



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

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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **12 October 2023 at 7.30 pm.**

Enquiries to : Ola Adeoye  
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Despatched : 4 October 2023

### **Welcome:**

Members of the public are welcome to attend this meeting.

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

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>
Councillor Klute (Chair) Canalside;	- St Peter's and	Councillor Chowdhury - Barnsbury;
Councillor North (Vice-Chair) Canalside;	- St Peter's and	Councillor Gilgunn - Tollington;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Jegorovas-Armstrong - Highbury;
Councillor Clarke	- Tufnell Park;	Councillor Kay - Midmay;
Councillor Convery	- Caledonian;	Councillor Wayne - Canonbury;
Councillor Hamdache	- Highbury;	
Councillor Hayes	- Clerkenwell;	
Councillor Jackson	- Holloway;	
Councillor McHugh James';	- St Mary's and St	
Councillor Ogunro Canalside;	- St Peter's and	

Quorum: 3 councillors

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

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

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

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

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

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

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

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<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>

1.	Castle House, 37-45 Paul Street, Fitzroy House - 13-17 Epworth Street & 1-15 Clere Street London	17 - 184
2.	Central Foundation School. 15 Cowper Street, London EC2A 4SH	185 - 254
<b>C.</b>	<b>Consideration of other planning matters</b>	<b>Page</b>
<b>D.</b>	<b>Urgent non-exempt items (if any)</b>	
	Any non-exempt items which the Chair 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.	
<b>E.</b>	<b>Exclusion of press and public</b>	
	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.	
<b>F.</b>	<b>Confidential/exempt items</b>	<b>Page</b>
<b>G.</b>	<b>Urgent exempt items (if any)</b>	
	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, 27 November 2023

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

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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](mailto:enquiriesplanning@islington.gov.uk).**

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**COMMITTEE AGENDA**

**1 Castle House, 37 - 45 Paul Street  
Fitzroy House - 13-17 Epworth Street and 1-15 Clere Street  
London**

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**2 Central Foundation School  
15 Cowper Street  
London  
EC2A 4SH**

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**1 Castle House, 37 - 45 Paul Street  
Fitzroy House - 13-17 Epworth Street and 1-15 Clere Street  
London**

**Application Number:** P2022/2893/FUL

**Ward:** Bunhill

**Proposed Development:** Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

**Application Type:** Full Planning Application

**Case Officer:** Simon Roberts

**Name of Applicant:** Lion Portfolio Limited

**Recommendation:**

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**2 Central Foundation School  
15 Cowper Street  
London  
EC2A 4SH**

**Application Number:** P2023/2279/S73

**Ward:** Bunhill

**Proposed Development:** Application to vary Conditions 2 (Approved drawings), 4 (Details and Samples), 13 (Energy Strategy - School Site), 14 (Energy Strategy - Commercial Site), 16 (PV Panels), and 19 (Cycle Parking) of planning application ref: P2022/1001/S73, dated 23/12/2022 (Application to vary condition 2 (Approved drawings) of planning application ref: P2019/3572/S73 dated 28 July 2020 for: (Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works.). The applicant seeks to vary these conditions to allow for revisions to the commercial element of the development, comprising new design, materiality and layouts as well as an updated energy strategy and amendments to the end of journey facilities.

**Application Type:** Removal/Variation of Condition (Section 73)

**Case Officer:** Joseph Hennessy

**Name of Applicant:** 65TS Limited

**Recommendation:**

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London Borough of Islington

## Planning Committee - 11 September 2023

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 11 September 2023 at 7.30 pm.

**Present:**        **Councillors:**        Klute (Chair), North (Vice-Chair), Poyser (Vice-Chair), Clarke, Convery, Hamdache, Hayes, Jackson, McHugh and Ogunro

**Also Present:**        **Councillors:**

### Councillor Martin Klute in the Chair

68        **INTRODUCTIONS (Item A1)**

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

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

Councillor Jackson declared a personal interest in item B1 as he is presently a Governor Parent of Central Foundation School.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 18 July 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

74        **99 CITY ROAD, ISLINGTON LONDON EC1Y 1AX (Item B1)**

Partial demolition and redevelopment to erect a building up to 35 storeys (plus basement), comprising increased office floor space (Class E[g]); commercial floorspace (Class E); a multi-purpose flexible space (Sui Generis); flexible Commercial / Community Uses (Class E/ F1); alterations to and formation of new landscaping, public realm, plant, cycle storage, servicing and delivery space and

other associated works. (DEPARTURE FROM THE DEVELOPMENT PLAN)

(Planning application number: P2023/1070/FUL)

In the discussion the following points were made:

- Planning officer advised meeting that since agenda was published a letter of support from the Old Street Partnership (OSP) was received welcoming the range of employment and SME benefits and opportunities that could be generated by the scheme, the improvement to public realm and landscaping on all sides of the building and also with the pavement width being increased.
- Also a letter of objection from a South Shoreditch resident was received concerning the cumulative impact of various developments on local residential amenity through construction activities and also vehicular movements influenced by road layouts.
- There was also concern that the report does not sufficiently appraise how the proposed development might influence or preclude development coming forward at 250 Old Street, that the sites' interconnectivity should be better explored and the application site should be designed holistically with 250 in context and that the placement of windows on the elevation is also deemed to compromise development at 250 Old Street.
- Planning Officer clarified that there are no windows to the eastern elevation as it is evident on the submitted floor plans and C
- GI drawings.
- Meeting was advised that in light of the recent changes to NPPF which relates to onshore wind development, this has no planning implications for this scheme.
- In addition to the above, meeting was advised that Policy DH3 has been updated through the modifications which were consulted on in 2022 with the removal of the words "Any buildings proposed on these sites which exceed the identified maximum heights will be refused" in part C and that it is to be replaced with the words: "On sites identified as potentially suitable for tall buildings under this policy, development must not exceed the maximum building heights for that specific tall building location,"
- Finally Planning Officer informed the meeting of an addition to Heads of Terms of Recommendation A to include , the preparation and submission of a 'School Partnership Agreement' which details long-term partnership between Applicant and the Central Foundation Boys' School such as School Access and learning opportunities to Makerspace/ community space; School dedicated Access arrangements for Great Room; Programme for tailored apprenticeships, internships and work experience opportunities for the School with the Applicant and Opportunities for School pupils to be involved in the design of the construction hoardings.
- Planning Officer advised that site consists of a site allocation within the adopted and emerging Development Plan located within Opportunity Area Planning Framework in the London Plan known as Tech City. The site is also located within the CAZ.

- Key considerations for the application include, Land Use, Design and Appearance, Neighbouring Amenity, Transport and Highways and Energy and Sustainability.
- With regards to land use, planning officer advised that the redevelopment of the building for a new office development may be acceptable if it can be demonstrated that the existing building is no longer fit for purpose. Also the site allocation states that there is potential to redevelop Inmarsat House as a distinct landmark building of up to 26 storeys (106m), that Inmarsat House forms a central part of the Old Street Tech City Cluster. Planning Officer also stated that the height and form of any development must be calibrated to not encroach into and detract from the view onto assets within the locality.
- Meeting was advised that the refurbishment and redevelopment presents an opportunity to substantially improve the quality of the local environment, to engage with Transport of London on addressing capacity issues around the Old Street London Underground Station and Thames Water on wastewater capacity.
- It was noted that Inmarsat House currently is 41m over 10 storeys, site allocation 106m 26 storeys while the proposed development is 151m and 35 storeys with 2 basement levels.
- In terms of context within the locality, Planning Officer highlighted a number of tall buildings within the locality , the White Collar Factory, Bower House, 161&250 City, the Atlas building and the Art’otel in the neighbouring borough of Hackney.
- Planning Officer noted that the development has been influenced by a variety of factors, that the Old Street Roundabout is a strategic junction in the borough and central London and highly visible from all directions , that the site proposes to be a focal point of an Old Street roundabout cluster, designed to function as the front door to the South Shoreditch tech city area and will act as the counterpoint to the other tall buildings in proximity such as the Atlas Building.
- In terms of design consideration meeting was advised that following a long period of collaboration by both the applicants and the council, the scheme has taken its cue from a variety of influences such as preserving amenity of neighbouring residents, responding to townscape, buildings orientation towards particular viewpoints, height, massing and bulk, materiality etc. The scheme is about providing the right quantum of floor space and height to create a building that is not overwhelming massive or bulky etc.
- Meeting was advised that the overall floorspace is approximately 63000sq.m and incorporates an uplift of over 40,000sqm of Category A office floorspace, and delivering over 4300sq.m of affordable workspace in perpetuity.
- In addition Planning Officer advised that the scheme will provide active frontages to all three street facing elevations and will include a café, a community space and an events space. The scheme will provide enlarged and enhanced public realm around its footprint as well as generous upper level terraces.
- It was acknowledged that the height of the building constitutes a departure from the development plan, that its additional height would constitute harm, that Islington’s Development plan and policy requires public benefits to be

accumulated and various tests responding to economic, social and environmental considerations to be passed before such height can be supported.

- In addition to the affordable workspace and the public realm benefits, the scheme achieves exceptional design standards, particularly at the podium level where outstanding elevational detail is proposed. At upper levels, the main shaft of the tower is designed with angular components to align with streets and buildings to create a visually dynamic building which changes its form and massing from different view points.
- The range of benefits that the scheme offers, many of which will be secured through a legal agreement include a substantial provision of affordable workspace, the provision of an event space that can be used by the community and community groups, a community training space for creative and manufacturing technology, a substantial contribution towards the Council's participation in a jobs and training scheme for hard to reach sections of the Borough's workforce, contributions towards cycle hire, cultural programming, CO2 offsetting and accessible transport provisions.
- It was noted that the proposed development would not give rise to negative daylight, sunlight, overshadowing and glare impacts and would in some cases improve the daylight conditions for some neighbours.
- The scheme will deliver dedicated off street servicing yard which is accessed via Cowper Street, the provision of dedicated cycle parking spaces and end of trip facilities with showers and lockers. One accessible car parking space will be provided on street in Cowper Street and several new high quality landscaped roof terraces will be constructed at various locations going up the height of the building.
- The scheme proposes the installation of 881 long stay cycle parking spaces, 176 of which would be Sheffield stands for non-standard accessible bikes. This presents an uplift from the existing 30 cycle parking spaces and 15 car parking spaces. This cycle parking provision will be supplemented by 40 short stay cycle parking spaces in various locations at ground floor level around the buildings and its external spaces.
- Members were reminded that Cowper Street is a key pedestrian route linking Old Street Station and City Road to South Shoreditch and that the underground station exit is heavily used during peak commuting times, that the street currently lacks any animated street frontage, greenery or amenity. It was stated that improvements to Cowper Street will help ease these issues and contribute to a well designed pedestrian friendly planted link between Islington and Shoreditch.
- In a response to a question on the impact of the scheme on Central Foundation School, meeting was advised that the applicant has reached out to the school to establish similar types of partnership including ways for the proposed development to overcome the school's space constraints and address employment and skills. In addition to the above, applicant aims to work closely with the school throughout the construction and operational phases to ensure that the development can align with the school in partnership. Meeting was advised that Officers have proposed to the applicants a method under which the legal agreement for this application can

use reasonable endeavours to formalise a relationship with the school to perpetuate this partnership.

- On the height concern, the Planning Officer stated that the tower is designed as omni-directional with multi-faceted facades to each edge with varying fenestration proportions and patterning, that its base 'lands' on the western part of the podium, spread over a number of floors at lower levels, before the tower begins its marked and high ascent. It dramatically 'comes to ground' only once on the site, to part of the primary City Road frontage, a successful architectural move.
- On the issue of the height of the tower, planning officer noted that given the sculpting of the tower and the general high quality of the architecture, coupled with the site's primary position within the urban structure, and having regard to the emerging cluster of towers in this part of the city, from an urban design perspective, the height of the building is considered acceptable.
- Planning Officer also acknowledged that while there are some environmental impacts with regard to sunlight and daylight on some adjacent homes, and to outlook, the microclimatic conditions generated by the tower are considered acceptable and that the impact on the new public open space to Old Street is neutral.
- In response to a question on setting precedent, the applicant justified the height from an architectural perspective framed around a response to adopted and emerging policy supported by the evidence (Tall Buildings Study), that the starting point is the site allocation informed by the aforementioned evidence which states the site's role is to be the focal building within the Old Street cluster. Applicant also stated that it would need to be of the highest quality and of outstanding architecture that adds distinctiveness to the cluster as well as respond to the Atlas building which is the nearest structure of comparable height and form.
- In terms of Architecture, members were advised that the building form is designed to create a slender and dynamic form from all angles within which it is visible, that its exposed location at a key junction means that it is visible in axial views. Meeting was informed that a design language has come forward of folding the building which ensures the presence of a proportionately modulated tower responsive to context, that the folds or breaks or cranks in the facades are specifically designed to relate to the surrounding context. Meeting was advised that the opportunity arises to create 8 external landscaped terraces, each of which responds to the height or crown of specific buildings that are appreciated in the setting and context of 99 City Road.
- The applicant reiterated the benefits of the height, that this represents a rare opportunity to provide a substantial quantum of office floorspace with minimal wider impact. It includes retention of the existing building and creation of a reduced footprint; an opportunity exists to provide for a better public realm setting, that its current inactivity and relationship with the public realm around is to be replaced with a redefined corner site – particularly at ground floor – as a place for meeting and arrival that works with the new public square at the junction of Old Street and City Road.

