from obtaining car parking permits.
- 8.5 Subject to conditions, the proposal is considered to accord with the relevant policies found within the Development Plan.

RECOMMENDATION

- 8.6 It is recommended that planning permission be granted subject to conditions and the 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:

- Affordable Housing: 3 no. units (no's 38, 40 and 42 Islington Park Street) to be for social rent and 4 no. units (within no. 44 Islington Park Street) to be GLA funded 'Move-On' accommodation, unless the funding or program ceases at which time it would revert to social rented with local nominations.
- Car free development: restrict future occupiers from obtaining car parking permits

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:

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 list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Existing drawings: 202/PL02/Rev.P1 (Site Block Plan), 202/PL03/Rev.P1 (Lower Ground Floor), 202/PL04/Rev.P1 (Ground Floor), 202/PL05/Rev.P1 (First Floor), 202/PL06/Rev.P1 (Second Floor), 202/PL07/Rev.P1 (Roof Plan), 202/PL08/Rev.P1 (Front Elevation), 202/PL09/Rev.P1 (Rear Elevation),</p> <p>Proposed drawings: 202/PL01/Rev.P1 (Site Location Plan), 202/PL10/Rev.P1 (Site Block Plan), 202/PL11/Rev.P2 (Lower Ground Floor), 202/PL12/Rev.P4 (Ground Floor), 202/PL13/Rev.P2 (First Floor), 202/PL14/Rev.P2 (Second Floor), 202/PL15/Rev.P1 (Roof Plan), 202/PL16/Rev.P1 (Front Elevation), 202/PL17/Rev.P1 (Rear Elevation), 202/PL18/Rev.P1 (Section),</p>

	<p>Reports: Town Planning Statement dated July 2019, Design & Access Statement ref. 202_DAS_V4_190730 dated July 2019, Design & Access Statement Supplement: Railings including drawing no. 202/PL19/Rev.D1, Statement of Community Involvement July 2019 - One Housing Group, Structural Method Statement ref.12429 dated 25 July 2019, BRIGHTON BIKE SHEDS details</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 (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Roof materials b) Paintwork (including colour) c) window and door treatment (including sections and reveals); d) pavements (including details to retain the granite sets) e) 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 into perpetuity.</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 and preserves the character and appearance of the Newington Green Conservation Area.</p>
4	Details of balustrades/boundaries
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, details of the balustrades/boundaries to front and rear gardens shall be submitted and approved in writing prior to the relevant part of the development commences.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>
5	Construction and Environmental Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding:</p>

- 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, including positions and hours of lighting;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;
- m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- n) 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.
- o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.

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 approved details and measures.

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>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>
6	Refuse/Recycling
	<p>CONDITION: Notwithstanding the details shown in the hereby approved drawings details of refuse / recycling storage and collection arrangements from the refuse storage areas to the rear of no. 44 Islington Park Street shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing.</p> <p>The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway or result in an unacceptable amenity impact on the occupiers of neighbouring properties. The approved details shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	Cycle Parking (Compliance)
	<p>CONDITION: Prior to the first occupation of the hereby approved development a minimum of 3 no. cycles for each of the 3 no. houses at no's 38, 40 and 42 Islington Park Street and 5 no. cycles to the rear of 44 Islington Park Street in accordance with the details shown on drawing no. PL12/P4 and BRIGHTON BIKE SHEDS details document. The bicycle storage areas shall be provided strictly in accordance with the details so approved, provided prior to the first occupation of the development, and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Details of Noise Mitigation (Details)
	<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>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8\text{ hour}}$ and 45 dB $L_{max\text{ (fast)}}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16\text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16\text{ hour}}$</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>

	REASON: To protect the amenity of neighbouring properties and future occupiers.
9	Secured by Design (Details)
	<p>CONDITION: Notwithstanding the security measures identified with the document titled Appendix: Secure by Design Notes (found within the approved Design and Access Statement dated July 2019) details of security measures including fob access for future occupiers to the existing alleyway between no's 42 and 44 Islington Park Street and the rear gardens shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
10	Sustainable Design Statement (Details)
	<p>CONDITION: Prior to the commencement of the approved development details of a Sustainable Design and Construction Statement shall be submitted and approved in writing by the Local Planning Authority. The approved document shall be implemented in full prior to the first occupation of the approved residential units and retained thereafter into perpetuity.</p> <p>REASON: To ensure a sustainable development</p>
11	Water Efficiency Requirements (Details)
	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy DM7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
12	Carbon Efficiency (Compliance)
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
13	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing on site for the front and rear gardens.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.
14	Retention of Engineer (Compliance)
	<p>CONDITION: For the hereby approved development the certifying professional endorsing the hereby approved Structural Method Statement must be retained (or replaced with a suitably qualified person with relevant experience) throughout the duration of construction, to ensure that the necessary expertise is available to inform decision making throughout the construction process.</p> <p>REASON: To protect the structural integrity of the host and adjacent buildings</p>
15	Removal of Paintwork (Compliance)
	<p>CONDITION: Prior to the occupation of the hereby approved development the existing paintwork found on the front elevation of the host building shall be removed and the facing brickwork made good.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider conservation area.</p>
16	External Lighting (Details)
	<p>CONDITION: Prior to the first occupation of the hereby approved development details of any external lighting shall be submitted to the Local Planning Authority. The approved details shall be installed prior to the first occupation of the hereby approved development.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider conservation area and the amenity of occupiers of neighbouring properties</p>
17	Tree Protection Measures (Details)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection

	<p>Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <ul style="list-style-type: none"> g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and wider area.</p>
18	Bird boxes (Compliance)
	<p>CONDITION: Prior to the first occupation of the hereby approved development a minimum of 2 no. bird nesting boxes shall be installed and retained thereafter into perpetuity.</p> <p>REASON: To encourage biodiversity.</p>
19	Details of Access Gates (Compliance)
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, further details of the gates allowing access to the rear of the site and no. 8 Purley Place from Islington Park Street shall be submitted to and approved in writing prior to the relevant part of the development commences. The gates shall match the neighbouring properties in terms design, materials, colour and detailing.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>

List of Informatives:

1	Construction Works
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	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
<p>2</p>	<p>Highways Requirements</p>
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to</p> <p>“Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through</p> <p>streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
	<p>SECTION 106 AGREEMENT</p> <p>INFORMATIVE: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional 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 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 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

Policy GC5- Policy D1 London's form, character and capacity for growth
Policy D4 Delivering good design
Policy D5 Inclusive Design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D8 Public realm
Policy D12 Fire safety
Policy D13 Agent of change
Policy D14 Noise
Policy H2 Small sites
Policy H4 Delivering affordable housing
Policy HC1 Heritage conservation and growth
Policy T5 Cycling
Policy T6 Car parking

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS18 Delivery and infrastructure

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

DM3.3 Residential conversions and extensions
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential uses)

Health and Open Space

DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.1 Sustainable Design and Construction
DM7.2 Energy efficiency and carbon reduction
in minor schemes

Transport

DM8.4 Walking and Cycling
DM8.5 Vehicle Parking

3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

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

The following SPGs and/or SPDs are relevant:

London Plan

Accessible London (2016)
Character and Context (2014)
Housing (2016)
Sustainable Design and Construction (2014)
Town Centres (2014)

Islington

Conservation Area Design Guidelines (Canonbury Conservation Area; 2002)
Basement Development (2016)
Environmental Design (2012)
Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

APPENDIX 3: Original Committee Report

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING COMMITTEE		AGENDA ITEM NO:	4
Date:	23 rd April 2020	NON-EXEMPT	

Application number	P2019/2651/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Adjacent to Grade II Listed Building (no. 36 Islington Park Street) to west
Conservation area	Barnsbury Conservation Area
Development Plan Context	Locally Listed Building (no. 44 Islington Park Street) Within 50m of the Upper Street (North) Conservation Area (to east) Within 100m of TLRN (Transport for London Road Network) (Upper Street) Local cycle routes Article 4 Direction (Barnsbury Conservation Area) Article 4 Direction A1-A2 (Town Centres)
Licensing Implications	None
Site Address	Hostel and Premises, 38-44 Islington Park Street London N1 1PX
Proposal	Change of use of existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). Excavation at lower ground floor level to increase the floor to ceiling heights and enlarge existing rear lightwells. Alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

Case Officer	Mr Daniel Jeffries
Applicant	One Housing Group - Mr Parry
Agent	Davies Murch – Mr Jonathan Murch

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site



Image 2: View of existing Islington Park Street frontage



Image 3: View of existing frontage facing west and access door to no. 8 Purley Place



Image 4: View of existing rear elevation and relationship with adjacent residential property to west (No. 36 Islington Park Street)



Image 5: View of existing rear elevation facing east showing existing covered walkway providing access to no. 8 Purley Place and existing terrace on upper floors



Image 6 View of the building internally within one of the rooms

4. SUMMARY

- 4.1 The application seeks planning permission for the change of use of an existing HMO (House of Multiple Occupancy) to allow for the creation of 7 no. affordable housing units, this is following external alterations to the front and rear elevations, including to the gardens, with the enlargement of the existing rear lightwells and the lowering of the existing lower ground floor level and the provision of refuse and cycle storage, together with associated landscaping.
- 4.2 The loss of the large HMO, which is currently vacant, is considered acceptable given the poor overall quality of the existing unit. The proposal would provide affordable housing which would meet the Council's acute housing need. This view is taken following advice provided by the Council's Environmental Health Team, in relation to the quality of the existing HMO, and the Council's Housing Team, in terms of the proposed affordable housing.
- 4.3 The proposed residential units are considered to provide a good standard of residential accommodation, providing acceptable levels of daylight/sunlight, meeting and exceeding the minimum floorspace standards, outlook and being dual aspect. All of the units would benefit from private amenity space.
- 4.4 The proposal would deliver a 100% Affordable Housing scheme being for social rented housing which will be secured within a legal agreement.
- 4.5 The proposal also involves the introduction of refuse and cycle storage to the rear gardens, alongside alterations to the existing windows and doors, the boundary treatment, including to the front gardens and paving as well as providing improved security at the site.
- 4.6 The proposed external alterations are considered to pay special regard to preserving the visual appearance and historic character of the host building and wider Barnsbury Conservation Area, and are considered to be acceptable in design terms whilst also paying regard to the statutory duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 4.7 The proposed alterations including the basement level works, and the introduction of residential units are not considered to prejudice the residential amenity of neighbouring properties insofar as loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy, or the wider public highway network. Conditions are recommended in relation to noise and the highway, including during the construction phase and upon occupation. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 4.8 The application is referred to committee given the number of objections received.
- 4.10 The proposal is, on balance considered to accord with the relevant policies in the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The site is located on the south side of Islington Park Street, and consists of 4 no. three storey mid terraced buildings with an existing basement level below and existing front and rear lightwells. The 4 no. properties have previously been laterally converted to form a large HMO (House of Multiple Occupation). The host building benefits from a

rear garden which is subdivided by an existing covered walkway providing street level access from Islington Park Street, through the host building to the residential building to the south, no. 8 Purley Place. The access to no. 8 Purley Street would be maintained and is secure, and there is no access from this to the wider application site. The proposed communal (for the flats within no. 44) cycle/refuse storage is located along this access but would be secured by lockable doors. The access to the rear gardens of the residential units within nos 38, 40 and 42 would also be secured by lockable gates/doors.

- 5.2 Whilst the host building is not a statutory listed building, one of the 4 no. host buildings being no. 44 Islington Park Street, is a locally listed building. The immediately adjacent property to the west, no. 36 Islington Park Street is Grade II listed. The site is located within the Barnsbury Conservation Area.
- 5.4 This area is characterised as "dense urban" containing residential properties, and is located within close proximity to the junction with the public highway of Upper Street, which is a TLRN (Transport for London Road Network) road.

6. PROPOSAL (in Detail)

- 6.1 The application seeks permission for the change of use of the existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained affordable housing units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). The proposal also includes excavation at lower ground floor level to allow for the increase in the floor to ceiling heights and enlarge existing rear lightwells. The proposal would also include alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

- 6.2 The table shows the location and size of the proposed residential units:

Property no.	Bedrooms/Person Bedspaces	Size (sqm)
38	3b/5p	118
40	3b/5p	112
42	5b/7p	152
44 (lower ground)	1b/2p	59
44 (ground)	2b/3p	63
44 (first)	1b/2p	51
44 (second)	1b/2p	55

- 6.3 The proposal is an Affordable Housing scheme and the proposed residential units would consist of 7 no. residential units which would be social rented housing.
- 6.4 All of the proposed residential units would benefit from amenity space, in the form of either rear gardens at ground floor or roof terraces to the upper floors, apart from the lower ground floor flat at no. 44, which would benefit from an enlarged lightwell. The proposal would involve the enlargement of all of the existing lightwells to the rear. The proposed extended lightwells would project into the rear garden by 2.2m, for properties nos. 38-42, and 2.8m to no. 44. The proposal would result in the creation of front gardens and subdivide the rear gardens, which would incorporate refuse and cycle storage. The proposed 3 no. houses (within nos. 38, 40 and 42) would be provided with dedicated refuse and cycle storage at the back of their respective rear gardens.