- 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 urban location.
- Planning officer advised that building has been designed with amenity protection as a key aim, that the folds and kinks in the elevations allows for pathways of daylight and sunlight to existing buildings to be protected, that the scheme has no impact in terms of outlook or sense of enclosure and privacy as it is sufficiently set away from neighbouring residential properties and separated by established highways.
- It was noted that applicants have confirmed that 256 windows serving 140 rooms have been assessed, that 67 windows will gain daylight as a result of demolitions. On the remaining 189 windows, 155 windows show reductions which are within the BRE guidelines. It was also stated that 34 windows are affected beyond the 20% reduction whereby daylight reductions become noticeable, that 11 of these 34 retain a VSC of between 15.47% and 18.8% which would exceed the applicants' target VSC and is considered to be excellent for a densely developed city centre location where there are other tall buildings present within a narrow highway framework.
- With regards to construction impacts, planning officer advised that site is within a ULEZ and vehicular pollution is subsequently controlled, that the full and final CEMP will be more detailed and far more effective at appraising highway movements noting that it is a car free development.
- In terms of daylight, sunlight and overshadowing, planning officer advised that there is no overshadowing as a result of the height of the building or glare effect to drivers along the Old street.
- With regards energy and sustainability of the scheme , planning officer highlighted a number of measures, that 63% of structure will be reused, that the proposed building will aim to perform 46% better than Part L 2013, that no fossil fuels will be used for power, blue roofs will be provided and with the rainwater being harvested water demand will be cut by 55%, that 95% of the demolition material will be diverted from landfill and 20% of materials recycled etc.
- In addition to the above, meeting was advised that the scheme will result in a 49% reduction in regulated CO2 emissions baseline and 23.9% reduction in total emissions. Also applicant has offered a carbon offset contribution of £606,433.
- Planning Officer in summary indicated that the scheme delivers and exceeds planning and public benefits through exceptionally high quality design which is positively transformative to the OSR, substantial provision of office floorspace; substantial contribution towards affordable workspace; meaningful and effective contributions towards tackling worklessness in the Borough through the LIFT programme; providing substantial community space for teaching, training, SMEs as well as charities and local groups; providing comprehensive improvements to the quality of the public realm especially to Old Street where the pedestrian environment is currently poor; providing substantial accessible landscaped space on terraces. Terraces are user centric and not plant zones; delivering an exceptional environmental

performance and generates no worsening of residential amenity and addresses microclimate.

- In terms of s106, meeting was advised that the following benefits have been secured by the legal agreement some of which are approximately 40,000sqm, a net increase in office floorspace; over 4200sq.m net increase in affordable workspace for perpetuity; over 200sqm for a publicly accessible meeting space known as a great room providing the flexibility also to be used by charities and LBI affiliated groups over 26 days per year; a maker space with a FabLab to provide for teaching working training and entrepreneurial space; operational budgets for both rooms; significant contributions towards the Council's role in the LIFT programme to tackle worklessness in the Borough particularly with hard to reach groups that is proven to get people into work, create meaningful start ups and generate business rates; contributions towards cultural enrichment; substantial new public realm, planting, and resurfacing; opportunities for better access for cyclists and opportunities for collaborative working, support and partnership with the adjoining school.
- In response to a member question about the microclimate impact, the inappropriate massing of the scheme and impact on neighbouring heritage assets especially in light of comments from Historic England, the Planning officer advised that the scheme has been subjected through a wind tunnel assessment, that this is a different building with a slender tower being proposed in comparison to the existing cuboid buildings.
- On the provision of the 'Great room' for 26 days for 10 years and the community space and the possibility of extending its use, applicant advised that at this stage it is unable to commit as it is difficult to foresee the future especially in light of advancement of technology, however will continue to discuss this with the authority.
- A suggestion of 10-15 year of extension was noted.
- On the impact of the construction activities on the pupils of Central Foundation School and immediate benefits, applicant highlighted the various offers both during and post construction, however are willing to continue discussion with the schools besides the offer of internship, placements and design of hoardings around the site. A suggestion to amend S106 so as to ensure that developers and school continue further discussion was noted.
- On concerns about traffic flows around the proposed building and in particular its impact on surrounding roads, the planning officer advised that traffic assessment had been undertaken and no objections from TFL. A suggestion to amend the wording of Construction and Environment Management plan was noted.
- In response to a question on whether the design architect for the scheme will be retained for the whole period of construction, the planning officer acknowledged that this has been secured in s106 agreement.
- Islington Society raised concerns about the height of the building and its impact on the streetscene, that it is contrary to the recently Local Plan approved by Islington's Executive, that this was setting a precedent for future sites like the Moorfield Eye Hospital. In addition, concerns was raised that comments from the Design Review Panel and Historical England had not

been taken into consideration, stating that the scheme would have an adverse impact on neighbouring amenity, the noise and pollution, loss of sunlight and daylight and that its consideration should be deferred.

- A resident living on Tabernacle Street was concerned about vehicular movements, the delivery and servicing arrangements and the refuse collection especially as access into the site was via a narrow residential road with potential harm to the fabric of buildings that were over 100 years.
- Another neighbouring resident was concerned with the loss of view, that residents had not been consulted, that the developments in the area were having an impact on water supply citing a tree with stunted growth. He was also concerned the area was slowly being gentrified, with small business now taking the places where residents lived, and that the construction of the building will worsen the bottlenecks in and around the Old street area and its adverse impact on the infrastructure.
- In response to issues with traffic in and around surrounding local roads, applicant advised that the removal of the car park will result in less vehicular movements and that the scheme is a car free development and that most of the impact around will be addressed via the Construction and Environment Management plan.
- On the question of whether the scheme will be setting a precedent, the planning officer advised that each application is assessed on its merits, that its unique characteristics, location and the way the building is designed is not transferable to other sites such as Moorfield.
- In summary, the Chair noted that the height of the building is a key issue and the issue was whether benefits offered outweigh the adverse impact of the scheme. Also another issue for consideration is if precedent is being set here by allowing the scheme, noting the applicants view that a slender building has less impact than a squat form of building, and it is not transferable to other sites. Members were invited to look at servicing and delivery hours and also to modify the construction and environment management plans especially in its relationship with the school.
- Member requested that item be deferred as the scheme is contrary to council's local plan, so that developer can bring back to committee a smaller iconic building that aligns with Islington's policy.
- Member stated that although there were concerns with the scheme, the benefits such as the affordable work space provision in perpetuity; the employment opportunities for local residents are to be welcomed subject to the inclusion of conditions with regards the continued use of the Great room and the Maker space beyond the period of 10 years.
- Member queried the overdevelopment of the site, that scheme will result in an additional 12,000sqm office space and 2500 jobs, that the proposal was more or less architectural /developer policy presented with benefits to mitigate a departure of council local policies, requesting that application be deferred especially as there was nothing exceptional about the benefits being offered as it will not offset the harm from the height of the proposed building.



- Chair requested a vote on the motion for item to be deferred to allow for further consideration of the height of the building and the package of benefits offered. Motion was not carried.
- Members agreed the following additions
  - that servicing hours be amended to be 7am-10pm,
  - that the Head of Terms be amended to state that developer and council consider extending the use of the Maker Space from the 10 years proposed to a possible 25 years
- Also members agreed that in light of the disruption during construction activities to the Central Foundation School, that the construction management plan to include further discussions beyond the partnership agreement.

Councillor Klute proposed a motion to grant planning permission subject to the changes noted above. This was seconded by Councillor McHugh 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.

- 75 **ARCHWAY CAMPUS, 2-10 HIGHGATE HILL, LONDON N19 5LP (Item B2)**  
Temporary change of use of existing buildings to non-residential artists studios and exhibition space (Sui Generis) for a period of 5 years.

(Planning application number: P2022/4011/FUL)

In the discussion the following points were made:

- Planning officer informed the meeting of a number of updates since agenda was published.
- Firstly meeting was advised that due regard has been given to the updated version of NPPF published 5 September 2023, changes which relate to an update written in ministerial statement, to update policy for onshore wind development in England, that officers can confirm that it is not material to its assessment of the application.
- Also letter of objection has been received from local arts charity stating that there are too many artists which will impact on neighbouring amenity and affecting local charities in the area.
- Also officers received letter from the Islington Society, agreeing with the officers recommendation of reasons for refusal and a provisional timetable has been received by the Local Planning authority setting out the appeal process.

## Planning Committee - 11 September 2023

- Meeting was advised that site comprises an area of approximately 1.47 hectares and occupies a prominent location to the northern edge of the Archway gyratory and is currently vacant.
- Planning Officer advised that site was designated as the Holborn Infirmary Conservation Area in March 2014 and is considered to be 'At Risk' and is on Historic England's Heritage at Risk Register and that the historic buildings on the site are locally listed and include the Holborn Union main range with its landmark central tower and administration block fronting Archway Road.
- No detailed proposed internal layout plans have been provided for all floors to illustrate how the internal space within the existing buildings would be subdivided.
- The proposal provides 17,561 sqm of temporary floorspace, that there will be 326 artist studios supplemented with exhibition space, lecture space, ancillary offices, site workshop and canteen. Meeting was advised that it is estimated for estimated 800 artists (approx. 2.5 per studio) and will be operating 24 hours a day/ 7 days a week and that it will be set up and managed by SET with other sites across London.
- Planning Officer advised members that Local Planning Authority has received notification of the appeal for the Non-Determination (Appeal Ref: APP/V5570/W/23/3326166), therefore Authority will not be determining the application but the Planning Inspectorate.
- Meeting was advised that in light of the applicant's appeal, the report before committee is to agree the basis on which the council will defend its case at the appeal, that officers would have refused the application on 8 grounds had the appeal not been submitted.
- Planning Officer advised that the key planning considerations are the Principle of Development, Land Use, Accessibility and Inclusive Design, Neighbouring Amenity, Fire Safety, Implications for Projected CIL Contributions and Planning Obligations and CIL.
- Members were advised that firstly, the meanwhile use would be of a far greater scale than the limited local need for artists' studios/exhibition space that has been identified by the Council, that it would result in the over-provision of artist's studios.
- Also the proposed temporary use, by reason of its scale and intended period of occupation, could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary 5 year period with insufficient capacity for local re- accommodation.
- Meeting was reminded that vacant site is subject to emerging Site Allocation, ARCH5, for residential led development which sets out that "*given the very limited supply of development land in Islington, policies strongly prioritise the most urgent need, which is conventional housing*", that it is considered that the proposed meanwhile use, by reason of the 5 year period of use; its proposed scale; the extent of occupation across the site, its timeframe for roll out, that it would impede the policy priority for the residential led redevelopment of the site and the urgent delivery of conventional housing in the borough and reduce the incentive to deliver the housing as soon as possible.

- In addition to the above, Planning Officer stated that the proposal also fails to provide adequate measures to address accessibility and inclusive design requirements and therefore fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and visitors. In addition, the proposal fails to provide sufficient measures to demonstrate that the operation of the proposed meanwhile use would achieve the necessary highest standards of fire safety and ensure the safety of all building users and visitors.
- It was noted that the meanwhile use will have very substantial implications for Community Infrastructure Levy (CIL) on future redevelopment as the proposed meanwhile use, which is expressly pending long term residential development of the site would result in a substantial reduction of the projected CIL contributions that future residential development would generate.
- With regard to neighbouring amenity meeting was advised that representations were received from neighbouring residents raising objections in relation to undue noise and disturbance, and safeguarding and security. There was also concern that the excessive scale of use would result in adverse amenity impacts, including noise and disturbance to neighbouring residents, through the intensification of activity arising from the quantum of artist studios/ exhibition space; the extent of occupation across the whole site, and the intention to operate the use for 24 hours a day/ 7 days a week.
- Finally, Planning Officer advised that in the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development.
- In terms of planning balance, the Planning Officer stated although there are benefits such as bringing the vacant buildings at Archway Campus back into active use and providing some economic, cultural and community benefit to Archway town centre and to the artists themselves and having an appropriate use for the vacant historic buildings on the site, which are locally listed, could also likely help with their physical condition, however there are adverse impacts as the proposal gives rise to a far greater scale than the local need and its over provision could result in significant number of occupiers being displaced at the end of the temporary 5 year period. It was also noted that the proposal would impede the urgent delivery of conventional housing and reduce the incentive to deliver housing as soon as possible; the potential impacts on residential amenity; the insufficient provision of acceptable accessible and inclusive design measures; fire safety standards and the implications for projected CIL payments.
- In addition, members agreed to include in reason 2 that no succession plan has been put forward for when the meanwhile uses ends.
- On the question on whether the applicant had produced any evidence of the high need/demand of actors and whether any strategy /plan was in place on the dispersal of artists after the end of a 5 year period, meeting was advised that no details on any of these issues was provided in the applicants submission, nor any mitigation measures.

- Florence Trust representative informed the meeting that the opportunity to utilise a building on this site came as a result of being evicted from their site in 2019, that having approached Seven Capital who acquired the site, the trust will be able to provide affordable workspace for both local and international artists, that it represents an opportunity to generate income for the trust with the hope that they would be able to purchase their own home and remain in Islington. Meeting was advised that there is a high demand for accommodation for artists.
- A director of a local art charity, Bomb Factory objected to the proposal that it is an example of art washing with their long term plan for building expensive apartments, that the proposal will destroy the local charities already doing good work in the area, that the temporary nature of the use was not in line with the CEZ ideals of creating a sustainable. Charity welcome officers recommendation to refuse planning permission.
- During deliberation, members were concerned with scheme not having no step-free access to some of the studios which are marked on plans as accessible, or from some of the studios to the canteen; insufficient evidence of securing safe transport opportunities for disabled users with no accessible cycle parking and no convenient routes to accessible parking spaces; insufficient accessible sanitary/WC provision; that proposal fails to provide adequate measures to address accessibility and inclusive design requirements and, therefore, fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and visitors.
- In response to comments by the inclusive Design Officer that the proposal would be a breach of the Equality Act, it was suggested that reason no 6 be amended to reflect the breach.
- Members were advised that Officers would have recommended to Committee to refuse planning permission for the following reasons set out in Appendix 1 of the report and includes the following:

1.The proposed meanwhile use, which would facilitate up to 326 studios, is of a far greater scale than the limited local need for artists' studios/exhibition space that has been identified by the Council. It is therefore contrary to Policy HC5 of the London Plan and Policy R9 part B of Islington's Draft Local Plan.

2.The proposed temporary use, by reason of its scale, and intended period of occupation, could lead to significant numbers of occupiers being displaced into the surrounding area at the end of the temporary period with insufficient capacity for local re- accommodation. It is therefore contrary to Policy HC5 of the London Plan and Policy R9 part B of Islington's Draft Local Plan.

3.The proposed meanwhile use, by reason of: (i) the period of use proposed; (ii) its proposed scale, (iii) extent of occupation across the site, and (iv) its timeframe for roll out, would impede the policy priority for the residential led redevelopment of the site and the urgent delivery of conventional housing. The proposal is therefore contrary to: (i) emerging Site Allocation ARCH5; (ii) with the urgent imperative to deliver conventional housing on the site reflected in the housing targets in draft Local Plan Policies H1 Part C and H2 Part B; (iii) CS12 Part B in the current Local

Plan Core Strategy, which seeks to ensure continuous supply of land for housing; and (iv) emerging Policy R9 - Meanwhile/temporary use part B (i).

4. The proposed meanwhile use, which is expressly pending long term residential development of the site, would result in a substantial reduction of the projected CIL contributions that residential development would generate. It is therefore unacceptable as being inconsistent with the statutory scheme in relation to CIL. The CIL contributions from the residential development are a necessary material consideration under s.70(2)(b). They are necessary for s.205 purposes. Granting this permission would significantly reduce those contributions with necessary planning consequences. The proposal would therefore hinder the council's ability to address and mitigate future impacts on local infrastructure which would result from the future large scale residential led redevelopment of the site. As such the proposed change of use would result in a loss of enhancements to services and the environment necessary as a consequence of demands created by a residential redevelopment of the site, contrary to adopted Policy CS18 of Islington's Core Strategy, Policy DM9.1 of Islington's Development Management Policies related to infrastructure provision and contrary to the emerging Policy ST1 on Infrastructure Planning and Smart City Approach of Islington's Draft Local Plan.

5. The proposed meanwhile use would, due to the proposed excessive scale of use, result in adverse amenity impacts, including noise and disturbance to neighbouring residents, through the intensification of activity arising from the quantum of artist studios/ exhibition space, the extent of occupation across the whole site and the intention to operate the use for 24 hours a day. The proposal is therefore contrary to London Plan Policy D3 and Islington's Draft Local Plan Policies PLAN1 B, R9 B (iii) and DH5.

6. The proposal fails to provide adequate measures to address accessibility and inclusive design requirements and therefore fails to demonstrate that the proposal would result in inclusive, accessible buildings which meets the needs of intended occupiers and visitors. The proposal is, therefore, contrary to Policy D5 of the London Plan, Islington's Inclusive Design SPD, Policy DM2.2 Part A of Islington's current Development Management Policies, and Policy PLAN1 (B iii) in Islington's draft Local Plan.

7. The proposal fails to provide sufficient detail to demonstrate that the operation of the proposed meanwhile use would achieve the highest standards of fire safety and ensure the safety of all building users. The proposal is therefore contrary to Policies D5 and D12 of the London Plan.

8. In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (highway and footway works, parking bay relocation, employment and training, carbon offsetting, and Travel Plan), and as such the proposal fails to accord with policies CS10, CS13, CS18 and CS19 of Islington's Core Strategy (2011), policies DM7.1, DM7.2, DM7.4, DM8.2, and DM9.2 of Islington's Development Management Policies (2013), and Islington's Planning Obligations SPD (2014) and the Environmental Design SPD (2012) as well as emerging Local Plan Policy B5.

## Planning Committee - 11 September 2023

Councillor Klute proposed a motion to agree officer's reasons for refusal. This was seconded by Councillor North and carried.

The meeting ended at 10.40 pm

**CHAIR**

**ADDENDUM TO  
 PLANNING COMMITTEE REPORT**

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>	B1
<b>Date:</b>	12 <sup>th</sup> October 2023	<b>NON-EXEMPT</b>	

<b>Application number</b>	P2022/2893/FUL
<b>Application type</b>	Full Planning Application – Major
<b>Ward</b>	Bunhill
<b>Listed building</b>	N/A
<b>Conservation area</b>	Within 50 metres of Bunhill Fields and Finsbury Square;
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity Area; Bunhill & Clerkenwell Core Strategy Key Area; Employment Priority Area 20 (General) (Epworth Street/Old Street); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough); Moorfields Archaeological Priority Area; Site Allocation BC48
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	Castle House, 37 - 45 Paul Street, Fitzroy House 13-17 Epworth Street and 1-5 Clere Street
<b>Proposal</b>	Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	Lion Portfolio Ltd
<b>Agent</b>	DP9

## 1. RECOMMENDATION

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

1. Subject to 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**; and
3. Subject to any direction by the Major of London to refuse the application or for it to be called in for the determination by the Mayor of London.

## 2. BACKGROUND OF DEFERRAL

2.1 The application was on the 18 July 2023 Planning Committee meeting. At the meeting the Chair outlined, prior to the application being presented to members by officers, that the item would not be considered in order to provide officers and the applicant sufficient time to further address the quality of affordable workspace, the whole life carbon assessment and a consideration of the impacts to residents with protected characteristics. It was considered that these aspects of the proposal have the potential to go to the heart of the design of the scheme and could result in fundamental design changes once addressed.

2.2 Since the 18 July 2023 Planning Committee meeting, the Applicant has submitted additional/updated information as follows:

- Updated Whole Life Carbon assessment Revision 08 dated 28 September 2023;
- Updated Circular Economy Statement Revision 08 dated 28 September 2023;
- Updated consolidated Affordable Workspace Statement dated 11 August 2023;

2.3 The Applicant has been corresponding with officers at both London Borough of Islington and the Greater London Authority since the 18 July 2023 Planning Committee meeting, with the Applicant submitting the updated WLC and CE details to the GLA for comment.

## 3. LOCAL PLAN UPDATE

3.1 At a meeting of the Full Council on 28 September 2023, the adoption of Islington's new Local Plan was approved. The new Local Plan consists of three elements: the Strategic and Development Management Policies; Site Allocations; and Bunhill and Clerkenwell Area Action Plan and will cover the period up to 2036/2037.

3.2 The new Local Plan will guide development in the borough over the next 10-15 years and will play a vital role in helping deliver the council's priorities including its social, economic and environmental objectives. It includes a robust, ambitious and innovative set of planning policies, with some key policy requirements going over and above the London Plan policies. For instance, the new Local Plan sets higher requirements for securing genuinely affordable housing. Similarly, Islington's policies on tackling climate change go beyond the London Plan requirements in several ways, including in relation to energy efficiency and whole-life carbon.

3.3 The previous report to Committee in July 2023 made reference to policies in Islington's adopted Local Plan (Core Strategy (2011), Development Management Policies, Site Allocations and Finsbury Local Plan Development Plan Documents (DPDs) (all 2013)). It also referred to 'Emerging policies' of the new Local Plan. Both adopted and emerging policies were correctly considered according to the weighting at that time. In taking this item back following deferral, the policy context that has changed is the weight that can be attributed to each Plan. Since July 2023, the weight to be attributed to the 'new Local Plan' has now increased and those policies can now be given full weight in determining the current application. The previous Local Plan has now been superseded and no weight can be given to those policies in determining the current application.



## 4. CONSULTATION

- 4.1 Further to the previous consultation, the application was re-consulted upon for 14 days. Letters were sent again to occupants of 1,346 adjoining and nearby properties on 24 August 2023. A site notice and press advert were displayed on 24 August 2023.
- 4.2 It is the Council's practice to continue to consider representations made up until the date of a decision. As such, should any representations be received after the publication date of this report, and up to the date of a decision, these will be given full consideration, reported to the Committee and where necessary an update provided regarding the assessment.
- 4.3 Since the 18 July 2023 Planning Committee Report was published, 1 comment in support of the application has been received and a further 30 new objections have been received, alongside updated objections from those who have already objected to the proposal. As such, the total number of objections received is **133** to date. The objections received which include further or new points are summarised as follows:

### Statutory Consultation

- Those with a significant interest in this application were away on holiday and so it is unreasonable for the Council to expect interested parties to be able to review and respond to this documentation within the stipulated 14-days period of this re-consultation, even with the benefit of professional advice. *[Officer response: Extensive public consultation has been undertaken by the Council in accordance with statutory requirements and the Council's Statement of Community Involvement, whilst officers will continue to consider representations received up until the date of decision.]*

### Sustainability

- Multiple deficiencies in the applicant's assessment to the point where the technical case for demolition cannot be considered to have been appropriately made in planning policy terms. the embodied carbon (m2) rate claimed for the proposal is 1,862 kgCO<sub>2</sub>e/m<sup>2</sup> (according to the applicant's Whole Life Carbon Assessment (dated July 2022), which, if correct and still the case, substantially exceeds the LETI 2030 Target for offices of 530 kgCO<sub>2</sub>e/m<sup>2</sup>. Hence, the proposed development would not meet the LETI 2030 Target and it follows that a comprehensive retrofit/refurbishment would be the most carbon efficient outcome;
- A 'Report on the proposed demolition of Castle and Fitzroy House' prepared by Preoptima submitted by objectors, in which "the report focuses in particular on greenhouse gas emissions (commonly termed as carbon emissions), structural considerations, a circular economy ethos, and the alignment of the proposed development with LBI's Climate Action Plan and wider efforts on how the UK can achieve a sustainable built environment".  
*[Officer response: See paragraphs 6.1–6.22 below which address updated sustainability, whole life carbon and circular economy considerations.]*

- 4.4 The further objections received reiterate points and concerns raised previously and considered in the 18 July 2023 Committee Report at Appendix 3.
- 4.5 Further responses from the following consultees have also been received:
- 4.6 London Borough of Hackney: Objection. The proposal would result in a loss of light to 2 residential buildings located to the north on Clere Street resulting in a harmful loss of amenity for the occupiers of those buildings.