The flats within no.44 would have communal cycle/refuse storage accessed via the central access from Islington Park Street to the rear.

- 6.5 The proposal would also result in minor excavation works of the existing lower ground/basement floor and extending the rear lightwells into the rear gardens (as noted above). The extent to which the existing lower ground/basement level would be lowered would be 40mm (at no. 44 Islington Park Street), 16mm (at no. 42), and 25mm (at no. 38) with no change at all (at no. 40 Islington Park Street).
- 6.6 The other external alterations include the installation of metal railings to the front lightwells and between gardens, new timber doors, and new metal gates to the entrance to no. 8 Purley Place on the front elevation, as well as the removal of the existing paintwork. The other external alterations include metal railings associated with the roof terraces, as well as a Juliet balcony, alterations to existing openings at lower ground floor level, the replacement of windows on the upper floors and alterations to the materials at roof level.
- 6.6 The application has been referred to the planning sub-committee due to the number of objections received (3 objections/comments received).

7. RELEVANT HISTORY

7 Purley Place

- 7.1 P032585: Erection of front dormer, rear rooflight and elevational alterations in connection with change of use to single family dwelling house. Approved with conditions on 18/03/2004.

8 Purley Place

- 7.2 P061614: Remodelling of existing two storey building incorporating small bay extensions and additional third floor with shallow pitched roof, to provide ten supported self-contained 1 bedroom flats. Refused on 17/11/2006.

REASON 01: The proposed development by reason of an increase in the floorspace would result in an over intensification of the existing use thereby creating the potential for increased disturbance to nearby residents contrary to Policy C3, C7 H7 of Islington's adopted UDP and Islington's Planning Standards Guidelines.

REASON 02: The layout of the proposed development is likely to prejudice a sense of personal safety and security contrary to policy Env.12 of Islington's adopted UDP 2002.

REASON 03: The proposed increase in roof height would have an unacceptable impact on neighbours due to loss of outlook and overshadowing contrary to Policy D3 of Islington's adopted UDP2002

Appeal (Ref: APP/V5570/A/07/2035360) dismissed on 3 July 2007.

- 7.3 P08193: Demolition of existing building and construction of a part two storey part three storey residential care building comprising 9 x 1 bedroom residential units including ancillary facilities, amenity space and cycle parking. Refused on 28/04/2009

REASON 01: The proposed development would result in an over intensification of the existing use thereby creating the potential for increased disturbance to nearby

residents contrary to policies C3, C7 and H7 of Islington's adopted UDP 2002 and Islington's Planning Standards Guidelines.

REASON 02: The proposed increase in roof height and bulk would have an unacceptable impact on neighbours due to loss of outlook and an unacceptable increased sense of enclosure contrary to Policy D3 of Islington's adopted UDP2002

REASON 03: The proposed development would lead to a loss of privacy for neighbours to both the front and the rear and is contrary to policy D3 of Islington's adopted UDP 2002.

REASON 04: The proposed development by virtue of its poor design, particularly at the rear, is considered to be unacceptable and would have a detrimental effect on the character of the adjoining Bamsbury and Upper Street conservation areas and is contrary to policies D1 and D4 of Islington's approved UDP 2002, the aims of the approved Conservation Area Design Guidelines and the Islington Urban Design Guide 2006

Appeal (ref: APP/V5570/A/09/2110403) dismissed on 29 January 2010.

38-44 Islington Park Street

- 7.4 830100: Removal of existing curb and installation of crossover. (Withdrawn)
- 7.5 861968: 13 bedded shared accommodation with offices over. (Withdrawn)
- 7.6 870327: Construction of a three storey building to provide hostel accommodation comprising eleven bedspaces. (Withdrawn)
- 7.7 881725: Construction of a two storey building to provide hostel accommodation comprising 11 bedspaces and ancillary facilities. Approved with conditions 21/10/1988.
- 7.8 P000144: Refurbish and convert property to 12 separate units. (Withdrawn)
- 7.9 P2015/2790/COL: Certificate of Lawfulness for an Existing use as large HMO [house in multiple occupation] Approved with no conditions on 19/10/2015.

Pre-application

- 7.10 Q2018/2718/MIN: Change of use of existing Large HMO (House in Multiple Occupation) to 7 no. self-contained residential units (1 no. 5 bedrooms, 2 no. 4 bedrooms, 2 no. 2 bedrooms, 1 no. 1 bedroom, and 1 no. studio). Alterations at lower ground floor level including enlargement of existing front lightwell and lowering existing floor level. Roof terraces at first and second floor levels to the rear. Associated subdivision of rear garden. Completed on October 2018.

Officers response:

- *In land use terms, the Council protects good quality HMOs and any application would be required to provide robust justification to demonstrate that its loss would be acceptable. Any proposed scheme would need to provide housing which provides a high standard of accommodation to meet Policy DM3.4, and would provide a good mix of accommodation which meets the borough's acute need.*

- *The proposed units would need to provide a good standard of accommodation, however, no details were provided in terms of the layouts, and have an appropriate housing mix and meet inclusive design requirements.*
- *Any design changes would need to be in keeping with the wider area, and there are concerns with the enlargement of the front lightwell*
- *It was advised that a scheme would require a £100,000 Small Sites Affordable Housing contribution reflecting the creation of 2x net additional private dwellings. There may however be potential viability implications of applying a Small Sites Affordable Housing contribution to the scheme if the 2x private units are helping to cross subsidise the provision of the 5x socially rented units. This would need to be demonstrated within a viability assessment. Registered Social Landlords should provide 100% Affordable Housing schemes.*
- *The proposal would need to have an acceptable impact on neighbouring properties.*

7.11 Q2019/0663/MIN: Follow-up pre-application for the change of use of existing Large HMO (House in Multiple Occupation) to 7 no. self-contained residential units (3 no. 1 bedroom units, 1 no. 2 bedroom unit, 2 no. 4 bedroom units, and 1 no. 5 bedroom unit) Alterations at lower ground floor level including enlargement of existing rear lightwell. Roof terraces at first and second floor levels to the rear. Associated subdivision of rear garden, including cycle and refuse storage facilities. Completed on 13th May 2019.

Officers response:

- *Any application should be supported with robust information to demonstrate that the existing HMO is not a good quality. The assessment of good quality should include how it meets the requirements for HMOs in the event that the existing unit was refurbished, rather than current state of disrepair.*
- *The revised scheme of 100% social rented residential units is welcomed. However, any proposed scheme would need to provide housing which provides a high standard of accommodation to meet Policy DM3.4, and would provide a good mix of accommodation which meets the Council's acute need.*
- *In terms of design, any proposal would be required to pay special regard to preserving or enhancing the visual appearance and historic character of the associated heritage assets.*
- *Limited details have been provided regarding the proposed boundaries and access to no. 8 Purley Street. However, you are recommended to consult the MET Police Secured by Design Officer regarding this matter and the scheme overall, prior to any submitted application.*
- *The proposed units would need to provide a good standard of accommodation, have an appropriate housing mix and meet inclusive design requirements. Whilst the proposed standard of accommodation is generally improved and are welcomed bearing in mind the constraints of the site. In addition, details of the daylight/sunlight levels should be provided at basement level within any submission. You are advised to review the size of the four storey units, given the restricted head height at basement level.*

- *The proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of neighbouring properties, in terms the loss of daylight/sunlight, outlook,*

8. CONSULTATION

Public Consultation

- 8.1 Letters were originally sent to occupants of adjoining and nearby properties on 9th September 2019, and Site and Press Adverts were also displayed. The consultation period has expired, on 6th October 2019. However, the Council accepts representations up until the determination of the application.
- 8.2 At the time of the writing of this report, a total of 3no. objections/comments were received. The letters of representation raised the following summarised concerns and comments (with the paragraph that provides responses to each issue indicated within brackets).
- Concerns in relation to the excavation at basement level, including lowering floor level and extension of rear lightwells, would have a detrimental impact on the adjacent Listed Building (paragraphs 10.41 to 10.54)
 - Supportive of reinstatement of metal railings but requests that the details are secured by condition (paragraphs 10.27 to 10.30)
 - Concerns regarding security with the rear bin alley and bike sheds created (paragraphs 10.31 and 10.33)
 - Requests that the paintwork to the front elevation is removed (paragraph 10.33)
 - Requests historically accurate colours are used in the frontage, including windows and doors (paragraph 10.39)
 - Requests that front gardens are not used for parking (paragraph 10.105)

Internal Consultees

- 8.3 **Design and Conservation officer:** No objection, requested that conditions are attached to any approval relating to the details of the materials, the removal of the paintwork and historicly accurate railings, which would be a heritage benefit.
- 8.4 **Pollution Officer:** No objection, conditions are recommended in relation to sound insulation and noise control measures to achieve internal noise targets for habitable rooms. The Officer confirmed that the sound insulation measures between the proposed residential dwellings would be controlled by Building Regulations.
- 8.5 **Inclusive Design Officer:** Raised concerns in terms of the proposed access to the units, particularly the lack of ramps from street level (to nos. 38, 42 and 44), and the adaptability of the dwellings, including the lack of through floor lifts. Welcomes the provision of an accessible WC at ground floor level and welcomed the approach at no. 40.
- 8.6 **Housing Officer:** No objections. Confirmed that the proposed units would be acceptable and meet the Council's requirements as Affordable Housing.
- 8.7 **Planning Policy Officer:** No objections to the loss of the existing HMO subject to compliance with Development Management Policies (2013) Policy DM3.9 which seeks to retain good quality HMOs, subject to the proposal providing accommodation which meets an acute need identified by the Council's Housing Department, which may

include social rented housing, which is also compliant with Islington Core Strategy (2011) CS12. However, the Council works on the presumption in favour of protecting HMOs that could be improved to meet standards without conversion, and the assessment of whether the existing building can be described as a good quality HMO is dependent on the views of the Council's Environmental Health Department who manage and licence HMOs in the Borough.

- 8.8 **Public Realm (refuse and recycling) Officer:** No objections to the proposal but requested further details in terms of who would be responsible for moving the refuse/recycling from the proposed bin store to street level.
- 8.9 **Environment Health (HMO) Officer:** Confirmed that property was visited in August 2019 by the Council, and confirmed that it was a laterally converted property occupied by Guardians in three rooms, with the remaining parts of the building not habitable. Confirmed that the property does not have a HMO licence and doesn't require one as its only has 2 occupiers, 2 households. Confirmed the property is not 'good quality'. No objections raised to the proposal.
- 8.10 **Tree Preservation Officer:** Confirmed that subject to a condition relating to tree protection measures the Tree Officer has no objections.

External Consultees

- 8.11 **Crime Prevention Officer (MPS):** Confirmed that the applicant engaged with the Secured by Design Officer prior to the submission of the application to identify a number of security measures to protect future occupiers of neighbouring properties, recommending a number of measures, which are outlined in the Appendix: Secure by Design Notes within the Design and Access Statement, secure doors/gates and glazing, fob access, sensors for lighting in passageway, adequate boundary treatment amongst others. The Officer confirmed that the information within the Appendix is correct and these measures should be implemented in full.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & 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 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- 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, property, 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.
- 9.9 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.
- 9.10 In line with Sections 16(2) and 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 adjacent Grade II Listed Building (no. 36 Islington Park Street), its setting and any of its features of special architectural or historic interest.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies

of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft London Plan (Intend to Publish Version, December 2019)

- 9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ("EIP") this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy GG4 Delivering the Homes Londoners Need	Policy D1 London's Form, Character and capacity for Growth
Policy D4 Delivering Good Design	Policy D5 Inclusive Design
Policy D6 Housing Quality and Standards	Policy D7 Accessible Housing
Policy D10 Basement Development	Policy D11 Safety, Security and Resilience to Emergency
Policy D14 Noise	Policy H1 Increasing Housing Supply
Policy H12 Small Sites	Policy H4 Delivering Affordable Housing
Policy H6 Affordable Housing Tenure	Policy H8 Loss of Existing Housing and Estate Redevelopment
Policy H10 Housing Size Mix	Policy HC1 Heritage Conservation and Growth
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	

- 9.14 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 9.15 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. Due to the constraints posed by the Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

9.16 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).

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

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 H10 Houses in Multiple Occupation (HMOs)
Policy G4 Biodiversity, Landscape Design and Trees	Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction	Policy S3 Sustainable Design Standards
Policy T2 Sustainable Transport Choices	Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction	Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment
Policy DH2 Heritage Assets	Policy DH4 Basement Development

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and assessment of any heritage impacts
- Impact on the amenity of neighbouring residents.
- Quality of accommodation
- Accessibility
- Highways and refuse facilities
- Landscaping, trees and biodiversity
- Affordable housing
- Other matters

Land Use

10.2 The existing site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone (CAZ). The site is located within the Barnsbury Conservation Area. The application relates to the existing large HMO (House in Multiple Occupation) as confirmed in a lawful development certificate application (ref. P2015/2790/COL) approved in October 2015.