Hackney's previous consultation response is within paragraph 7.8 of the 18 July 2023 Planning Committee at Appendix 3.

- 4.7 Other responses from external stakeholders (Cross Rail, Transport for London, Historic England etc.) have been received confirming that no further comments are raised on the application and any previous comments (as outlined in paragraphs 7.6-7.15) of the 18 July 2023 Planning Committee Report at Appendix 3.

## 5. PUBLIC SECTOR EQUALITY DUTY

- 5.1 The public sector equality duty ('PSED') is found in s149 of the Equalities Act 2010 and provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 5.2 The relevant protected characteristics are "age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, and sex and sexual orientation."
- 5.3 The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- 5.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.5 Each Local Planning Authority is subject to the Public Sector Equality Duty in carrying out its functions. The PSED requires the taking of reasonable steps to make enquiries about what may not yet be known to the LPA about the potential impact of a proposed decision or planning policy on people with the relevant characteristic.
- 5.6 When discharging the PSED, this does not require a formal assessment such as an Equality Impact Assessment but does require some assessment to be made.
- 5.7 It has been highlighted within representations received that a number of residents at 10 Epworth Street are within a protected characteristic, being those with a disability, and should be considered as part of the PSED.
- 5.8 Officers have considered whether people with a disability would be unacceptably and/or disproportionately adversely impacted by the proposed development. It has been outlined that the proposed development would see a reduction in daylight at paragraphs 9.210 to 9.217 of the 18 July 2023 Committee Report at Appendix 3. Officers have considered the impact of the development upon all neighbouring residential properties against BRE guidance including those with protected characteristics. It should be noted that 10 Epworth Street has a number of architectural features as existing which limits existing levels of daylight (overhanging balconies/walkways) and as such windows to 10 Epworth Street are susceptible to reductions in daylight from development of the subject site. The impact of the daylight upon all neighbouring properties has been fully considered and it is considered that the proposal would not be disproportionately disadvantage residents of 10 Epworth Street.
- 5.9 Further, other impacts upon neighbouring amenity have also been considered to all neighbouring residential properties and those with protected characteristics, including loss of outlook, sense of enclosure, loss to privacy from overlooking, increase in noise and disturbance.
- 5.10 A number of objections raised suggest that the proposal would be of detriment to the access of neighbouring buildings, specifically 10 Epworth Street. The proposal does not seek to remove or change the access arrangements to this neighbouring building. Concerns regarding access during construction are to be considered through the submission of a finalised 'Demolition and Construction

Environmental Management Plan' which should ensure that the disturbance, including access arrangements and noise, to neighbouring buildings is minimised.

- 5.11 Further, it has been highlighted that the National Deaf Children's Society exists to campaign for and reduce inequality and protect individuals with protected characteristics. The representation states that the original committee report significantly misdirects the Committee Members as the report concentrates on the form of occupation, rather than the protected characteristics of the occupier's beneficiaries and the impact this scheme would have on them.
- 5.12 The charity is a tenant of the existing building, in which the charity exists to campaign for and reduce inequality and to protect individuals with protected characteristics. However, the occupier (the charity) is, therefore, subject to a lease between the owner and the tenant. As such, officers consider that given the existing tenancy is between the owner and the tenant in determining continued occupancy or vacating the unit, then the Local Planning Authority has no remit to be involved in this commercial arrangement. This is therefore considered to be an indirect impact.
- 5.13 In summary, it is considered that officers have had regard to the equality duty, in the exercise of their functions, and had due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not. Officers acknowledge that although there would be some negative direct impact to neighbouring residents who have been identified as having protected characteristics due to the reduction in daylight to neighbouring windows/rooms, the extent of the impact is not considered unacceptable and disproportionate.

## **6. UPDATED ASSESSMENT**

### Whole Life Carbon

- 6.1 London Plan Policy SI 2 requires proposed developments to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint.
- 6.2 Local Plan policy S4 states that all major development proposals must calculate whole lifecycle carbon emissions through a nationally recognised whole life-cycle carbon assessment and demonstrate actions taken to reduce life-cycle carbon emissions (WLC).
- 6.3 An updated Whole Life-cycle Carbon ('WLC') assessment (revision 08 dated 28 September 2023) has also been undertaken to quantify the embodied carbon of the proposal. This would be updated at each design stage as more of the design becomes quantifiable, and the specific materials become known. This WLC Assessment has been prepared in line with the GLA's London Plan Policy SI2 and using the methodology outlined in the RICS Professional Statement 2017 and BS EN15978:2011.
- 6.4 The WLC assessment has been carried out for the proposed development in line with RICS Whole Life Carbon Guidance and relevant planning policy. The assessment is in line with GLA guidance on WLC assessments and demonstrates how the project has taken measures to reduce whole life carbon emissions. It is anticipated that the WLC emissions of the proposed development will be 2,300kgCO<sub>2e</sub>/m<sup>2</sup>. This can be broken down into upfront carbon excl. demolition (642 kgCO<sub>2e</sub>/m<sup>2</sup>), demolition of existing building (15 kgCO<sub>2e</sub>/m<sup>2</sup>), embodied carbon in use and end-of-life (465 kgCO<sub>2e</sub>/m<sup>2</sup>), and operational carbon (1,192 kgCO<sub>2e</sub>/m<sup>2</sup>).
- 6.5 The proposal would achieve embodied carbon of 642 kgCO<sub>2e</sub>/m<sup>2</sup> which would meet the policy requirement WLC benchmark for material quantity and end of life scenarios of 950 kgCO<sub>2e</sub>/m<sup>2</sup>, however would exceed the aspirational target of 600 kgCO<sub>2e</sub>/m<sup>2</sup>.
- 6.6 For all embodied carbon WLC benchmark, the proposal would achieve 975 kgCO<sub>2e</sub>/m<sup>2</sup>, which would meet the policy requirement of 1400 kgCO<sub>2e</sub>/m<sup>2</sup>, however would exceed the aspirational target of 900 kgCO<sub>2e</sub>/m<sup>2</sup>.

- 6.7 The GLA's sustainability officers have reviewed the updated/revised submission details and responded within a spreadsheet memo outlining each of the elements of the whole life carbon assessment methodology. The GLA have responded stating that there are no fundamental issues with the submitted WLC information and that all comments/queries have been addressed.
- 6.8 In order to work towards the aspirational benchmarks, further improvements via further design stages are sought through condition 25.

### Circular Economy

- 6.9 London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process. London Plan Policy SI 7 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, following the Circular Economy Statements LPG. Further, policy SI 7 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.
- 6.10 New Local Plan 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.
- 6.11 An updated Circular Economy ('CE') assessment (revision 08 dated 28 September 2023) with appendices and responses within the GLA Memo form has been submitted.
- 6.12 The revised Circular Economy Statement outlines that numerous studies have been undertaken into different design approaches for the site, including complete retention of the building, through various deep retrofits and façade retention schemes, and new build/full redevelopment.
- 6.13 The Applicant has conducted a number of studies that investigate the opportunity to retain the existing structure. An initial study was undertaken in January 2023 ("Retrofit vs New Build Briefing Note"). Following the Retrofit vs New Build Briefing Note, a further study was undertaken by the team in June 2023 to look in more detail at a retention scheme. The proposed retention scheme is designed to match that of the new-build as closely as possible, in order to provide a like-for-like comparison: both schemes have an approximately equivalent footprint, floor area, basement provision and appearance in townscape views.
- 6.14 In addition to the carbon, monetary and programme comparisons, the study acknowledged that the existing building is elevated from street level by circa 1m. The retention scheme would require the removal and replacement of the entire existing G/F slab to create level thresholds to all surrounding streets. The pavement widths are currently limited on Epworth Street and Paul Street. Improvements in the public realm, including wider pavements, are planned with the construction of the proposed building. This would require a cut-back to the existing structure in places.
- 6.15 The proposal requires the building of a basement underneath the existing structure. Plant and end-of-journey facilities are located in this basement in order to maximise public-facing G/F use and to maximise a useable roof terrace.
- 6.16 The proposal based on a new build with 2 levels of basements has an upfront carbon rate of 635 kgCO<sub>2</sub>e/m<sup>2</sup>. The alternative retention option would also have 2 basement levels and would retain parts of floors one and three. The upfront carbon rate of this scheme would be 601 kgCO<sub>2</sub>e/m<sup>2</sup>, just 5% less than the proposed redevelopment.
- 6.17 The study also concluded that for the retention option:

- To optimise the site, additional floors are proposed above the existing structure. This requires existing columns to be strengthened and existing slabs to be extended. A transfer structure is required on the top floor of the existing building for improved grids above;
- 10 existing cores are consolidated into a single central core and 2 satellite cores. Segments of existing structure are to be demolished to make way for an optimised core layout. Previously existing core locations would need infilling;
- The proposal requires the relocation and consolidation of the 5 UKPN substations distributed across the existing building. Floor-to-ceiling heights are constrained in the existing floor plans, which are likely to require perimeter servicing, resulting in reduction in net area;
- Under-performing and poor quality existing façades will require replacement. Use of cement mortar limits the re-usability of brick and non-thermally-broken frames and tinted glass limits the re-usability of the windows. Appropriate streams of recycling of these materials, where possible, will be identified.

6.18 The study concludes that there are significant complexities in achieving the desired outcome with re-use of the existing structure. Additionally the retention of the existing structure would not achieve the same level of future durability and adaptability as the new build scheme.

6.19 The pre-demolition audit identified a large amount of inert material in the building and therefore concludes that no materials were identified to be viable for reclamation or reuse within a redevelopment option, however 99% of materials are to be recycled accordingly.

<b>Circular Economy targets for existing and new development</b>	<b>Policy requirement</b>	<b>Target % aiming for by development</b>
Demolition waste materials (non-hazardous)	Minimum of 95% diverted from landfill for reuse, recycling or recovery.	95%
Excavation waste materials	Minimum of 95% diverted from landfill for beneficial reuse.	95%
Construction waste materials	Minimum of 95% diverted from landfill for reuse, recycling or recovery.	95%
Municipal waste	Minimum 65% recycling rate by 2030.	80%
Recycled content	Minimum 20% of the building material elements to be comprised of recycled or reused content.	20%

6.20 The GLA's sustainability officers have reviewed the updated/revised submission details and responded within a spreadsheet memo outlining each of the elements of the circular economy hierarchy. The GLA have responded stating that that most comments/queries have been addressed and no fundamental concerns remain.

6.21 In order to work towards the aspirational benchmarks, further improvements via further and finalised design stages are sought through condition 27.

6.22 It is acknowledged that there should generally be a strong presumption in favour of repurposing and reusing buildings, as reflected in paragraph 152 of the NPPF. With regards to the subject site, in which the existing buildings are structurally sound and are in a location with the excellent public transport and accessibility, justification of demolition and rebuilding. However, it should also be acknowledged that the use of the site should be optimised in accordance with the land use thrust (including site allocation for intensification of office use) and prevailing urban character, such as massing and heights.

#### Affordable Workspace

6.23 London Plan Policy E3 states that considerations should be given to the need for affordable workspace 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) or in locations 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.

- 6.24 At the time the application was submitted, and also when the application was presented to the Planning Committee in July 2023, the adopted policy in relation to Affordable Workspace was contained Islington's Development Management Policies 2013, which has now been superseded. Policy DM5.4 of the Council's Development Management Policies Document ('DMP') was concerned with the size and affordability of workspace.
- 6.25 The new Local Plan policy B4 states that within the CAZ and Bunhill and Clerkenwell Area Action Plan area, major development proposals involving office development must incorporate 10% affordable workspace (AWS) (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 or in perpetuity if the proposal is for over 10,000sqm in floorspace. For proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to the uplift in floorspace only and not the whole floorspace.
- 6.26 The applicant proposes affordable workspace provision to be located to the south western part of the building, at ground and lower ground level. The affordable workspace unit would measure a total of 2,008sqm which equates to 13.4% of the total uplift in office floorspace proposed. The applicant has agreed that the affordable workspace unit would be leased to the Council in perpetuity, in accordance with new Local Plan policy B4.
- 6.27 The affordable workspace provision would have a dedicated access on Epworth Street and would also have numerous other access points at lower ground level to the cycle/changing facilities and to the central atrium. As such, the affordable workspace unit would have the same access to the shared facilities as the other market office floorspace above, including the extensive rooftop terraces.
- 6.28 The updated Affordable Workspace Strategy has amended the layout of the proposed unit, relocating and expanding the lightwells at ground floor level just behind the southern elevation. Further, an additional lightwell has been included to the rear of the unit to allow for increased natural light to reach the lower ground area of the unit as shown in the now consolidated Affordable Workspace Strategy. The illustrative layouts included within the Affordable Workspace Strategy show that areas which would not receive direct natural light could be used for meeting rooms, storage, breakout/kitchenette areas and other back-of-house operational needs. On balance, given the above, officers consider that the delivery of affordable workspace proposed is considered acceptable.
- 6.29 The proposed Affordable Workspace unit and planning obligations to be secured through legal agreement is, therefore, considered to be in accordance with London Plan policy E1 and Islington Local Plan policy B4.

## **7. CONCLUSION**

- 7.1 Following the deferral of the application at the 18 July 2023 Committee Meeting, the Applicant has provided additional information to support the proposal. Officers' (including GLA officers) have assessed and reviewed this information and are content that it addresses the reasons for deferral. Officers' recommendation for approval subject to conditions and completion of a legal agreement, remains.
- 7.2 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. Provision of 2,008sqm affordable workspace unit at lower ground and ground floor level to be leased to the Council at peppercorn rent in perpetuity and a service charge of no more than 50%;
- b. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- c. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of (number to be confirmed by TfL) and carried out at the Applicant's expense;
- d. Submission of a full Travel Plan;
- 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: 16x. 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: £80,000;
- g. A contribution of £464,500 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: £21,265 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. Contribution towards employment and training for local residents of a commuted sum of: £183,777; 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

*Transport for London*

- o. Contribution (TBC by TfL prior to Stage 2) towards improvement to the carriageway of Wilson Street and Paul Street (Cycleway 1);

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, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

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



A284-MCO-XX-XX-DR-A-05001 rev: P03 - Location Plan;  
 A284-MCO-XX-XX-DR-A-05010 rev: P03 - Site Plan;  
 A284-MCO-XX-B2-DR-A-06108 rev: P03 - Proposed Basement Floor Plan;  
**A284-MCO-XX-B1-DR-A-06109 rev: P04 - Proposed Lower Ground Plan;**  
**A284-MCO-XX-L0-DR-A-06110 rev: P04 - Proposed Ground Floor Plan;**  
 A284-MCO-XX-L1-DR-A-06111 rev: P03 - Proposed L1 Floor Plan;  
 A284-MCO-XX-L2-DR-A-06112 rev: P03 - Proposed L2 Floor Plan;  
 A284-MCO-XX-L3-DR-A-06113 rev: P03 - Proposed L3 Floor Plan;  
 A284-MCO-XX-L4-DR-A-06114 rev: P03 - Proposed L4 Floor Plan;  
 A284-MCO-XX-L5-DR-A-06115 rev: P03 - Proposed L5 Floor Plan;  
 A284-MCO-XX-L6-DR-A-06116 rev: P03 - Proposed L6 Floor Plan;  
 A284-MCO-XX-R1-DR-A-06117 rev: P03 - Proposed R1 Floor Plan;  
 A284-MCO-XX-R2-DR-A-06118 rev: P03 - Proposed R2 Floor Plan;  
 A284-MCO-XX-XX-DR-A-06201 rev: P03 - Proposed North Elevation;  
 A284-MCO-XX-XX-DR-A-06202 rev: P03 - Proposed East Elevation;  
 A284-MCO-XX-XX-DR-A-06203 rev: P03 - Proposed South Elevation;  
 A284-MCO-XX-XX-DR-A-06204 rev: P03 - Proposed West Elevation;  
 A284-MCO-XX-XX-DR-A-06301 rev: P03 - Proposed Long Section;  
 A284-MCO-XX-XX-DR-A-06302 rev: P03 - Proposed Short Section;  
 0209853-HLE-XX-B2-DR-CS-10001 rev P01 - Combined Services Plant Layout Basement 2;  
 Acoustic Report 29065/AS-Stage2/Rev1 dated 15 July 2022;  
 Access Comments Response Document A284-10.01-107-RevA dated 03/02/2023;  
 Air Quality Assessment dated July 2022;  
**Affordable Workspace Update - A284-MCO-XX-XX-DS-A-04002 dated 11 August 2023;**  
 Archaeological desk-based assessment dated July 2022;  
 Biodiversity Impact Assessment dated June 2022;  
 BS5837 Tree Survey and Arboricultural Impact Assessment dated July 2022;  
 Castle & Fitzroy House - Demand Report dated July 2022;  
 Castle & Fitzroy House: additional view analysis (addendum) dated 9 January 2023  
 Design And Access Statement rev P3 - A284-MCO-XX-XX-DS-A-01000 dated July 2022;  
 Economic Regeneration Statement;  
 Energy Statement rev 03 dated 25.04.2023 and SKE-0209853-7C-HL-20221110-Future DEN  
 Connection dated 14/11/2022;  
 Environmental Noise Survey Report 29065/ES1/Rev1 dated 15 July 2022;  
 Fire safety statement for planning – Castle & Fitzroy House;  
 Flood Risk Assessment & SuDS Strategy Report dated 17 May 2022 and FRA & SuDS Strategy  
 Report Addendum dated 22/05/2023;  
 Ground floor plan-exceedance flows dated 23/02/2023;  
 Health Impact Assessment dated July 2022;  
 Landscape Statement A284-MCO-XX-XX-DS-A-01000;  
 Odour Assessment revision 02 dated 15 July 2023;  
 Outline Delivery and Servicing Plan dated July 2022;  
 Operational Waste Management Plan dated February 2023;  
 Preliminary Ecological Appraisal dated July 2022;  
 Proposed Drainage Strategy dated 16/02/2023;  
 Retail Impact Assessment dated July 2022;  
 Retrofit vs New Build Briefing Notes rev P02 dated 3 January 2023;  
 Site Investigation and Contaminated Land Assessment Report dated 30 May 2022;  
 Structural Method Statement (SMS) Report dated 20 July 2022;  
 Sustainability Statement rev 02 dated July 2023;  
 Townscape, Heritage and Visual Impact Assessment dated July 2022;  
 Transport Assessment dated July 2022 and Stage 1 Report – Applicant Response (Transport)  
 dated 18 January 2023;  
**Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215\_Castle and  
 Fitzroy House\_wlca\_assessment\_template\_planning\_Rev08;**  
**Circular Economy Statement revision 08 dated 28 September 2023 and  
 gla\_circular\_economy\_statements\_template\_Castle Fitzroy House \_Rev05;**

	<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>
<b>3</b>	<b>Materials (Detail and Samples)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses for all facing bricks;</li> <li>b) render (including colour, texture and method of application);</li> <li>c) windows and doors (including sections and reveals);</li> <li>d) roofing materials (including facing materials);</li> <li>e) any balustrading treatment (including sections); and</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest 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 &amp; 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>
<b>5</b>	<b>Refuse and Recycling (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans 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>
<b>7</b>	<b>Flat Roofs (Compliance)</b>
	<p>CONDITION: Notwithstanding the identified roof terrace amenity areas within the approved plans, 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>The roof terraces shall not be used outside the hours: 0800 – 2000.</p>

	REASON: To ensure that the amenity of residents is not adversely affected.
<b>8</b>	<b>Internal Lighting and Roller Blinds (Details and Compliance)</b>
	<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"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <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>
<b>9</b>	<b>External Lighting (Details)</b>
	<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 works above ground 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>
<b>10</b>	<b>Delivery and Servicing Plan (Compliance)</b>
	<p>CONDITION: Prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL). The plan shall include details of all servicing and delivery requirements of the site (including a booking system and measures to reduce impact upon neighbouring amenity), delivery and servicing times, measures to encourage sustainable methods of delivery (e.g. cargo bikes), waste and recycling collection and management against misuse.</p> <p>No deliveries or servicing, except by foot or cargo bike, shall take place within the hours of 1600 – 1900 and 2200 – 1000.</p> <p>The approved details 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>
<b>11</b>	<b>Demolition, Construction and Environmental Management Plan (Details)</b>
	<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>

The DCEMP should be in accordance with the Council's Code of Practice for Construction 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 Saturdays, 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 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.

	<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>
<b>13</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Energy Strategy identifying further improvements on how the development will achieve a reduction of 27% in total (regulated and unregulated) emissions against Part L 2013 baseline and a full feasibility study of connections to a Decentralised Energy Network, shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved.</p> <p>The measures identified in the approved strategy shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Green Roofs (Details and Compliance)</b>
	<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"> <li>a) substrate base depth;</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>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).</li> </ul> <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>
<b>15</b>	<b>Urban Greening Factor (Compliance)</b>
	<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>
<b>16</b>	<b>Bird and Bat Boxes (Details and Compliance)</b>
	<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</p>

	<p>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>
<b>17</b>	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The hereby approved Inclusive Design and Accessibility shall be installed and operational prior to first occupation of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <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>
<b>18</b>	<b>Sustainable Urban Drainage (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Flood Risk Assessment &amp; SuDS Strategy outlining further measures to achieve a QBAR greenfield rate (0.7 l/s) and shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved. The final strategy and measures 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>
<b>19</b>	<b>Piling Method Statement – Thames Water (Details)</b>
	<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>
<b>20</b>	<b>Basement Excavation (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (SMS) Report dated 20 July 2022, 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>
<b>21</b>	<b>Restriction of approved Uses and Removal of Permitted Development Rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved 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>
<b>22</b>	<p><b>Restriction of PD Rights - Class E to residential (Compliance)</b></p>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting 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 without obtaining the express planning permission from the Local Planning Authority.</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 and commercial floorspace in this location.</p>
<b>23</b>	<p><b>Contaminated Land (Details)</b></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> <ol style="list-style-type: none"> <li>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:</li> <li>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.</li> <li>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</li> </ol>

	<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>
<b>24</b>	<b>Fire Safety Strategy (Compliance)</b>
	<p>CONDITION: The details and measures set out in the Fire safety statement prepared by Hoare Lee 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>
<b>25</b>	<b>Whole Life Carbon (Details)</b>
	<p>CONDITION: An updated Whole Life Carbon Assessment shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>a) Prior to demolition works and relating to the demolition phase; and b) Prior to construction works</p> <p>The updated assessment shall include/address:</p> <ul style="list-style-type: none"> <li>• Further carbon reduction quantification through the detailed design stage material selection and specification;</li> <li>• Completed Updated GLA Whole Life-Cycle Carbon Assessment</li> <li>• Details of how opportunities for retaining and refurbishing/re-purposing existing buildings, materials and other resources on site have been maximised to reduce the need for new materials;</li> <li>• Details of life cycle of embodied carbon and finite resources relating to the enabling works stage and end of life approach;</li> <li>• Details of the applicant's Principals of Sustainable Procurement and details of specific measures being taken on the site for specification and sourcing of materials;</li> <li>• Consideration of end-of-life de-construction;</li> <li>• Cost premiums, supply chain limits and structural constraints for the proposal and Implications of Key Performance Indicators not being met; and</li> <li>• Updated targets for Bill of Materials;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b), and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.</p>
<b>26</b>	<b>Whole Life Carbon Post -Construction Assessment Report (Details)</b>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a whole life carbon post-construction assessment report shall be submitted to approved by the Local Planning Authority.</p>



	<p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>27</b>	<p><b>Circular Economy (Details)</b></p> <p>CONDITION: An updated Circular Economy Statement shall be submitted to, and approved in writing by, the Local Planning Authority as follows:  c) Prior to demolition works and relating to the demolition phase; and  d) Prior to construction works</p> <p>The updated statement shall include outstanding information including the reporting of key metrics and commitments to achieve London Plan policy targets. The information and specific commitments shall demonstrate how the development will achieve Circular Economy actions and principles identified.</p> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b) and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.</p>
<b>28</b>	<p><b>Circular Economy Post-Construction Report (Details)</b></p> <p>CONDITION: Within 3 months of practical completion of the development hereby approved, a post-construction circular economy report shall be submitted to the Local Planning Authority for approval in writing.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that circular economy principles have been incorporated into the design, construction and management of the approved development in accordance with London Plan Policy S17.</p>
<b>29</b>	<p><b>External Signage (Details)</b></p> <p>CONDITION: Prior to occupation of the development hereby approved, details of all external signage shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such permanently thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
<b>30</b>	<p><b>Opening Hours – Retail (Compliance)</b></p> <p>CONDITION: The hereby approved retail units (Use Class E(a)) shall be operational only between the following hours:</p> <p>Monday to Saturday: 0700 – 2300  Sunday and Public Holidays: 0800 – 2000</p> <p>REASON: In the interests of protecting neighbouring residential amenity from unacceptable noise impacts in particular at the quietest times of each day. These restrictions are necessary in order to secure compliance with London Plan Policy D3 and policy DM2.1 of the Islington Development Management Policies 2013.</p>