10.3 The government confirms that a property is defined as a HMO if *at least 3 tenants live there, forming more than one household and toilet, bathroom or kitchen facilities are shared*. A large HMO is a property that has *at least 5 tenants live there, forming more*

than 1 household who share toilet, bathroom or kitchen facilities with other tenants. A HMO must obtain a licence where it has 5 or more unrelated people live in it and has 2 or more separate households living there. However, it should be noted that HMOs don't need to be licensed if they are managed or owned by a housing association or co-operative, a council, a health service or a police or fire authority.

- 10.4 Whilst a large HMO is the last authorised use of the host buildings, a site visit was made in April 2019 by the case officer, which confirmed that the existing building is currently vacant and no longer occupied or in use as a HMO. As stated in paragraph 3.98 of Development Management Policies (2013) the term HMO refers to a residential property that takes the form of shared houses, flats and non-self-contained units/housing let to three or more unrelated tenants who form two or more households and share a kitchen, bathroom or toilet. Households are families, including single persons and co-habiting couples.
- 10.5 As noted in paragraph 3.103 of the Development Management Policies (2013) In accordance with the Housing Act 2004, the Council's Environmental Health Team licences HMOs with three or more storeys (including basements, attics, shops etc) and five or more occupiers, with certain exceptions. Agreed minimum standards for room sizes and the provision of kitchens and bathrooms are used to determine the maximum number of occupiers and households for an HMO licence. These were designed as minimum standards to protect the health of occupants in existing property by ensuring adequate facilities and space for the number of people a HMO is licensed for. In the case of new development, the council considers that the higher space standards set out in the policy should be possible. These are set out in below.

Non-self contained sleeping accommodation	Minimum room size (m ²)
Single room without kitchen	12
Single room with kitchen	16
Double room without kitchen	17
Double room with kitchen	21

- 10.6 Part C of Policy DM3.9 of Development Management Policies (2013) confirms that the Council resists the loss of good quality HMOs. Paragraph 3.104 of Development Management Policies (2013) confirms that good quality HMOs are those that provide sufficient internal space, provide occupants with a reasonable standard of amenity, and do not give rise to significant adverse amenity impacts to the adjacent and/or surrounding residential neighbourhood. The Council will exercise a general presumption in favour of protecting HMOs that could be improved to meet standards without conversion, with applications to be treated on their merits with the views of the Environmental Health Team sought.
- 10.7 As noted above the host buildings were operating as an unauthorised large HMO until October 2015, upon which time a certificate of lawful development application was approved to regularise the use. This certificate of lawful development provided confirmation that the building was in use as a large HMO for a continuous period of at least 10 years preceding the date of the application.
- 10.8 The Council's Environmental Health (HMO) Officer confirmed that the host premises have not previously benefitted from an HMO licence. An Environmental Health Officer

conducted a site inspection in August 2019 and was able to confirm that the property did not require a licence as it was only occupied by 2 tenants/occupants

- 10.9 As the Council works on the presumption in favour of protecting HMOs that could be improved to meet standards without conversion, the assessment of whether the existing building can be described as a good quality HMO is dependent on the views of the Council's Environmental Health Team who manage and licence HMOs in the Borough. Following the site inspection, the Council's Environmental Health Team commented that there are only 3no. habitable rooms within the 4 no. host buildings, and that the existing HMO is not considered to be 'good quality' and did not raise any objections to the proposed change of use.
- 10.10 Whilst it is acknowledged that the applicant could carry out works to improve the standard of accommodation at the host building, this would require extensive works, given the restricted floor to ceiling heights, and the poor outlook and levels of daylight/sunlight at basement level. Given these restrictions together with the advice provided by the Council's Environmental Health Team it is therefore considered that the loss of the existing HMO is acceptable in principle.
- 10.11 Part D of Policy DM3.9 confirms that where the loss of an HMO is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing.
- 10.12 Islington Core Strategy (2011) Policy CS12 seeks to ensure Islington will meet its housing challenge, to provide more high quality, inclusive and affordable homes. Part G of this policy seeks to ensure the increase in the delivery of affordable housing, especially social rented housing, from other sources such as 100% affordable housing schemes by Registered Social Landlords, building affordable homes on the Council's own land, and from a range of intermediate housing products available on the market.
- 10.13 The proposal would result in the creation of 7 no. self-contained residential units, being 3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house. The seven additional residential units would be affordable, which is welcomed by both Housing and Planning Officers. All of the proposed housing would be socially rented and the overall number of units ensures efficient use of the site in terms of residential accommodation bearing in mind other constraints including the protection of heritage, existing housing stock and reinstatement of housing units.
- 10.14 The proposal, which would be delivered by a Registered Social Landlord, would provide a 100% affordable housing scheme, meeting the Council's objectives identified within Part G of Policy CS12 of the Islington Core Strategy (2011) and addressing an acute housing need for the Council.
- 10.15 Overall, given the Council's Environment Health Team considers that the majority of the host building is inhabitable and cannot be described as a good quality HMO the loss of the existing HMO, which is currently vacant, is considered acceptable. The proposed development would provide accommodation to meet an acute housing need identified by the Council's Housing Department,.
- 10.16 Whilst the acceptability of the proposal, in terms of the housing mix, the standard of accommodation, the design, the amenity impact on neighbouring properties, amongst other material considerations, is assessed later within this report, the proposal is considered to be acceptable in land use terms, and compliant with the relevant policies in the Development Plan.

Design

- 10.17 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.18 Paragraph 192 of the NPPF (2019) states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.19 Policy CS8 of Islington's Core Strategy sets out the general principles to be followed by new development in the Borough. Policy CS9 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.20 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The proposal is located within Barnsbury Conservation Area, and within the setting of the adjacent Grade II Listed Building (no. 36 Islington Park Street).
- 10.21 In line with Sections 16(2), 66(1) and 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 adjacent Grade II listed building and Barnsbury Conservation Area, their setting and any of its features of special architectural or historic interest
- 10.22 The design advice found within the Islington Urban Design Guide 2017 and Barnsbury Conservation Area Design Guidelines as well as the Basement SPD should be taken into consideration of the assessment of the proposal in design terms.

Basement

- 10.23 The proposal includes the lowering of the existing lower ground floor level, as well as the alteration and extension of the existing rear lightwells. Paragraphs 5.164 to 5.168 of the Islington Urban Design Guide (2017) provides advice in relation to lightwells and basement development. The design advice recommends that *the excavation to form lightwells should respect the architectural character of the host building, not unduly impact upon amenity/garden area and its growing potential, and be designed as congruent, compatible and complementary features within the streetscape. If a lightwell is being introduced or modified, the most discreet location will generally be to the rear of the property. Lightwells should be modest in scale and be located immediately next to the rear elevation.* This advice reiterated within paragraphs 7.3.2 to 7.3.5 of the Basement SPD.
- 10.24 The position of the existing rear lightwell is considered to be appropriate and compliant with the above guidance. Whilst the proposed enlargement of these existing lightwells would result in a small portion of the rear gardens being excavated, the majority of the garden would be retained. As such, it would continue to preserve the character of the

existing building, the site curtilage and garden form as well as the character and appearance of the Barnsbury Conservation Area.. The proposed fenestration details at this level are considered to be in keeping with the visual appearance of the rear elevation of the upper floors.

- 10.25 The proposal would also include excavation to allow for the lowering of the existing lower ground/basement level to nos. 38 (25mm lower), 42 (16mm lower) and 44 (30mm lower) Islington Park Street. There would be no change to the existing floor level to no. 40 Islington Park Street. The lowering of the floors is to improve the headroom within the basement spaces and to allow installation of insulation and underground drainage to suit the proposed layouts.
- 10.26 The existing floor to ceiling heights at the property are restricted (no. 38: 2.177m, no. 40: 2.13m, no. 42: 2.264m and no. 44: 2.29m) and the proposed excavation would result in the floor to ceiling heights being increased as follows; no. 38: 2.215m; no. 40: 2.13m; no. 42: 2.28m; and no. 44: 2.320m. The excavation is considered acceptable in design terms subject to its compliance with the Council's Basement SPD in regards to its structural impact.

Front elevation

- 10.27 The proposed alterations to the front elevation include the reinstatement of the front gardens, with associated paving and landscaping, which would have metal railings and gates around their perimeter to allow their subdivision, as well as the installation of replacement railings to the front lightwells.
- 10.28 Paragraphs 5.30 to 5.33 of the Islington Urban Design Guide 2017 provides advice in relation to defining public and private space, noting that boundary walls/railings should be designed in a manner that is consistent with the existing street and should provide an open aspect. Front boundary walls are typically part of the uniform design of the residential frontage, often incorporating dwarf walls and/or low-level railings. and the above ground floor report has confirmed that the proposal would not result in any underpinning of the existing property. Paragraph 5.168 of the UDG confirms that structures such as railings should not create visual clutter or interrupt the prevailing rhythm of the street and should respect the special architectural or historic interest of heritage assets.
- 10.29 The Barnsbury Conservation Area Design Guidelines confirms that the Council wishes to see traditional ironwork kept in the area which is considered to contribute to the character of the area and complements the existing buildings. Noting that traditional railings and walls of front gardens and corner properties are an important part of the street scene. The number of different patterns of railings and other ironwork creates both a fascinating historical record and visual interest, and will encourage owners to maintain and reinstate traditional railings.
- 10.30 Whilst some details have been provided in relation to the design of the proposed railings and gates to both the lightwell and front boundaries and gardens, in order to ensure their historical accuracy, conditions (no. 4 and 18) have been recommended for the details to be submitted prior to their installation. The Design and Conservation Officer has confirmed that this element of the proposal would represent a heritage benefit to the scheme.
- 10.31 The proposal would also replace the existing central opening at ground floor level (within no. 42) to retain the existing pedestrian access to no. 8 Purley Place, to the south of the host building. The existing front door which covers this opening would be

replaced by a metal security gate, which is suggested should be cast iron with a black coated finish which would be more sympathetic to the historic fabric of the building and the character and appearance of the street. This is in addition to replacing the adjacent ground floor and surrounds at this property (at no. 42) as well as the replacement of the existing timber doors at no. 40 (ground floor) and 44 (basement level), the proposal would also include the removal of the existing paintwork to the front elevation.

- 10.32 The proposed central gate is considered to be a visual improvement on the existing access door which is not considered an original feature and is at odds with the appearance of the host building. As with the proposed railings a condition (no. 4) has been recommended to ensure the gates (no. 18) would be an historically appropriate addition in the context of the host building and street level. The Metropolitan Police Secured by Design Officer has welcomed the proposed metal access doors, which is considered to improve the security at the site, subject to appropriate measures which are identified within the Appendix of the submitted Design and Access Statement (Appendix: Secure by Design Notes. A condition (no. 9) has been recommended to ensure these measures are adhered.
- 10.33 The removal of the existing paintwork to the front elevation located at lower ground floor level is considered to be a heritage benefit to the scheme. The replacement of the front doors whilst their removal is acceptability in principle a condition (no. 15) has been recommended for their details to ensure they are historical appropriate.

Rear elevation

- 10.34 The proposal would result in the subdivision of the rear gardens, as well as proposed roof terraces at first and second floor. Whilst the use of the rear gardens as amenity space currently exists, the UDG paragraphs 5.171 to 5.173 provides advice in relation to the proposed roof terraces. When considering the introduction of a roof terrace or balcony, the main considerations should be the scale and visual prominence, the impact on the established townscape and architectural style and the impact on neighbouring properties (overlooking and visual amenity).
- 10.35 The principle of roof terraces to the rear elevation of the upper floors is considered to have been established, with no. 30 Islington Park Street benefitting from an approved roof terrace at second floor (ref. 980165) in April 1998. Therefore the acceptability of these terraces is dependent on their amenity impact, which is discussed later within this report and the design of the proposed balustrades.
- 10.36 As with the boundary treatment between the subdivided gardens, the proposal includes details of the proposed balustrades. Whilst the roof terraces would not visible from the public realm, a condition (no. 4) has been recommended for details of these elements to ensure they are in keeping with the host building and wider conservation area.
- 10.37 The proposal would result in alterations to the rear elevation of the host building in terms of new windows and doors. This includes new, enlarged and repositioned windows and glazed doors at lower ground floor, following the proposed excavation of the rear lightwells, ground floor, including timber doors to access the rear gardens, and first and second floors, including those associated with the roof terrace. The design and position of the proposed fenestration are considered to be acceptable in design terms, and the application has confirmed that the windows would be timber framed double glazed and doors would be timber. A condition (no. 3) has been recommended to confirm this.