<b>31</b>	<b>Amplified Music (Details)</b>
	<p>CONDITION: No amplified music shall be played either internally or externally until an Noise Report which assesses the cumulative impact of music and crowd noise has been submitted and approved by the Local Planning Authority.</p> <p>REASON: To ensure that an appropriate standard of neighbouring residential accommodation is provided.</p>
<b>32</b>	<b>Archaeological Written Scheme of Investigation</b>
	<p>CONDITION: No demolition or development shall take place until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing, by the Local Planning Authority. For land that is included within the Stage 1 WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by the stage 1 WSI, then for those parts of the site which have archaeological interest, a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is the Stage 2 WSI, no demolition or development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:</p> <p>The statement of significance and research objectives, the programme and methodology of site investigation, recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>Where appropriate, details of a programme for delivering related positive benefits;</p> <p>The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in Stage 2 WSI.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>33</b>	<b>Building Operation Management Plan (Details)</b>
	<p>CONDITION: An Operation Management Plan providing details of how access to and management of the roof-top amenity space is to be achieved shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and disturbance.</p>
<b>34</b>	<b>Digital Connectivity (Details)</b>
	<p>CONDITION: Prior to commencement of each building detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.</p> <p>REASON: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.</p>
<b>35</b>	<b>Tree Protection (Details)</b>
	<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> <ul style="list-style-type: none"> <li>a. Specific issues to be dealt with in the TPP and AMS:</li> <li>b. location and installation of services/ utilities/ drainage;</li> <li>c. methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;</li> <li>d. details of construction within the RPA or that may impact on the retained trees;</li> </ul>

	<ul style="list-style-type: none"> <li>e. a full specification for the installation of boundary treatment works;</li> <li>f. 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;</li> <li>g. 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;</li> <li>h. a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;</li> <li>i. a specification for scaffolding and ground protection within tree protection zones;</li> <li>j. tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</li> <li>k. 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;</li> <li>l. boundary treatments within the RPA;</li> <li>m. methodology and detailed assessment of root pruning;</li> <li>n. reporting of inspection and supervision;</li> <li>o. methods to improve the rooting environment for retained and proposed trees and landscaping; and</li> <li>p. veteran and ancient tree protection and management.</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</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>
<b>36</b>	<p><b>Roof Terrace/Balcony furniture or structures (Details)</b></p> <p>CONDITION: Details of any roof terrace/balcony furniture or structures (including seating, planters, fencing, wind breaks, umbrellas and heaters) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The details shall include the location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and 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>

**List of Informatives:**

<b>1</b>	<b>Section 106 agreement</b>
	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.
<b>2</b>	<b>Construction Works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday, excluding event

	<p>days including football games, where the site must not be operational 2.5 hours prior to kick-off and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
<b>3</b>	<b>Highway Requirements</b>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p>
<b>4</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>5</b>	<b>Tree Works Specification</b>
	<p>The following British Standards should be referred to:</p> <ol style="list-style-type: none"> <li>a. BS: 3882:2015 Specification for topsoil</li> <li>b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li> <li>c. BS: 3998:2010 Tree work – Recommendations</li> <li>d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li> <li>e. BS: 4043:1989 Recommendations for Transplanting root-balled trees</li> <li>f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li> <li>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</li> <li>h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</li> <li>i. BS: 8601:2013 Specification for subsoil and requirements for use</li> </ol>
<b>6</b>	<b>Thames Water (1)</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.</p>

	The developer should take account of this minimum pressure in the design of the proposed development.
<b>7</b>	<b>Thames Water (2)</b>
	<p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Water's underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p> <p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>.</p> <p>Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a></p>
<b>8</b>	<b>Definition of Superstructure and Practical Completion</b>
	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.
<b>9</b>	<b>Alterations to the highway</b>
	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. All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a> Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

## 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:

<b>A) The London Plan 2021 - Spatial Development Strategy for Greater London</b>	
<b>1. Planning London's Future - Good Growth</b> <b>Policy GG2</b> Making the best use of land <b>Policy GG5</b> Growing a good economy  <b>2. Spatial Development Patterns</b> <b>Policy SD4</b> The Central Activities Zone <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ  <b>3. Design</b> <b>Policy D1</b> London's form, character and capacity for growth <b>Policy D3</b> Optimising site capacity through the design led approach <b>Policy D4</b> Delivering good design <b>Policy D5</b> Inclusive design <b>Policy D8</b> Public Realm <b>Policy D10</b> Basement development <b>Policy D11</b> Safety, security and resilience to emergency <b>Policy D12</b> Fire safety <b>Policy D13</b> Agent of Change <b>Policy D14</b> Noise  <b>6. Economy</b> <b>Policy E1</b> Offices <b>Policy E2</b> Providing suitable business space <b>Policy E3</b> Affordable Workspace <b>Policy E11</b> Skills and opportunities for all	<b>7. Heritage and Culture</b> <b>Policy HC1</b> Heritage conservation and growth  <b>8. Green Infrastructure and Natural Environment</b> <b>Policy G5</b> Urban Greening <b>Policy G6</b> Biodiversity and access to nature <b>Policy G7</b> Trees and woodlands  <b>9. Sustainable Infrastructure</b> <b>Policy SI1</b> Improving air quality <b>Policy SI2</b> Minimising greenhouse gas emissions <b>Policy SI4</b> Managing heat risk <b>Policy SI5</b> Water infrastructure <b>Policy SI7</b> Reducing waste and supporting the circular economy <b>Policy SI12</b> Flood risk management <b>Policy SI13</b> Sustainable drainage  <b>10. Transport</b> <b>Policy T2</b> Healthy Streets <b>Policy T3</b> Transport capacity, connectivity and safeguarding <b>Policy T4</b> Assessing and mitigating transport impacts <b>Policy T5</b> Cycling <b>Policy T6</b> Car parking <b>Policy T6.2</b> Office parking <b>Policy T7</b> Deliveries, servicing and construction
<b>B) Islington Local Plan Strategic and Development Management Policies 2013</b>	
<b>1. PLAN01</b> Site appraisal, design principle and process  <b>2. Area Spatial Strategies</b> <b>Policy SP1</b> Bunhill & Clerkenwell  <b>4. Inclusive Economy</b> <b>Policy B1</b> Delivering a range of affordable business floorspace <b>Policy B2</b> New business floorspace <b>Policy B4</b> Affordable workspace <b>Policy B5</b> Jobs and training opportunities <b>Policy R8</b> Location and Concentration of uses	<b>7. Public Realm and Transport</b> <b>Policy T1</b> Enhancing the public realm and sustainable transport <b>Policy T2</b> Sustainable Transport Choices <b>Policy T3</b> Car-free development <b>Policy T4</b> Public realm <b>Policy T5</b> Delivery, servicing and construction  <b>8. Design and Heritage</b> <b>Policy DH1</b> Fostering innovation while protecting heritage <b>Policy DH2</b> Heritage assets <b>Policy DH3</b> Building heights <b>Policy DH4</b> Basement development

<p><b>5. Green Infrastructure</b>  <b>Policy G4</b> Biodiversity, landscape design and trees  <b>Policy G5</b> Green roofs and vertical greening</p> <p><b>6. Sustainable Design</b>  <b>Policy S1</b> Delivering Sustainable Design  <b>Policy S2</b> Sustainable Design and Construction  <b>Policy S3</b> Sustainable Design Standards  <b>Policy S4</b> Minimising greenhouse gas emissions  <b>Policy S5</b> Energy Infrastructure  <b>Policy S6</b> Managing heat risk  <b>Policy S7</b> Improving Air Quality  <b>Policy S8</b> Flood Risk Management  <b>Policy S9</b> Integrated Water Management and Sustainable Drainage  <b>Policy S10</b> Circular Economy and Adaptive Design</p>	<p><b>Policy DH5</b> Agent-of-change, noise and vibration</p>
<p><b>C) Bunhill and Clerkenwell Area Action Plan</b></p>	
<p><b>2. Area wide policies</b>  <b>Policy AAP1</b> Prioritising office use</p> <p><b>Site Allocations</b>  <b>BC48:</b> Castle House, 37-45 Paul Street, and Fitzroy House, 13-17 Epworth Street and 1-15 Clere Street</p>	<p><b>3. Area Spatial Strategies</b>  <b>Policy AAP3</b> City Fringe Opportunity</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 (General) (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)

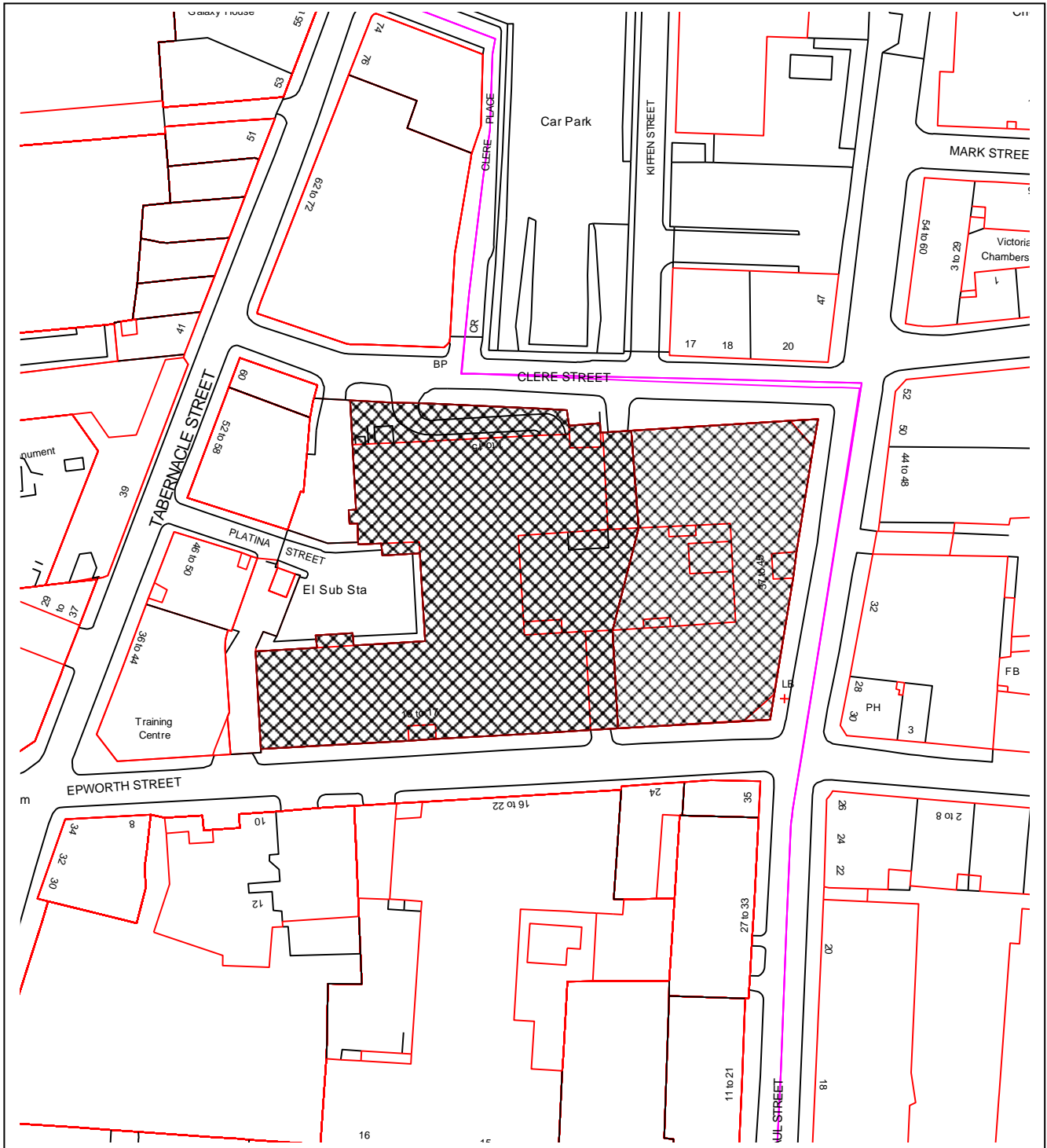
### **London Plan**

Accessible London (2014)  
Character and Context SPG  
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)  
Fire Safety draft LPG

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# Islington SE GIS Print Template



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P2022/2893/FUL

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**PLANNING COMMITTEE REPORT**
 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>
<b>Date:</b>	18 <sup>th</sup> July 2023	<b>NON-EXEMPT</b>

<b>Application number</b>	P2022/2893/FUL
<b>Application type</b>	Full Planning Application – Major
<b>Ward</b>	Bunhill
<b>Listed building</b>	N/A
<b>Conservation area</b>	Within 50 metres of Bunhill Fields and Finsbury Square;
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity (Finsbury Local Plan Policy BC8); Bunhill & Clerkenwell Core Strategy Key Area; Employment Priority Area 20 (General) (Epworth Street/Old Street); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough); Moorfields Archaeological Priority Area;  Emerging:  Site Allocation BC48
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	Castle House, 37 - 45 Paul Street, Fitzroy House 13-17 Epworth Street and 1-5 Clere Street
<b>Proposal</b>	Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	Lion Portfolio Ltd
<b>Agent</b>	DP9

## 1. RECOMMENDATION

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

1. Subject to 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**; and
3. Subject to any direction by the Major of London to refuse the application or for it to be called in for the determination by the Mayor of London.