- 10.38 The proposal would also include alterations to the materials to the rear roof at second floor level, proposing new clay tile hangings. These are considered to be acceptable in design terms replacing existing similar materials.
- 10.39 Concerns have been raised in representations requesting assurances that the proposal incorporates historically appropriate materials and colours within the development. Notwithstanding the above assessment including the other recommended conditions, a condition has been recommended to ensure the details of the proposed materials and colour of any paintwork are submitted and approved in writing prior to the commencement of any superstructure including pavements.
- 10.40 Overall, it is considered that subject to the recommended conditions, the proposal would be in keeping with the visual appearance and historic character of the area and does not cause any harm to the conservation area, the adjacent listed building or the locally listed building. In line with Section 66(1) and 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 Barnsbury Conservation Area, its setting and any of its features of special architectural or historic interest, and the setting of the Grade II Listed Building (no. 36 Islington Park Street) and is considered acceptable in design terms.

Structural Impact

- 10.41 Whilst the principle of the lowering of the existing floor levels is acceptable, given the proposal has an existing basement level, in accordance with Appendix B of the Basement SPD (2016), a Structural Method Statement (SMS) has been submitted in support of the application to assess the structural impact of the basement development. This is in addition to a Geotechnical Report titled Ground Investigation dated February 2019, as well as an Opening Up Works and Foundations Report dated January 2019.
- 10.42 The SMS(ref no. 12429 dated 25 July) has been prepared by Andrew Turner of Tully De'Ath consultants, who is a Chartered Structural Engineer (CEng MStructE) and a Conservation Accredited Engineer with the Institutions of Civil and Structural Engineers.
- 10.43 The SMS is considered to have been written in accordance with Appendix B of the Basement SPD, including the bullet points identified within paragraphs 6.6 and 6.7 of the Basement SPD. The consultation process has raised concerns in relation to the impact on the lowering of the existing floor levels of the host buildings on the adjacent property, which is a Grade II Listed Building, particularly in regard to any potential requirement for underpinning.
- 10.44 The submitted SMS report has provided an assessment of the existing site including the host buildings and the adjacent Grade II listed building, no. 36. Pages 15 and 16 of the submitted report provide an explanation of the proposed lowering of the existing basement floor levels, which are proposed to allow for improved headroom within the basement spaces and to allow installation of insulation and underground drainage to suit the proposed layouts.
- 10.45 The report confirms that trial pit investigations have demonstrated the existing foundations are relatively shallow, at between 210mm and 350mm below existing basement level.

- 10.46 As a result, the report considers that any proposals to lower the basement floors by more than these figures would undermine the existing foundations. Such an approach would require underpinning to be carried out not to undermine the existing foundations. As this approach would be highly disruptive and a costly exercise, with a higher likelihood to cause some disturbance to the existing structures, the report has confirmed that this approach, which would require underpinning is not being proposed.
- 10.47 Instead the report concludes that the proposal includes the provision of a new floor finish at a slightly lower level than existing, laid on a new ground bearing floor over a drainage proof membrane and insulation. The approach stops the insulation and new slab short of the existing corbelled footing so that the existing foundations are not disturbed. The report concludes that the strategy for adjusting the basement floor levels will not undermine the existing foundations, and that they should not have any discernible effects on the existing structures or the ground on which the foundation bear. There are also no discernible changes to existing load paths. As such, significant ground movements are not expected to occur and are predicted to not exceed a Category 2 level of damage as defined in CIRIA Report 580 'Embedded Retaining Walls'. The specification for the works needs to be developed so that the contractor fully appreciates the risks of over-excavating and provides the necessary level of control and supervision to these works. Appendix B of the Council's Basement Development SPD (2016) confirms that damage should be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated).
- 10.48 The associated Geotechnical Report has confirmed that investigations have been carried out including the drilling of 6 no. exploratory holes (1 no. to 10m, 2 no. to 4m and 3 no. to 6m below ground level) to assess the underlying soil conditions and prove the thickness of the underlying Made Ground. In addition, a total of 3 no. dual purpose gas and groundwater monitoring wells have been constructed to up to 6m below ground level, as well as a collection of soil samples for laboratory testing. The report concludes measures relating to site preparation works, conventional spread foundations, piled foundations, excavations and drainage, to ensure the proposed works at basement level would have an acceptable impact.
- 10.49 The submitted document titled 'Opening Up Works and Foundations' dated January 2019 provides further investigation to enable an assessment of the state of the walls and supporting joists at the site. The works have included the excavation of a total of 9 no. trial pits by hand to a maximum depth of 2.0m below basement level. Excavation was continued until the underside of the foundation was proven. In addition, a total of 11 no. locations were opened up from within the walls. At each location, the plaster was removed in order to expose the underlying brickwork and supporting lintels. Furthermore, a total of 23 no. locations were opened up from the ceilings. At each location, the plasterboards were removed in order to expose the supporting rafters and walls, as well as the wooden or steel beams. The ceilings were made good at BC-1 and BC-2, which underlie the guardian's apartment. A total of 13 no. locations were opened up from the floors. At each location, the overlying carpet, and plywood sheets and floor boards were removed to expose the underlying services, supporting beams and joists as well as their connection to the adjacent walls. The exposed areas were made good by using replacement floorboards or by ply board cut to size. A manhole was open in the basement to access the drainage system connected to the basement toilets.
- 10.50 The submitted information provided in relation to the proposed basement excavation is considered acceptable and in compliance with Appendix B of the Council's Basement Development SPD. The documents have provided detailed information of

explanatory investigation of the existing ground conditions of the host building and measures to ensure the damage would be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated), allowed by the SPD.

- 10.51 Notwithstanding the above, whilst none of the host buildings subject to this application are statutory listed buildings (no. 44 Islington Park Street is locally listed), the site is within the setting of the Grade II Listed Building, being the adjacent property to the west, no. 36 Islington Park Street. Therefore, the proposed basement excavation is required to pay special regard to preserving the visual appearance and historic of this heritage asset.
- 10.52 Whilst it is acknowledged that the proposed basement excavation would not be underneath the adjacent listed building, or within its curtilage paragraph 9.12 of the Basement SPD confirms that *the impact of a proposal on nearby listed buildings and terraces will be assessed on the scale of any harm to the listed building and its setting.* Paragraph 9.7 of the SPD is also relevant, which advises that *the lowering of floor levels to existing historic basements can harm the special architectural or historic interest of a listed building by virtue of detrimental impact on the historic fabric, floor hierarchy and plan form.* It also advises that lowering of an historic basement will only be considered where all of the following points are met:
- i. no underpinning is required i.e. development is retained above footings
 - ii. no significant harmful impact to fabric of heritage significance is demonstrated
 - iii. floor to ceiling heights remain sufficiently subservient to principal floor levels
- 10.53 Given that the excavation does not relate to the Grade II Listed Building or alter the floor to ceiling heights of this property, point (iii) is not applicable. In terms of points (i) and (ii), the applicant has confirmed that there would be no underpinning. The applicant has provided drawing no. 12429-S-SK13 showing sections through the proposed lowered floor levels to demonstrate that no underpinning is proposed. Given the information provided and the extent of the basement excavation in relation to the setting of this listed building, the proposed basement element of the proposal is considered acceptable in design terms, and would preserve the visual appearance and historic character of the heritage assets of the setting of the Grade II Listed Building and wider Barnsbury Conservation Area. This is subject to the choice of materials of the lightwells and associated alterations at basement level being appropriately and sensitively chosen to reflect the materials in the host buildings, which would be secured by condition.
- 10.54 In compliance with paragraph 6.10 of the SPD in the event the application was approved a condition has been recommended to ensure the certifying professional endorsing the SMS must be retained (or replaced with a suitably qualified person with relevant experience) throughout the duration of construction, to ensure that the necessary expertise is available to inform decision making throughout the construction process. It is therefore considered that this element of the proposal is considered acceptable in design terms, including its compliance with the Basement SPD (2016).

Neighbouring Amenity

Overlooking and Loss of Privacy

- 10.55 All new development is 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. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

- 10.56 Paragraph 2.14 of the Development Management Policies 2013 states that *'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.'*
- 10.57 In this instance, the proposed alterations to the existing fenestration details front elevation are not considered to result in any loss of privacy over and above the existing situation, given they face across an existing public highway.
- 10.58 In terms of the alterations to the fenestration to the rear elevation, the proposal would largely retain the existing windows to the host building. The proposal includes alterations to the position and size of some of the existing windows, as well as new windows and doors on this elevation.
- 10.59 Paragraph 2.14 of the Development Management Policies (2013) confirms *to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms.*
- 10.60 In this instance, the separation distance between the rear elevation of no. 38 Islington Park Street and no. 7 Purley Place is 10m. However, the layout of this proposed residential unit would have a bathroom at first floor, and at second floor it would have a single bedroom and a staircore. The Council's planning records show planning permission was granted at no. 7 Purley Place to allow for the change of use of the property to a single dwellinghouse (ref. P032585), along with other external alterations. As part of the approved development at no. 7 Purley Place, a condition was imposed (no. 4) requiring all windows at first and second floor levels to be obscurely glazed and non-openable to a minimum height of 1.7m above the internal finished floor level and maintained thereafter for this neighbouring property. It is considered this would ensure that there would not be any significant overlooking issues from future occupiers.
- 10.61 The separation distance between nos. 40 and 42 Islington Park Street and no. 8 Purley Place is 14.4m. The proposed layout has windows serving bathrooms and bedrooms at first and second floors. In terms of no. 44, due to the shape of the building the lower parts (lower ground to first floor) of the rear elevation are set back in comparison to nos. 38-42. However, at second floor is an 'L-shape' with a setback adjacent to no. 42. The separation distance between no. 8 Purley Place to the south is 12.4m at first floor and below, and between 16.9m and 14.9m at second floor. The proposed windows on the rear elevation at first and second floors serve living rooms, bathrooms and bedrooms.
- 10.62 The existing drawings for the most recent planning application at no. 8 Purley Place (ref. P08193) which was dismissed at appeal shows that the layout had bedrooms and a laundry room at first floor, which is likely to have been retained.
- 10.63 It is acknowledged that the separation distances between the rear elevation windows of the host buildings and those serving the properties along Purley Place, would not meet the recommended 18m separation distance. However, as noted above, the authorised and last known use of the host building is as a large HMO. Therefore,

historically the existing rear elevation includes windows serving habitable rooms, therefore the proposed relationship with neighbouring properties would replicate a pre-existing situation, which had a mutual level of overlooking between the host building and the properties located immediately to the south. It is therefore considered that this situation would be acceptable.

- 10.64 As noted in the design section above, the proposal would result in the creation of roof terraces at first and second floor level. Whilst proposed balustrades have been provided in order to ensure they would not result in any significant privacy issues between residential units or neighbouring properties, a condition (no. 4) has been recommended for further details to be submitted.

Outlook/enclosure and Daylight and Sunlight

- 10.65 The proposed external alterations including the boundary treatment between the subdivided gardens are not considered to result in any significant loss of outlook or enclosure to neighbouring properties, given their position and orientation of the host buildings. A condition (no. 4) has also been recommended in terms of the details to be submitted and approved.
- 10.66 The proposal is therefore considered not to have a detrimental impact, outlook, privacy and overlooking and daylight and sunlight, and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017 in this regard.

Noise/dust and disruption

- 10.67 It is acknowledged that the proposed excavation at basement and proposed construction works may result in increased noise/dust and disruption during the construction phase of the development. In accordance with the Council's Basement SPD a condition (no. 5) has been recommended for a Construction and Environmental Management Plan to be submitted and approved.
- 10.68 Policy DM3.7 seeks to ensure all residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials. The Council's Pollution Officer has confirmed that the Building Regulations process would ensure adequate noise mitigation between the proposed residential units thereby mitigating against noise transfer between each of the residential units proposed. The Pollution Control Officer has recommended a condition (no. 8) requiring further details of noise mitigation relating to external sources to be submitted and approved in writing.

Quality of Accommodation

Housing mix

- 10.69 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For social rented housing 0% of units should be 1-bed, 20% should be 2-bed, 30% should be 3-bed and 50% should be 4-bed units or more. The proposal provides a mix of 3 no. 1-bed flats (43%), 1 no. 2 bed flats (14.3%), 2 no. 3 bed (29%) houses and 1 no. 5 (14.3%) bed house.
- 10.70 Whilst it is acknowledged that the proposal would not fully comply with the recommended housing mix, paragraph 3.16 of the Development Management Policies

(2013) confirms that where affordable housing schemes are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation deviation from the required housing size mix may be acceptable.

- 10.71 The most significant deviation is the inclusion of a 5-bedroom house. Specific site constraints are present in this case, inclusive of the standard of accommodation, which is discussed below, floor to ceiling heights and the difficulty in providing circulation space if this property was subdivided.
- 10.72 In addition, the Development Management Policies (2013) recommend that in such cases, the Council needs to be satisfied that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington. The Council's Housing Team who manage the Council's Affordable Housing, have confirmed that the proposed unit mix would meet the Council's needs and they consider this housing mix is acceptable.

Quality of residential accommodation

- 10.73 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.74 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.75 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.
- 10.76 The table below provides a summary of how the proposal meets the minimum floorspace standards:

Table 1: Minimum floor space

No. Bedrooms /Expected Occupancy	Floor Space Provided	Minimum Required
3b/5p house	118 sqm	102 sqm
3b/5p house	112 sqm	102 sqm
5b/7p house	152 sqm	125 sqm
2b/3p flat	63 sqm	61 sqm

1b/2p flat	59 sqm	50 sqm
1b/2p flat	51 sqm	50 sqm
1b/2p flat	55 sqm	50 sqm

- 10.77 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage.
- 10.78 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. Policy DM3.4E also stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. The proposal would result in dual aspect to all units with the proposed units having windows to both the front and rear elevations. It is considered that all of the proposed dwellings would satisfy the requirements for dual aspect.
- 10.79 Officers acknowledge that one of the front elevation windows at lower ground floor (within no. 44), is restricted in terms of the outlook, due to the position and the restricted size of the front lightwell. Whilst the enlargement of the front lightwells were explored by the applicant to improve outlook, this would be unacceptable in design terms and its impact on the wider conservation area. As a result the proposal has improved the outlook to the rear of both this unit, and the basement level to the other dwellings, by the enlargement of the existing rear lightwells. Given the size of the rear lightwell, associated with the lower ground floor flat and that the rear elevation of the host buildings are south facing, means that it would receive direct daylight/sunlight and the restricted outlook would be largely mitigated. Officers do note that the lower ground open plan living spaces for each flat are dual aspect with larger windows/French doors also orientated to the south along the rear elevation thereby increasing the light serving these rooms. The accompanying Daylight Report also provides calculations on the level of light serving each room.
- 10.80 The report titled 'Internal Daylight Report' dated 1st July 2019 by eb7 Ltd was submitted and outlines the results of internal daylight calculations to support the planning application. It outlines the results of the internal daylight calculations undertaken for all the habitable rooms of the proposed scheme. The assessment has been undertaken in line with the guidance available in Building Research Establishment Report 'Site layout planning for daylight and sunlight - A guide to good practice' (2011) and British Standard BS 8206-02 'Lighting for buildings – Part 2: Code of practice for daylighting' (2008).
- 10.81 The report confirms that the Average Daylight Factor (ADF) is used as the measure of general illumination from skylight. The average daylight factor is the ratio of total daylight flux incident on a reference area to the total area of the reference plane, expressed as a percentage of outdoor illuminance on a horizontal plane due to an unobstructed hemisphere of sky of assumed or known luminance distribution. The assessment has been carried out only for the habitable rooms where occupants have a reasonable expectation of daylight. As the BRE guide states that 'The guidelines given here are intended for use in adjoining dwellings where daylight is required,

including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.' The assessment was carried out under an overcast sky condition to ascertain the daylight availability within the rooms in worst scenario when the outside illumination is minimum. In London the outside illuminance level in such scenario is approximately 4000lux.

10.82 In addition to the BRE guide, the British Standard BS 8206-02 'Lighting for buildings – Part 2: Code of practice for daylighting' (2008) has also been used to identify the minimum daylighting requirements in a dwelling. These are as following:

- 1% in bedrooms
- 2% in kitchens, and
- 1.5% in living rooms

10.83 The guidance confirms that where rooms are used for more than one function, the higher value of ADF must be met. Therefore, for a living/kitchen or studio apartment the minimum daylighting required is 2%.

10.84 As shown in the table below, the proposal would meet and exceed the required ADF requirements in terms of providing adequate levels of daylight/sunlight to all habitable rooms at ground and lower ground floor level:

Table 2: Annual Daylight Factor (ADF) results of proposed habitable rooms

Building No.	Room Use	ADF achieved (%)	ADF required (%)
38 (3b/5p)	Dining Room (R3) (lower ground)	1.9	1.5
	Kitchen (R1) (lower ground)	2.7	2.0
	Living (R2) (ground)	1.9	1.5
40 (3b/5p)	Dining Room (R5) (lower ground)	1.9	1.5
	Kitchen (R4) (lower ground)	2.0	2.0
	Living Room (R5) (ground)	1.9	1.5
42 (5b/7p)	Dining Room (R7) (lower ground)	2.0	1.5
	Kitchen (R6) (lower ground)	2.0	2.0
	Living Room (R8) (ground)	3.4	1.5
44 (lower ground) (1/2p)	Living/Kitchen/Diner (R8)	2.2	2.0
	Bedroom (R10)	1.6	1.0
44 (ground) (2b/3p)	Living Room (R12)	2.3	1.5
	Kitchen (R9)	3.4	2.0
	Bedroom (R10)	2.1	1.0

	Bedroom (R11)	3.5	1.0
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- 10.85 The ADF assessment has shown that provision of daylight within the proposal would result in 100% of habitable rooms tested to meet and exceed the BRE targets. Overall, the results show excellent levels of internal amenity, exceeding the relevant targets. The individual ADF results will only further improve on the upper floors of the properties. The scheme is therefore considered to fully accord with the BRE guidance in regards to ADF levels.
- 10.86 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All of the units would achieve at least 2.5m ceiling height in accordance with the London Plan. In addition, the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling.
- 10.87 It is acknowledged that none of the units would achieve the Development Management Policies requirements in terms of providing 2.6m floor to ceiling heights. However, in terms of the larger (2 no. 3-bed and 1 no. 5-bed) units, found at nos. 38, 40 and 42, future occupiers would benefit from floor to ceiling heights between 2.3m to 2.5m at ground, first and second floor levels for the main living and bedroom accommodation. It is acknowledged that the basement level to these dwellings would have restricted floor to ceiling heights, being between 2.21m (no. 38), 2.13m (no. 40) and 2.28m (no. 42). However, as discussed in the structural impact assessment earlier in this report, the host buildings have shallow foundations, meaning that further excavation may not be possible. It should be noted that proposed residential units within nos. 38, 40 and 42 benefit from three further floors above. Policy DM3.4C(ii) also confirms that *in residential conversions, including extensions, where the original ceiling height is maintained, a lower ceiling height may be acceptable where it can be demonstrated that overall a good standard of daylight, ventilation and useable floorspace can be provided*. Given the above it is considered that lack of full compliance is considered acceptable.
- 10.88 In terms of the remaining 4 no. flats found at no. 44, all of the units would meet the national described space standards, with both the lower ground floor and second floor flats having 2.3m high floor to ceiling heights. The two remaining flats, whilst not meeting the Council's requirements would have floor to ceiling heights throughout the units at 2.4m (ground) and 2.5m (first floor), which are considered to be acceptable, the first floor flat meeting the London Plan.
- 10.89 The restricted floor to ceiling heights within the proposed units throughout the host building, whilst not ideal, is considered to be acceptable, on balance, given the acceptable standard of accommodation generally, in regards to dual aspect, levels of daylight/sunlight of outlook, the orientation of the property, and that the size of the units.
- 10.90 The Metropolitan Police Secured by Design Officer has considered that the proposal would meet Secured by Design Principles, providing the measures identified within the document within the Design and Access Statement titled Appendix: Secure by Design Notes are implemented in full, and a condition has been recommended in this regard.

- 10.91 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. In order to address this policy the proposal has included the subdivision of the front and rear gardens and the creation of roof terraces at first and second floor, as well the enlargement of an existing rear lightwell.
- 10.92 The proposal would result in private amenity space for all of the proposed units. The 3 no. houses would benefit from the front and rear gardens (no. 38:61 sqm; no. 40:58 sqm and no. 42:71 sqm). The 4 no. flats within no. 44 would benefit from dedicated private amenity space for each flat with the enlargement of the existing rear lightwell (lower ground flat: 23 sqm), the rear garden (ground floor flat: 39 sqm), and roof terraces at first (22 sqm), and second floors (8 sqm). In addition, located to the front of no. 44, there is a further area (50 sqm) of shared amenity space.
- 10.93 The provision of private and shared amenity space is considered to meet and in some cases exceed the minimum requirements of private amenity space and is therefore, considered acceptable and in compliance with Policy DM3.5.
- 10.94 For the above reasons, it is concluded that the proposed residential element of the development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

Accessibility

- 10.95 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.96 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.
- 10.97 Policies 3.5 and 7.2 of the London Plan require 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, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.98 The Council's Inclusive Design Officer has raised concerns in relation to the access to the proposed units, particularly the lack of ramps from street level (to nos. 38,42 and 44), and the adaptability of the dwellings, including the lack through floor lifts. However, they have welcomed the provision of an accessible WC at ground floor level and welcomed the approach at no. 40.

- 10.99 The proposal relates to the conversion of existing properties with limited structural interventions to the upper floors and the existing entrances are stepped. It is therefore considered that in this case, the lack of provision of fully accessible units is acceptable, on balance.

Landscaping, Trees and Biodiversity

- 10.100 Policy DM6.5 seeks to ensure developments 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
- 10.101 The proposal would result in the subdivision and landscaping of the front and rear gardens. Whilst limited information has been provided in this regard a condition (no. 13) has been recommended to provide details of the proposed landscaping, prior to the occupation of the proposed units.
- 10.102 Part B of Policy DM6.5 seeks to ensure trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. It advises that developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. It also recommends that the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 10.103 In this instance, there are a number of trees within the application site which are protected due to their location within the Barnsbury Conservation Area. An Arboricultural Impact Assessment and Preliminary Arboricultural Impact Assessment dated March 2020 and prepared by Middlemarch Environmental have been submitted. The Council's Tree Officer has reviewed the submitted documentation and confirmed that he is satisfied with the level of assessment, confirming that the trees potentially affected are of low amenity value and not worthy of TPO protection and the proposed single tree removal is acceptable. A Tree Protection Plan is secured via condition (no. 16) in order to protect the retained and neighbouring trees from construction activities. It is therefore considered acceptable in this regard, subject to this recommended condition.

Highways and refuse facilities

- 10.104 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking.
- 10.105 Car free development means 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. This is to be secured via a s106.
- 10.106 The provision of secure, sheltered and appropriately located cycle parking facilities will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the

Development Management Policies 2013. In accordance with Appendix 6, 16 bicycle spaces should be provided for the 16 bedrooms proposed. The development has identified areas to the rear gardens for dedicated cycle storage. Whilst these arrangements are considered acceptable in principle and these shall be provided subject to a pre-commencement condition for details of the cycle storage. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance

- 10.107 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units. The proposed refuse areas have been shown on the plans as being located within the rear gardens. When taking into consideration that the refuse area would be located not to be visible from the street, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. Whilst the arrangements are acceptable in principle, further details including plans and sections are required to be provided via condition (no. 6). The Council's Street Environment Services Team have enquired in terms of the management of the communal refuse facilities in terms of who would be responsible to move the refuse and recycling on collection days. These details would be secured by condition.

Sustainability and Ecology

- 10.108 Policy DM7.1 provides advice in relation to sustainable design and construction, stating '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'.
- 10.109 Whilst limited information has been provided in relation to how the proposal meets the Council's sustainable design policies a condition (no. 10) has been recommended requiring the submission of a Sustainable Design and Construction Statement.
- 10.110 In light of comments received from the Islington Swifts Society, it is recommended that a pre-commencement condition (no. 17) be included to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives.

Affordable Housing

- 10.111 As noted in paragraphs 3.3.15 of the Islington Core Strategy (2011) confirms the given the level of need in the borough, the council wishes to deliver as many affordable homes as possible. Islington's Core Strategy Policy CS 12 - 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. This policy seeks to increase the delivery of affordable housing, especially social rented housing, from 100% affordable housing schemes by Registered Social Landlords, and from a range of intermediate housing products available on the market.
- 10.112 The proposal would provide seven self-contained residential units, all of which would be secured as social rented units. The applicant has confirmed that four of these units, being those within no. 44 Islington Park Street, would be 'Move-on' accommodation. 'Move-on' accommodation is a Greater London Authority (GLA) grant funding scheme that contributes towards the capital costs of developing

accommodation for people leaving homelessness hostels. The aim of the GLA scheme is to provide self-contained affordable accommodation and to assist the occupiers to move on to independent accommodation within two years, where appropriate.

- 10.113 For the life of the GLA 'Move-on' scheme, referrals to the four relevant units would be via the GLA. However, should the 'Move-on' scheme cease to operate, the nomination rights for the four residential units would revert back to the Council in accordance with the Local Lettings policy. This would be secured through a legal agreement.
- 10.114 The three units not identified as 'Move-on' units would all be allocated through the Council's Local Lettings policy and this would be secured through a legal agreement.
- 10.115 The Council's Housing Team have confirmed that the proposal, inclusive of the 'Move-on' accommodation would meet policy aims of delivering 100% affordable housing. It is therefore considered that the proposal would be acceptable in this regard. The affordable housing would be secured as part of a legal agreement.