## 2. SITE LOCATION

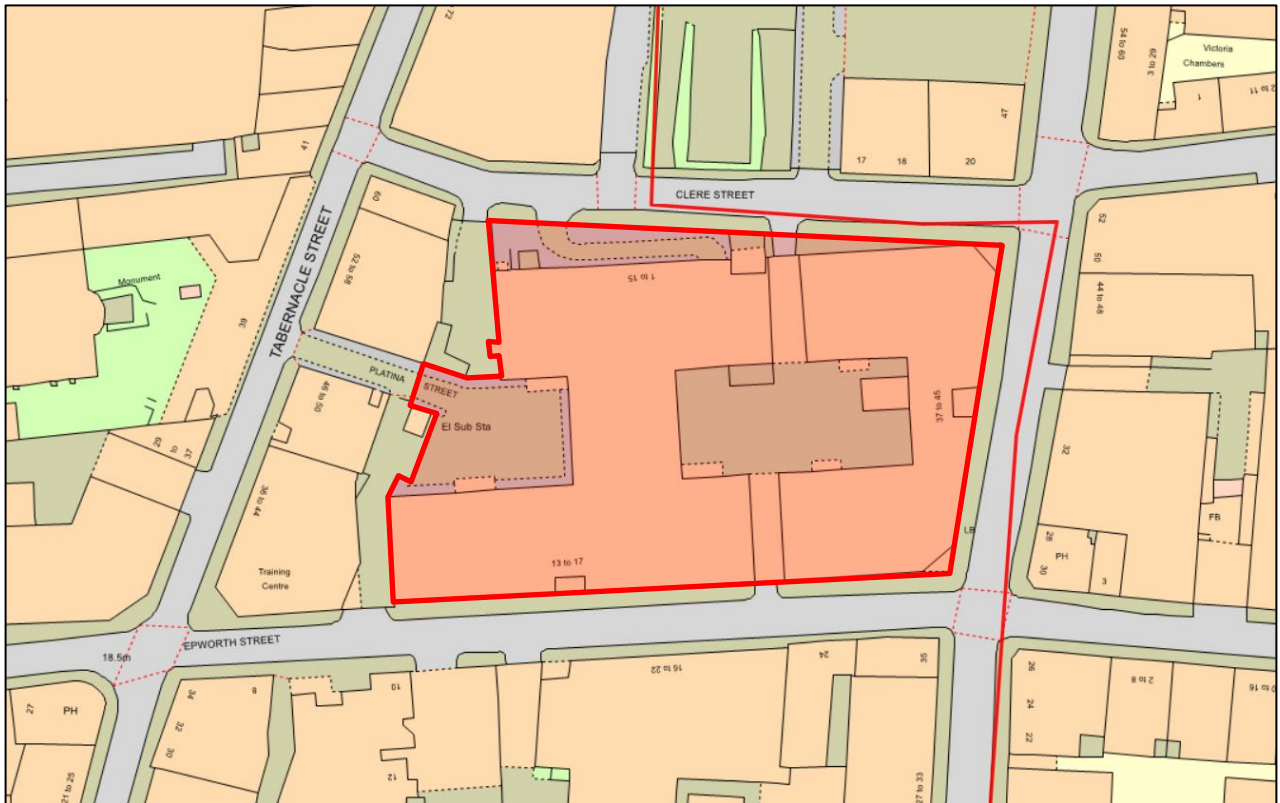


Figure 1: Site Location Plan

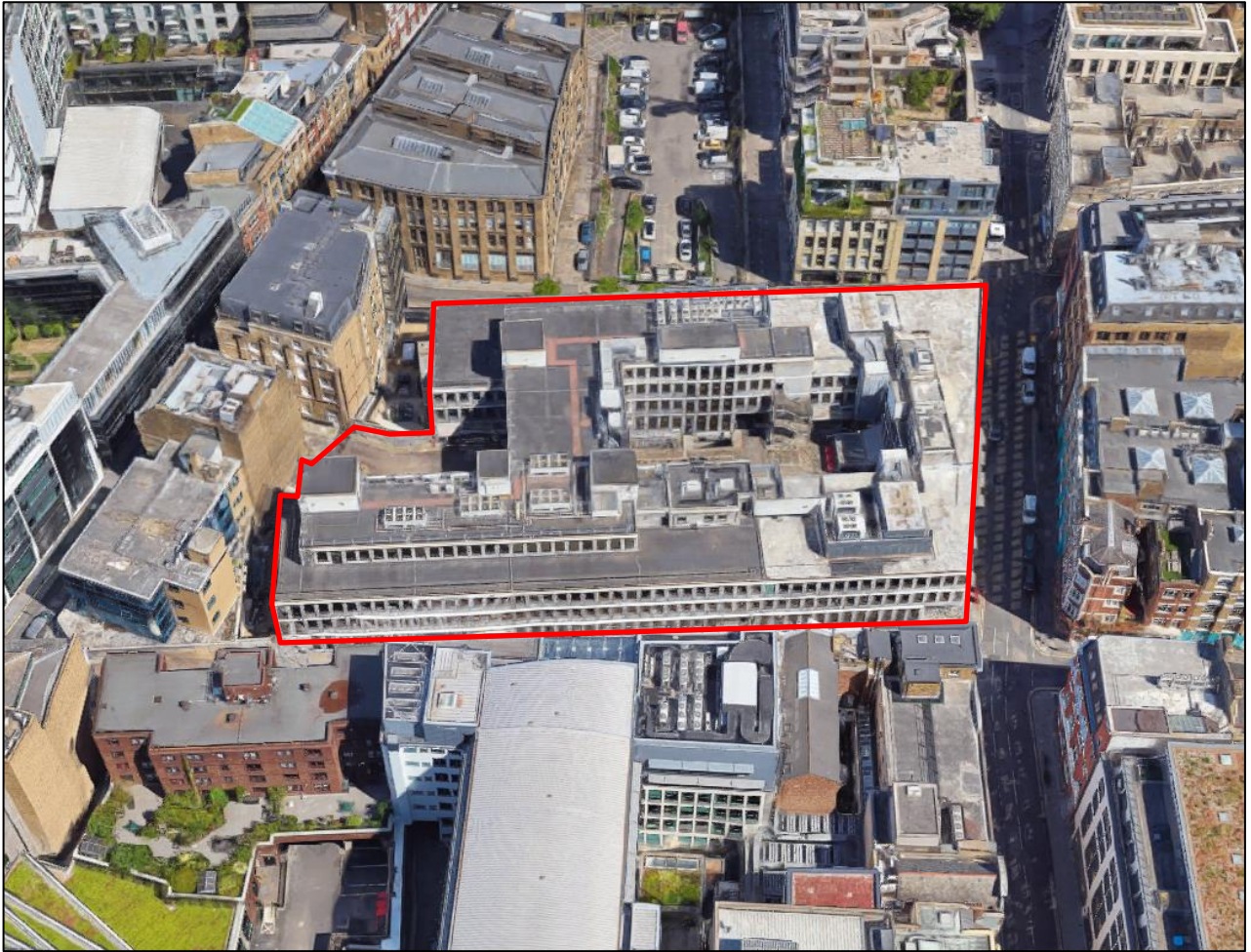


Figure 2: Aerial view of site (in red) from the south looking north

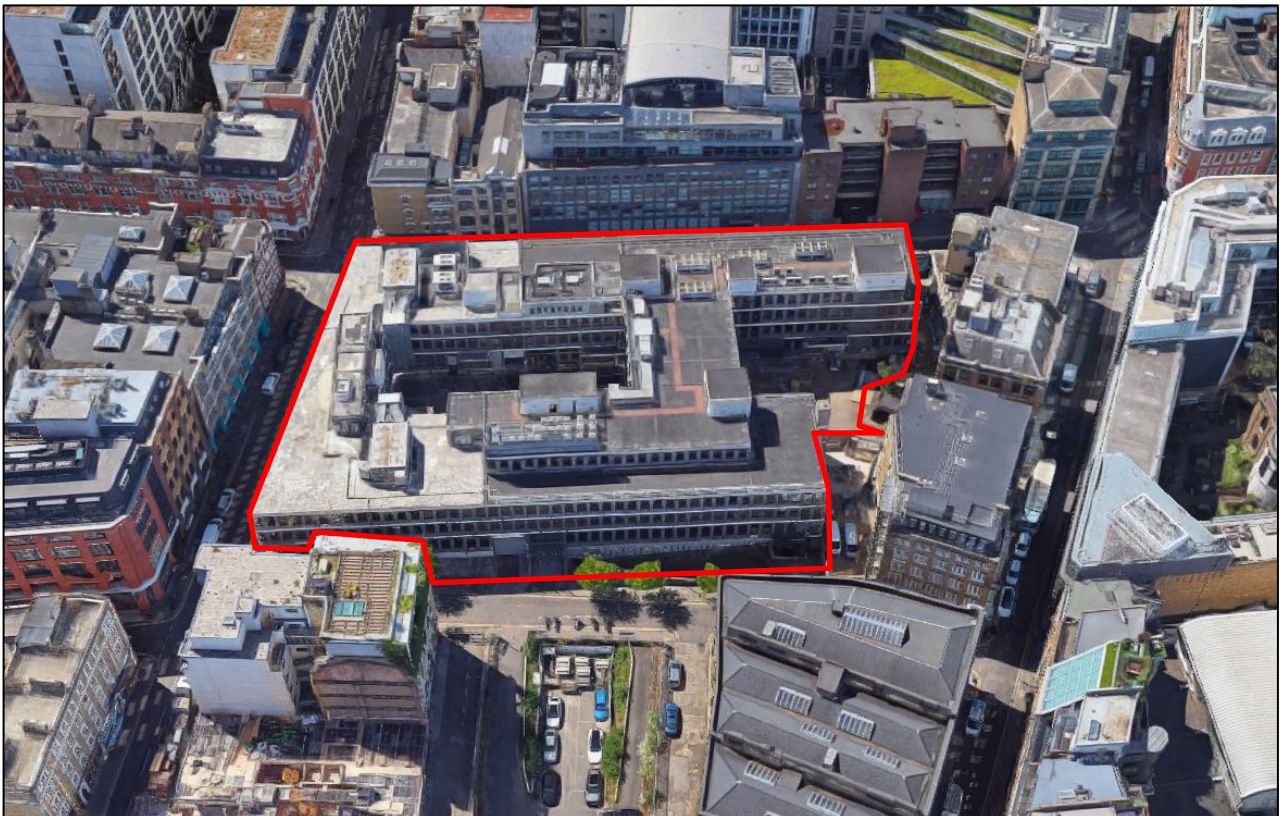


Figure 3: Aerial view of site (in red) from the north looking south

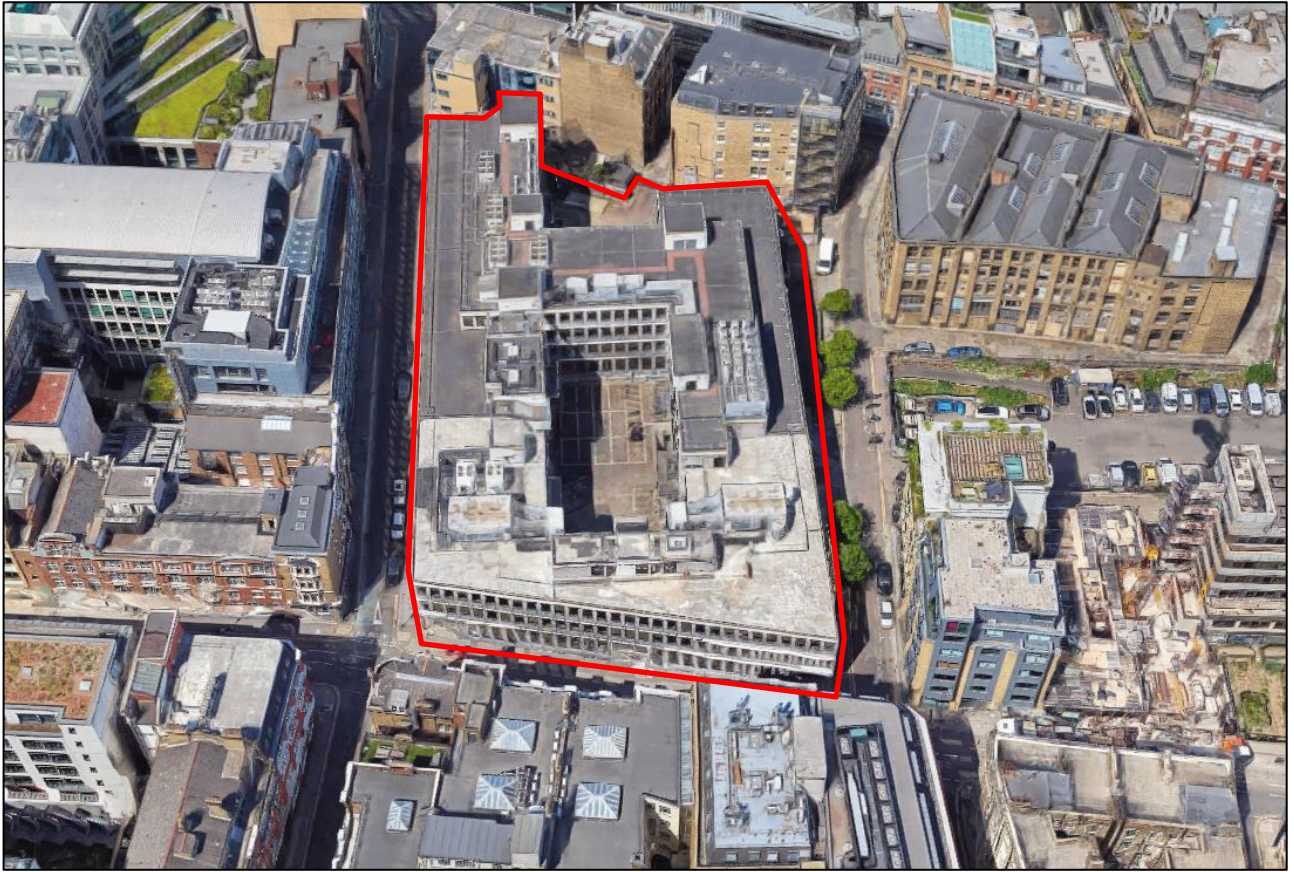


Figure 4: Aerial view of site (in red) from the east looking west

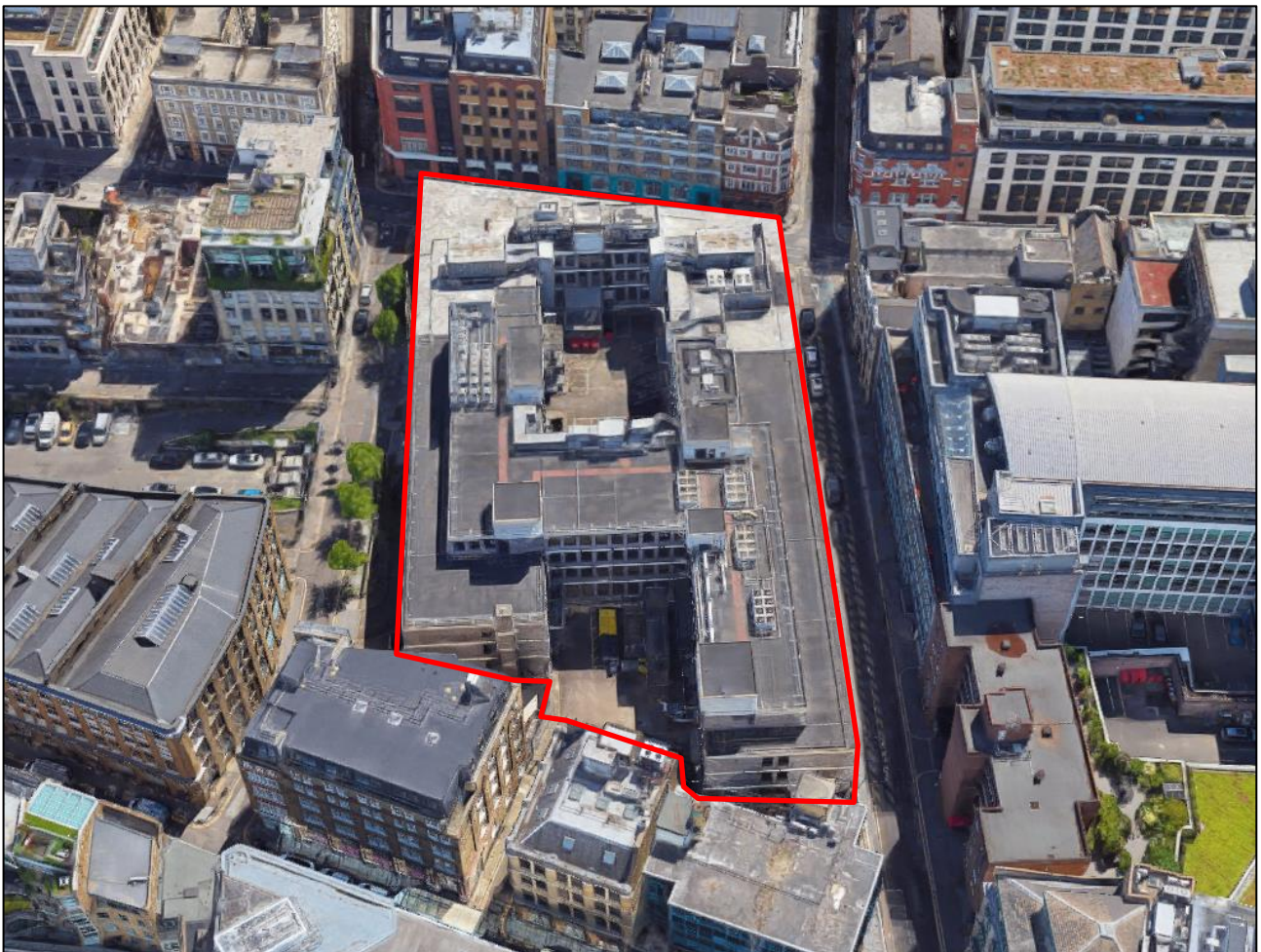


Figure 5: Aerial view of site (in red) from the west looking east

### 3. SUMMARY

- 3.1 This application seeks full planning permission for the redevelopment of the site, with the demolition of the existing building and construction of a 7 storey building, plus two basement levels.
- 3.2 The site is located within the Central Activities Zone, the City Fringe Opportunity Area and the Bunhill and Clerkenwell Key Area. As such, the proposed land use of significant office floorspace, active frontage with retail (including food and beverage) and gym at ground/lower ground floor level is in accordance with the policy thrust for these designations.
- 3.3 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, it 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 the prevailing context.
- 3.4 The proposed development would lead to the reduction of daylight and sunlight to neighbouring residential properties, namely along Epworth Street and Clere Street. The transgressions have been investigated by officers within this report and whilst they would weigh against the scheme but the weight given is low by officers following inspection of the results and context of the neighbouring properties affected within the prevailing Central London urban context. The impact to neighbour amenity is not considered to be such as to recommend refusal of the application when considered in the wider planning balance.
- 3.5 The site has excellent public transport accessibility level (PTAL) due to its proximity with Old Street and Barbican railway and underground stations. The proposal would be car-free development however an internal service yard is proposed at ground floor level which allows for servicing and deliveries to take place safely, with sufficient space to enter and exit in a forward gear. There would be sufficient cycle parking facilities on-site. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.6 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.
- 3.7 The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.8 The proposal would deliver high quality office accommodation in an area of high demand. As such, the proposal is considered to be a sustainable form of development on brownfield land and in accordance with the land use thrust for the Central Activities Zone and City Fringe Opportunity Area. 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.

#### Departure from Local Plan

- 3.9 The application proposal represents a tall building, being over 30 metres in height. Islington Development Management Policy DM2.1 details that “*the only locations in Islington where tall buildings may be suitable are set out in the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell)*”. The application site is not located within the area covered by policy BC9 of the Finsbury Local Plan and therefore represents a departure from the adopted development plan.
- 3.10 Draft Islington Local Plan policy DH3, as modified in the Main Modifications for Consultation (June 2022), details that buildings of more than 30 metres are only acceptable in principle on sites identified as potentially suitable for tall building under this policy and must not exceed the maximum building heights for that specific tall building location, as set out in the site allocation. The application site does not form a site allocation within the Draft Islington Local Plan – Site Allocations (September

2019). Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