Community Infrastructure Levy

- 10.116 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the loss of the existing vacant HMO is considered to be acceptable in land use terms. This is following consultation with the Council's Environmental Health Team, who manage and licence HMOs within the Borough, assessing the existing accommodation not to be of 'good quality' and subject to the proposal meeting an acute need identified by the Council's Housing Team. This acute need is considered to be the delivery of 7 no. self-contained social rented residential units. The delivery of a 100% affordable scheme is considered to be one of the Council's key objectives in terms of the delivery of housing, identified in Part G of Policy CS12 of Islington Core Strategy Policies (2011), and is therefore considered to be acceptable in land use terms.
- 11.2 The proposal, subject to detailed conditions in relation to the materials, is not considered to cause any harm to the visual appearance and historic character of the host buildings, wider estate (including the adjacent listed building) and the Barnsbury Conservation Area, and is considered acceptable in design terms.
- 11.3 The proposed affordable housing units, are considered to provide an acceptable standard of accommodation, meeting and exceeding the minimum requirements in terms of Annual Daylight Factor, having dual aspect, good levels outlook and exceeding the minimum floorspace standards.
- 11.4 Conditions have been recommended to mitigate the impact of the development on the amenity of the occupiers of the existing residential units in the surrounding area, the trees within surrounding area, and to the surrounding public highway network,

including a legal agreement to restrict future occupiers from obtaining car parking permits.

- 11.5 Overall, subject to conditions, the proposal is considered to accord with the relevant policies found within the Development Plan and is recommended for approval.

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:

- Requiring the 7 no. units to be for social rented housing, including the requirement for the nomination rights for the 'Move-on' units to return to Islington, in accordance with Local Lettings policy should the GLA funding cease
- Restrict future occupiers from obtaining car parking permits
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.

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:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Existing drawings: 202/PL02/Rev.P1 (Site Block Plan), 202/PL03/Rev.P1 (Lower Ground Floor), 202/PL04/Rev.P1 (Ground Floor), 202/PL05/Rev.P1 (First Floor), 202/PL06/Rev.P1 (Second Floor), 202/PL07/Rev.P1 (Roof Plan), 202/PL08/Rev.P1 (Front Elevation), 202/PL09/Rev.P1 (Rear Elevation),

	<p>Proposed drawings: 202/PL01/Rev.P1 (Site Location Plan), 202/PL10/Rev.P1 (Site Block Plan), 202/PL11/Rev.P1 (Lower Ground Floor), 202/PL12/Rev.P1 (Ground Floor), 202/PL13/Rev.P1 (First Floor), 202/PL14/Rev.P1 (Second Floor), 202/PL15/Rev.P1 (Roof Plan), 202/PL16/Rev.P1 (Front Elevation), 202/PL17/Rev.P1 (Rear Elevation), 202/PL18/Rev.P1 (Section),</p> <p>Reports: Town Planning Statement dated July 2019, Design & Access Statement ref. 202_DAS_V4_190730 dated July 2019, Design & Access Statement Supplement: Railings including drawing no. 202/PL19/Rev.D1, Statement of Community Involvement July 2019 - One Housing Group, Structural Method Statement ref.12429 dated 25 July 2019, Factual Report – Opening Up Works and Foundation Pits by Site Remedial Services Limited ref. SRS/18/1389 RPT 1 dated January 2019, Geotechnical Report – Ground Investigations by Site Remedial Services Limited ref. SRS/19/1393/RPT 3 by February 2019, Preliminary Risk Assessment by Site Remedial Services Limited ref. SRS/19/1393 RPT1 dated January 2019, Associated drawings (12429-S-SK30B - General Notes, 12429-S-SK06A - Existing Ground Floor Plan, 12429-S-SK07A - Existing 1st Floor Plan, 12429-S-SK08A - Existing 2nd Floor Plan, 12429-S-SK10 - Existing Roof Plan, 12429-S-SK13 - Slab Lowering, 12429-S-SK09-A - SI Locations Plan, 12429-S-SK1 - Basement Opening Up Plan, 12429-S-SK2 - Ground Floor Opening Up Plan, 12429-S-SK3 - 1st Floor Opening Up Plan, 12429-S-SK31A - Proposed Roof Plan, 12429-S-SK32A - Proposed 2nd Floor Plan, 12429-S-SK33A – Proposed 1st Floor Plan, 12429-S-SK34A - Proposed Ground Floor Plan, 12429-S-SK35A - Proposed Lower Ground Floor Plan, 12429-S-SK4 - 2nd Floor Opening Up Plan, 21695se-01, 21695se-02, 12429-S-SK05A - Existing Lower Ground Floor Plan, 12429-S-SK13 - Slab Lowering Constraints-No Underpinning), Arboricultural Method Statement by Middlemarch Environmental Report No: RT-MME- 152224-02 REV A dated March 2020, Preliminary Arboricultural Impact Assessment by Middlemarch Environmental Report No: RT-MME-152224-01 REV A dated March 2020, REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Details)</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Roof materials b) Paintwork (including colour) c) window and door treatment (including sections and reveals); d) pavements (including details to retain the granite sets) e) 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 into perpetuity.</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 and preserves the character and appearance of the Newington Green Conservation Area.</p>
4	<p>Details of balustrades/boundaries</p>
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, further details of the balustrades/boundaries to front and rear gardens, and to the second floor roof terrace, shall be submitted and approved in writing prior to the relevant part of the development commences.</p> <p>The balustrading and boundary treatment to the front shall match the neighbouring properties in terms design, materials, colour and detailing.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>
5	<p>Construction and Environmental Management Plan</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP 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; 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, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents;

	<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 all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) 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>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</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 approved details and measures.</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>
6	<p>Refuse/Recycling</p>
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and collection arrangements shall explain how refuse is moved during collection days and ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	<p>Cycle parking</p>
	<p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be</p>

	<p>submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure cycle spaces for the proposed residential units hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Details of noise mitigation
	<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>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq, 8 \text{ hour}}$ and 45 dB $L_{max (fast)}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16 \text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16 \text{ hour}}$</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 into perpetuity and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
9	Secured by Design
	<p>CONDITION: The security measures identified with the document titled Appendix: Secure by Design Notes (found within the approved Design and Access Statement dated July 2019) shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
10	Sustainable Design Statement
	<p>CONDITION: Prior to the commencement of the approved development details of a Sustainable Design and Construction Statement shall be submitted and approved in writing by the Local Planning Authority. The approved document shall be implemented in full prior to the first occupation of the approved residential units and retained thereafter into perpetuity.</p> <p>REASON: To ensure a sustainable development</p>
11	Water efficiency requirements

	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
12	Carbon efficiency
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
13	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <p>a) soft plantings: including grass and turf areas, trees, shrub and herbaceous areas;</p> <p>b) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>c) hard landscaping; and</p> <p>d) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
14	Retention of Engineer
	<p>CONDITION: For the hereby approved development the certifying professional endorsing the hereby approved Structural Method Statement must be retained (or replaced with a suitably qualified person with relevant experience) throughout the duration of construction, to ensure that the necessary expertise is available to inform decision making throughout the construction process.</p> <p>REASON: To protect the structural integrity of the host and adjacent buildings</p>

15	Removal of paintwork
	<p>CONDITION: Prior to the occupation of the hereby approved development the existing paintwork found on the front elevation of the host building shall be removed.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider conservation area.</p>
16	Tree Protection measures
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

	<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 wider area.</p>
17	Bird boxes
	<p>CONDITION: Prior to the first occupation of the hereby approved development a minimum of 2 no. bird nesting boxes shall be installed and retained thereafter into perpetuity.</p> <p>REASON: To encourage biodiversity</p>
18	Details of access gates
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, further details of the gates allowing access to the rear of the site and no. 8 Purley Place from Islington Park Street shall be submitted to and approved in writing prior to the relevant part of the development commences.</p> <p>The gates shall match the neighbouring properties in terms design, materials, colour and detailing.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>

List of Informatives:

1	Construction works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222</p>

	Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
2	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
	<p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
	<p>TREE PROTECTION MEASURES For condition 16, the following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

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

- NPPF (2019)

2. Development Plan

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

A) The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality & Design of Housing Developments
Policy 3.8 Housing choice
Policy 3.12 Negotiating affordable housing
Policy 3.14 Existing housing
Policy 4.3 Mixed use development and offices
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS18 Delivery and infrastructure

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
DM3.3 Residential conversions and extensions
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential uses)

Health and Open Space

DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.1 Sustainable Design and Construction
DM7.2 Energy efficiency and carbon reduction in minor schemes

Transport

DM8.4 Walking and Cycling
DM8.5 Vehicle Parking

3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

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

The following SPGs and/or SPDs are relevant:

<u>London Plan</u>	Accessible London (2016) Character and Context (2014) Housing (2016) Sustainable Design and Construction (2014) Town Centres (2014)
<u>Islington</u>	Conservation Area Design Guidelines (Canonbury Conservation Area; 2002) Basement Development (2016) Environmental Design (2012)

Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

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P2019/2651/FUL

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PLANNING COMMITTEE REPORT
ADDENDUM

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	07 June 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 22nd February 2022. During the 22nd February 2022 Committee Meeting, following concerns raised in representations regarding daylight and sunlight transgressions to neighbouring properties, Members deferred the item in order for the applicant to review the massing of the building and seek betterments to the daylight and sunlight levels.

- 2.2 A revised scheme was presented to Planning Committee on 4th April 2022, which saw a number of revisions to the rearmost part of the second floor, with the flat roof being revised to a pitched roof with 6 rooflights and a reduction to the north-western part of the fourth storey (third floor) floorplan. Members deferred the item in order for the applicant to review the massing of the building and seek betterments to the daylight and sunlight levels, and to address concerns regarding a sense of enclosure and prominence of the rear elevation to neighbouring terraces.
- 2.3 Since the 4th April 2022 Committee Meeting, the Applicant has submitted amended plans and an updated Daylight Sunlight report for both the existing situation and with the approved scheme at neighbouring no.44 Pear Tree Street built out. The revisions to the proposal include the further stepping back of part of the top floor and the introduction of pitched roofs to the rear, where these were previously flat roofs.

3. CONSULTATION

Public Consultation Responses

- 3.1 To date, a total **35** representations raising 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.

4. UPDATED ASSESSMENT

- 4.1 Following the 4th April 2022 deferral, the Applicant has submitted revised elevation plans and floor plans. Further revised 'Daylight & Sunlight' reports have been submitted alongside the revised drawings. It should be noted that the application scheme has not been amended beyond the following revisions:
- Revision to rear most part of the first floor, with the flat roof which adjoins the northern boundary with 46-56 Pear Tree Street being revised to a pitched roof; and
 - Setting back of the rear most elevation at third floor level so that it is level with the elevation of adjoining no.37 Bastwick Street (leading to a reduction in floorspace from 178sqm to 150sqm).
- 4.2 Therefore, the overall GIA floorspace of the proposal has been reduced from 1,778sqm (original submission), to 1,758sqm (revision presented to April Committee) and now to 1,705sqm (as currently proposed). This has subsequently led to amendments to the required planning obligations, given the reduction in floorspace proposed.

Design and Appearance

- 4.3 The proposed amendments seek to reduce the impact of reductions to daylight and sunlight to neighbouring properties through revisions to the bulk and mass of the building to the rear and upper most floors. The floor plan of the first floor remains as previously proposed, however the roof along the boundary line has been amended from a flat roof to a pitched roof, which is considered to be acceptable in design terms.
- 4.4 The upper most floor has been set back further from the rear boundary with 46-56 Pear Tree Street (Pietra Lara) and level with adjoining no.37 Bastwick Street. While this does result in a somewhat complex and stepped form, with this being necessary to address concerns raised

regarding daylight and sunlight, and considering its context to the rear of the site, the amended rear elevation is considered to be acceptable in this instance.

Impacts to Daylight

- 4.5 In the schemes presented to the 22nd February 2022 and 4th April 2022 Planning Committees, 8 windows and 8 rooms to neighbouring properties would have seen reductions beyond BRE guidance in relation to Vertical Sky Component (VSC) and No Sky Line (daylight distribution (DD)). Following the latest revisions, 5 windows and 7 rooms would have transgressions beyond BRE guidance. As shown in the below tables, the quantum of transgressions has decreased whilst a number of windows and rooms would see betterments to the reductions to neighbouring properties, specifically to 46-56 Pear Tree Street.
- 4.6 Transgressions are still reported to neighbouring 26 & 27 Bastwick Street, 37 Bastwick Street, 41 Central Street and 46-56 Pear Tree Street. These are outlined further below, with the previous results of the April 2022 scheme also shown for reference:

		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	25.6	16%	10%	55.9	38	19	50%	47%
237		2.6	2.6	0	0					
238	LKD	21.3	17.8	29%	16%	27.4	23.1	12.9	44%	39%
239	Bedroom	28.1	24.6	22%	12%	9.3	9.1	8.2	10%	0%
240	Bedroom	21.8	18.8	25%	14%	13.8	12.4	8.3	33%	22%
241	Bedroom	20.4	18.3	19%	11%	19.5	18.3	13.5	27%	18%
Second Floor										
244	LKD	33.5	31.6	9%	6%	55.9	42.5	29.6	30%	25%
245		22.6	22.6	0	0					
246	Kitchen	32.8	30.4	13%	7%	27.4	25.5	17	33%	20%

		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	2.3	39%	30%	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	20.2	23%	22%					
13	Staircase	22.7	21.8	4%	4%	1.3	1.2	0.7	50%	46%

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	24%	24%	4.7	4.6	4.5	3%	3%
Second Floor										
126	Bathroom	31.7	23.7	25%	25%	4.7	4.6	4.5	3%	2%
Third Floor										
130	Conservatory	34.7	18.7	46%	44%	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	5%	5%	18	12	8.8	27%	27%

Impacts to Sunlight

- 4.7 In the scheme presented to the 4th April 2022 Committee Meeting, 7 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 5 windows as follows:

Table 6: Sunlight Transgressions		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
		Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
Room / Window	Room Use							
29 Bastwick								
<i>First Floor</i>								
3	Domestic	27	21	6	22%	0	0	0
5	Domestic	25	18	7	28%	0	0	0
10	Domestic	30	23	7	23%	0	0	0
43 Central Street								
<i>Ground Floor</i>								
150	LKD	19	14	5	26%	1	1	0
151	LKD	31	26	5	16%	5	3	40%

- 4.17 The results show that the revised scheme would see betterments to the transgressions at 29 Bastwick Street, both in quantum and quality. The scheme presented to 4th April 2022 Planning Committee saw 5 transgressions to this property, this has reduced to 3 transgressions.
- 4.18 43 Central Street continues to see 2 windows serving a living/kitchen/diner transgress BRE guidance. These however are betterments over the 22nd February 2022 scheme.
- 4.19 45 Central Street saw reductions beyond BRE guidance to one window (157) of the windows at ground floor to the rear of the property in the original scheme presented to 22nd February 2022. The revised proposal continues to meet BRE guidance as achieved in the 4th April 2022 scheme.

Impacts to Overshadowing

- 4.20 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 reduction beyond BRE guidance, however at 98% this is a minor betterment of the previous iterations of the scheme which saw a 100% reduction. There are no other transgressions to neighbouring gardens/amenity spaces beyond BRE guidance.

Daylight and Sunlight Conclusion

- 4.21 The amended proposals would result in a number of betterments to daylight and sunlight receipt to neighbouring properties, with the total number of transgressions against BRE Guidelines reduced. Noting this, it is considered that the proposal would not result in an unacceptable reduction in daylight and sunlight receipt to neighbouring occupiers for the reasons detailed within the previous Committee Reports.

Rear Elevation

- 4.22 The amended plans introduce a pitched roof to the two rear projections at the site that would adjoin neighbouring external amenity spaces. The height of the resultant rear wall would now match that of the existing wall onto these areas, while the pitched roof would reduce the massing above this. It is considered that the introduction of the pitched roof would reduce the scale of the rear projection when viewed from the neighbouring property and would not result in an unacceptable sense of enclosure or be overbearing.

Planning Obligations

4.23 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The current and previous amendments to the proposal have resulted in a reduced floor area being proposed and therefore it is necessary for the Heads of Terms to be amended to reflect this. The amendments to the Heads of Terms are detailed in **bold** and **underlined** below:

- a. Contribution of **£272,800** 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 **3x** bays or other accessible transport initiatives of: **£6,000**;
- 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 Highways). 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). Condition 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: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£5,000**;
- 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: **£1,705** 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: **£16,612**; 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.

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

5. CONCLUSION

5.1 Following the deferral of the application at 22nd February 2022 and 4th April 2022 Committee Meetings, the Applicant has amended the proposal by reducing the extent of the upper most storeys and introducing pitched roofs. This has led to betterments in the quantum and extent of reductions to daylight. The quantum of transgressions in regard to sunlight has been reduced from 7 to 5, whilst a minor betterment is made in regard to overshadowing of the garden of 45 Central Street, albeit this still does not meet BRE guidance.

5.2 The recommended conditions replicate the conditions detailed in Appendix 1 of the original Committee Report, save for amended wording to the following conditions:

- Condition 2 has been amended to include the revised drawings and documents received since the 22nd 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 night-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).

RECOMENDATION

5.3 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 - RECOMMENDATION

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 £272,800 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 3x bays or other accessible transport initiatives of: £6,000;
- 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 Highways). 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). Condition 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: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000;
- g. A contribution of £24,858 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 Page 650 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: £1,705 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: £16,612; 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.

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

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
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	APPROVED PLANS
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents: 1927.PP.01 - Proposed Sub Basement Floor Plan - Rev. J;

	<p>1927.PP.02 - Proposed Basement Floor Plan – Rev. H; 1927.PP.03 - Proposed Ground Floor Plan – Rev. H; 1927.PP.04 - Proposed First Floor Plan – Rev. H; 1927.PP.05 - Proposed Second Floor Plan - Rev. I; 1927.PP.06 - Proposed Third Floor Plan - Rev. L; 1927.PP.07 - Proposed Sub Basement Floor Plan - Rev. F; 1927.PP.08 - Proposed Basement Floor Plan - Rev. E; 1927.PP.09 - Proposed Ground Floor Plan - Rev. F; 1927.PP.10 - Proposed First Floor Plan - Rev. F; 1927.PP.11 - Proposed Second Floor Plan - Rev. F; 1927.PP.12 - Proposed Third Floor Plan - Rev. I; 1927.PP.13 - Proposed Roof Plan - Rev. H; 1927.PP.14 - Proposed Rear & Front Elevations - Rev. J; 1927.PP.15 - Proposed Side Elevation - Rev. J; 1927.PP.16 - Proposed Section AA & BB - Rev. N; 1927.PP.17 - Proposed Section CC & DD - Rev. I; 1927.PP.18 - Proposed Section EE - Rev. K; 1927.PP.19 - Proposed Front Elevation - Rev. C; 1927.PP.20 - Proposed Roof Plan - Rev. D;</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; Fire Safety Statement dated 18 January 2022; Fire Strategy Report dated 15 January 2022; 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 prepared 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	<p>Materials (Detail and Samples)</p>
	<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	<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.</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 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</p>

	condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.
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> <ol style="list-style-type: none"> The notification of neighbours with regard to specific works; Advance notification of any access way, pavement, or road closures; 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; Details regarding the planned demolition and construction vehicle routes and access to the site; 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; 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; 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.) Details of any proposed external illumination and/or floodlighting during construction; Details of measures taken to prevent noise disturbance to surrounding residents; 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; Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)

	<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	<p>BREEAM (Compliance)</p> <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	<p>Energy Efficiency (Compliance)</p> <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	<p>Green Roofs (Details and Compliance)</p> <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> <p>a) substrate base depth;</p>

	<p>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> <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 an 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. 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. 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>

	REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.
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 (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>
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>

<p>24</p>	<p>Contaminated Land (Details)</p> <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"> a) 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: b) 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. c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). 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>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>
<p>25</p>	<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 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:

<p>1</p>	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<p>2</p>	<p>Community Infrastructure Levy (CIL)</p> <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
<p>3</p>	<p>The Building Acts and Building Regulations</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk</p>
<p>4</p>	<p>Street Naming and Numbering</p> <p>If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
<p>5</p>	<p>Thames Water</p> <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 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>

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)</p> <p>Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.</p>

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PLANNING COMMITTEE REPORT

ADDENDUM

PLANNING COMMITTEE		AGENDA ITEM NO:	
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

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		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

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		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

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		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

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		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

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		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)		
		Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
Room / Window	Room Use							
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 night-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-
 - 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 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; 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 prepared 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>
<p>3</p>	<p>Materials (Detail and Samples)</p> <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>
<p>4</p>	<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.</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> <ol style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and 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	<p>Green Roofs (Details and Compliance)</p> <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	<p>Urban Greening Factor (Compliance)</p> <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	<p>Bird and Bat Boxes (Details and Compliance)</p> <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	<p>Amalgamation of Units (Compliance)</p> <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	<p>Contaminated Land (Details)</p> <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"> a) 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: b) 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. c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local

	<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	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	<p>Community Infrastructure Levy (CIL)</p> <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
3	<p>The Building Acts and Building Regulations</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk</p>
4	<p>Street Naming and Numbering</p> <p>If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
5	<p>Thames Water</p> <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 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 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

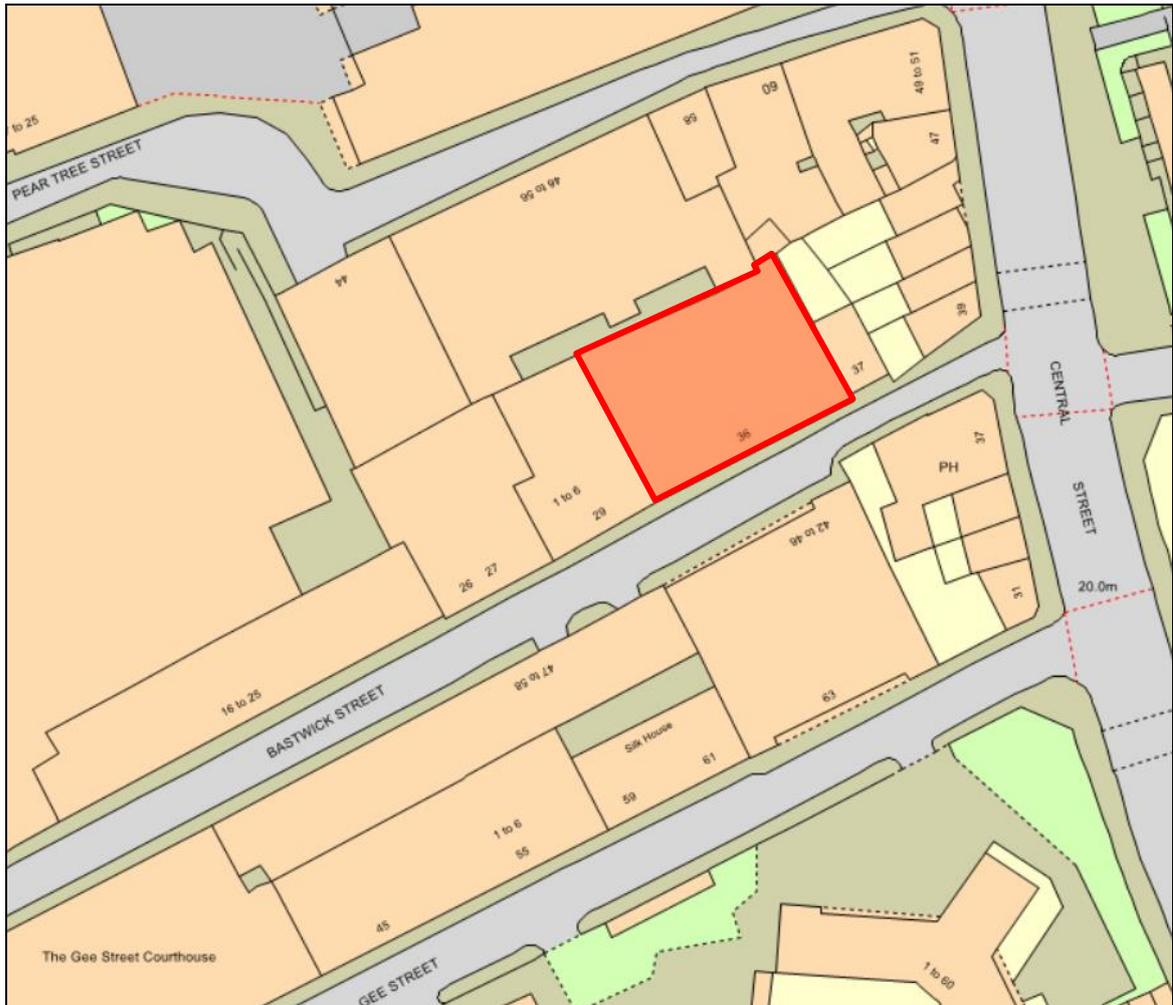


Figure 1: Site Location Plan (outlined in red)



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.

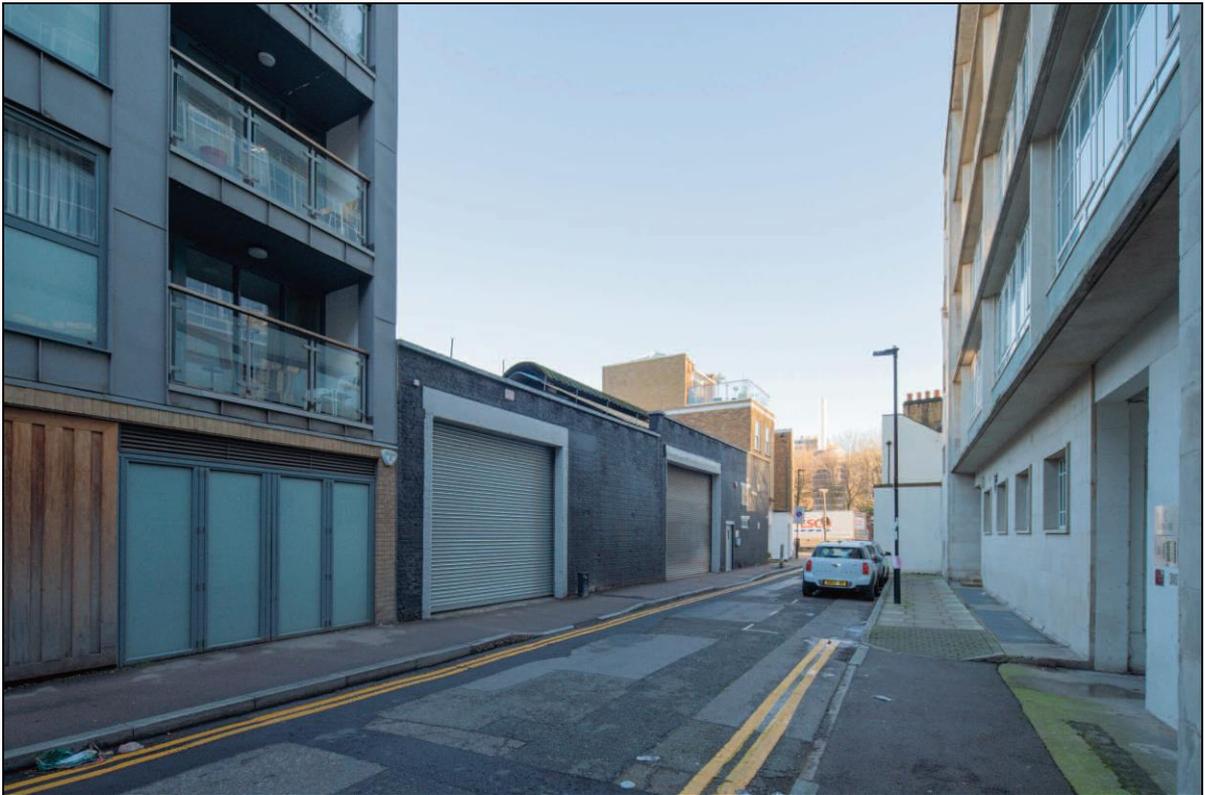


Figure 4: The existing front elevation looking north-east along Bastwick Street towards the junction with Central Street



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.

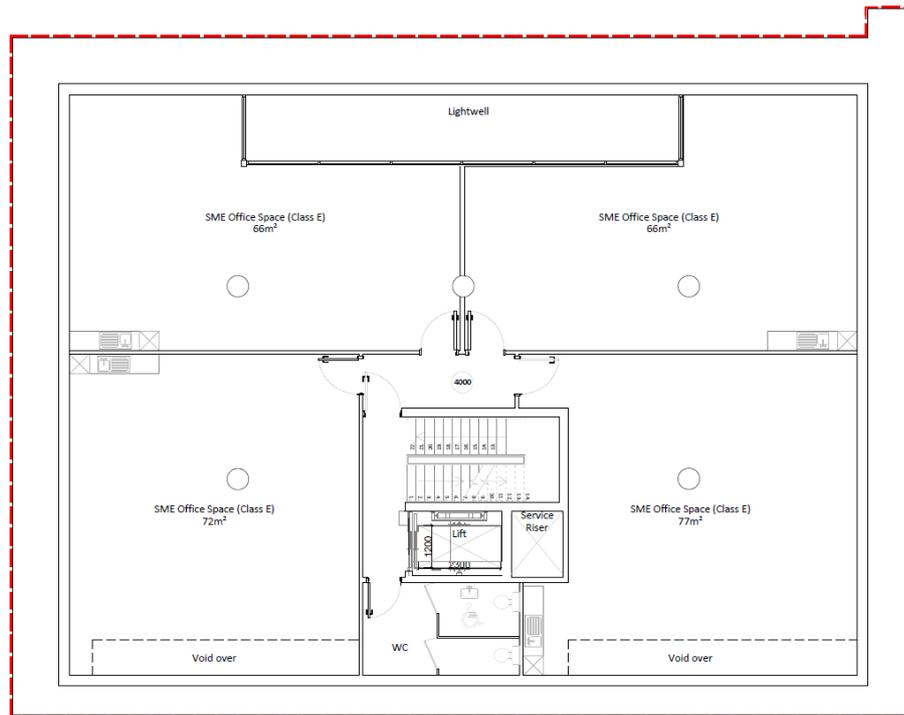


Figure 6: Proposed SME units at Basement Level.

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.

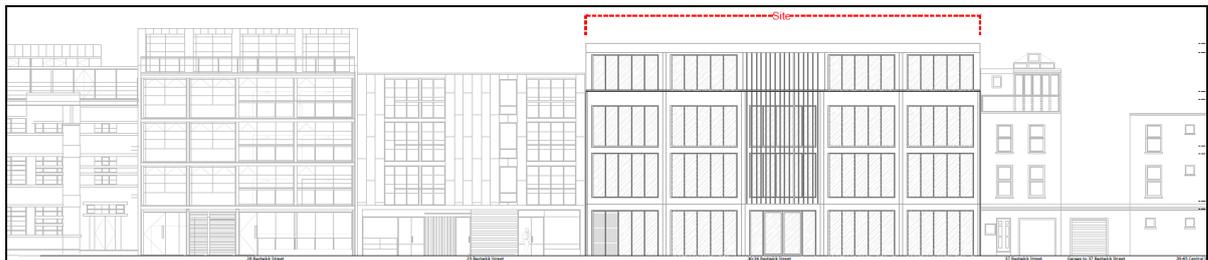


Figure 7: Drawing 1927.PP.14 showing the front elevation in the wider Bastwick Street context

- 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.

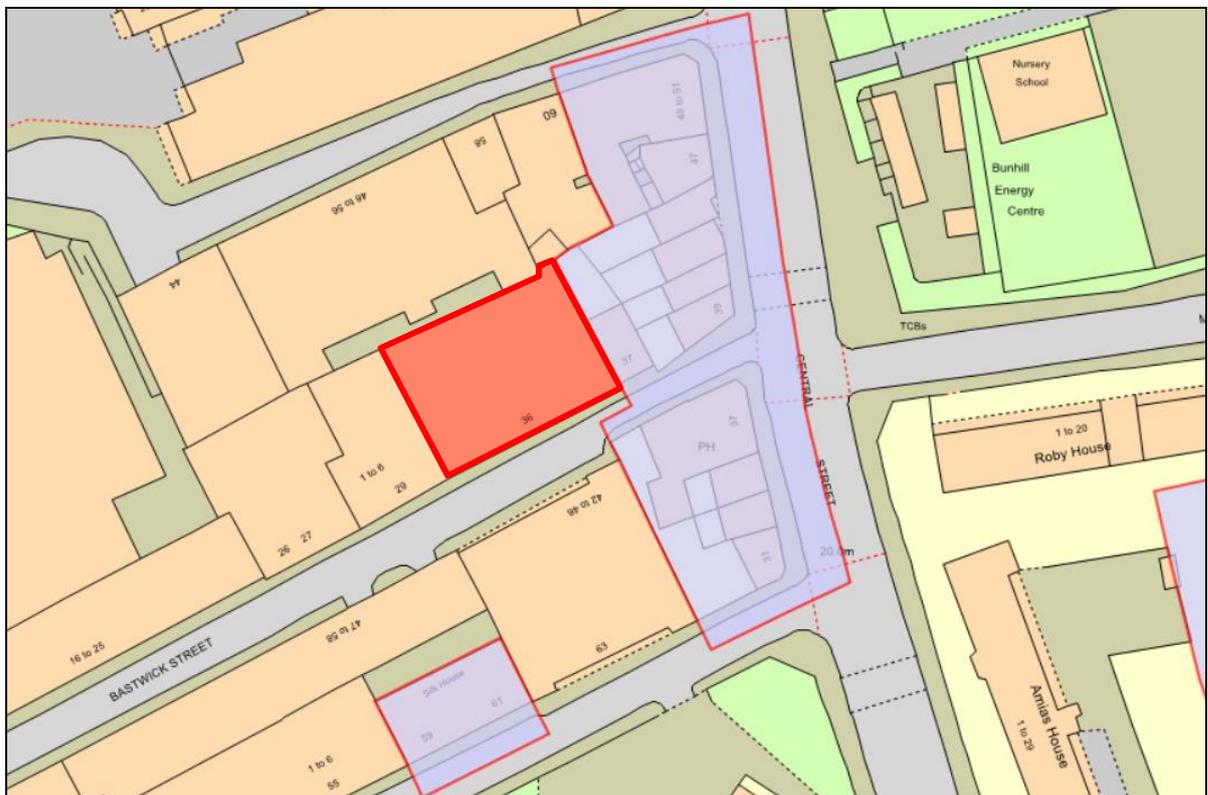


Figure 9: Site (identified in red) in relation to the St Luke's CA boundary.

- 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

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		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:

<u>Table 2: 26 & 27 Bastwick St</u>		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:

<u>Table 3: 29 Bastwick St</u>		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:

<u>Table 4: 37 Bastwick St</u>		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:

<u>Table 5: 41 Central St</u>		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.

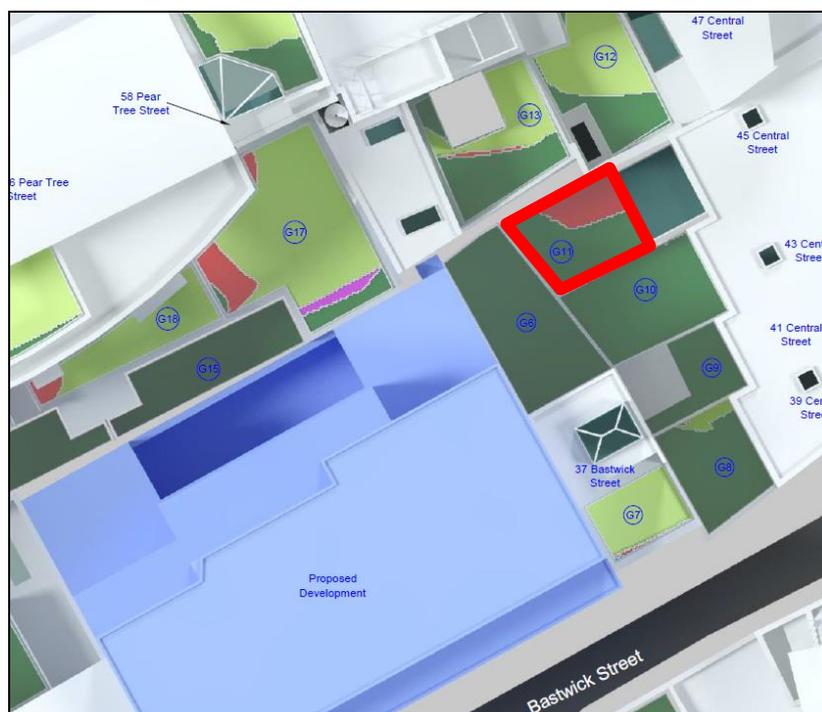


Figure 12: The location of Garden 11 to 45 Central Street shown outlined in red.

- 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 Councils 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 (MIStruct.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 unduely 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 prepared 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.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	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 an 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> <p>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:</p> <p>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>

	<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	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
6	<p>Community Infrastructure Levy (CIL)</p> <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
7	<p>The Building Acts and Building Regulations</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk</p>
8	<p>Street Naming and Numbering</p> <p>If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
5	<p>Thames Water</p> <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 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 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	
<p>1. Planning London's Future - Good Growth Policy GG2 Making the best use of land Policy GG5 Growing a good economy</p> <p>2. Spatial Development Patterns Policy SD4 The Central Activities Zone Policy SD5 Offices, other strategic functions and residential development in the CAZ</p> <p>3. Design Policy D1 London's form, character and capacity for growth Policy 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</p> <p>6. Economy Policy E1 Offices Policy E2 Providing suitable business space Policy E3 Affordable Workspace Policy E11 Skills and opportunities for all</p>	<p>7. Heritage and Culture Policy HC1 Heritage conservation and growth</p> <p>8. Green Infrastructure and Natural Environment Policy G5 Urban Greening Policy G6 Biodiversity and access to nature Policy G7 Trees and woodlands</p> <p>9. Sustainable Infrastructure Policy SI1 Improving air quality Policy SI2 Minimising greenhouse gas emissions Policy SI4 Managing heat risk Policy SI5 Water infrastructure Policy SI7 Reducing waste and supporting the circular economy Policy SI12 Flood risk management Policy SI13 Sustainable drainage</p> <p>10. Transport Policy T2 Healthy Streets Policy T3 Transport capacity, connectivity and safeguarding Policy T4 Assessing and mitigating transport impacts Policy T5 Cycling Policy T6 Car parking Policy T6.2 Office parking Policy T7 Deliveries, servicing and construction</p>
B) Islington Core Strategy 2011	
<p>Spatial Strategy Policy CS7 Bunhill and Clerkenwell</p> <p>Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment Policy CS10 Sustainable Design</p>	<p>Policy CS11 Waste Policy CS13 Employment Space</p> <p>Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)</p>

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

Designations

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

- Central Activities Zone (CAZ)
- 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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