- 3.11 The proposed rooftop plant enclosure takes the height of the building to total of 34.85 metres. As such, the proposal would represent a departure from the draft Local Plan. The proposed building shoulder height is 20.83 metres, rising to 25.05 metres and 29.2 metres to the setback floors above.
- 3.12 The assessment of the tall building is outlined in paragraphs 9.49 – 9.80 below.

#### GLA referral

- 3.13 With respect to the process involved with assessing this type of application, the Mayor of London is consulted on all planning applications that are of Potential Strategic Importance ('PSI') by the Mayor of London Order 2008. These are commonly described as 'referred' applications. The proposal would meet the criteria for a referable application as set out in the London Order (2008), Schedule 2 and 7 'PSI Applications and categories of development', Part 1 'Large Scale Development', as follows:
- Category 1B – 1.(b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres; and
  - Category 1C – 1.(c) the building is more than 30 metres high and is outside the City of London;
- 3.14 The proposal seeks a total floorspace (GEA) of 34,256 square metres and the maximum height is over 30 metres (outside of the City of London).
- 3.15 The Greater London Authority have responded within Stage 1 and is outlined in paragraph 7.6 below.

## **4. SITE AND SURROUNDINGS**

- 4.1 The site is located on the boundary of the borough, close to the London Borough of Hackney to the north (Clere Street) and east (Paul Street). It is located to the north of Epworth Street, south of Clere Street and west of Paul Street. The site measures approximately 80 metres wide and 55 metres deep, with an area of approximately 4,625 sqm (0.46 hectares).
- 4.2 Although the site reads as one large building, it is divided into Castle House (37-45 Paul Street) which is the eastern part of the site, and Fitzroy House (13-17 Epworth Street) which is the western part of the building. To the centre of the site, a courtyard area comprising of 6 parking spaces and ancillary single storey buildings serving the buildings. The buildings were constructed in the late 1960s.
- 4.3 The site is not located within a Conservation Area and does not contain any statutory listed buildings/structures. The site is, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area (CA22).
- 4.4 The surrounding area is considered to be mixed in use, with commercial (including office, retail, food and beverage, public house/bar etc.) and residential uses. The buildings along Tabernacle Street and Paul Street include many nineteenth and twentieth century buildings, often built as warehouses and offices. More contemporary and modern commercial and residential buildings are located along Epworth Street and Clere Street.
- 4.5 The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Excellent) due to its proximity to Old Street, Shoreditch High Street and Moorgate stations. The site is within a resident only Controlled Parking Zone ('Zone C') with restricted parking operating 24 hours a day on weekdays and Saturdays, and between 0000 and 0600 on Sundays.





Figure 6: Paul Street elevation, looking south



Figure 7: Epworth Street elevation, looking west



Figure 8: Clere Street elevation, including vehicular ramp to lower ground, looking east



Figure 9: View down Platina Street from Tabernacle Street



*Figure 10: Existing central courtyard*

## 5. PROPOSAL (IN DETAIL)

5.1 The proposal seeks the construction of a 7-storey building above ground level with two levels of basement being proposed beneath the building. The proposal would result in a significant uplift in Gross Internal Area of 20,809 sqm. The proposed floorspace of the mixed-use development are as follows:

Use Class	NIA	GIA	GEA
Retail – sales (E(a))	710	1,149	1,209
Retail – food and beverage (E(b))	458	667	702
Gym (E(d))	1,567	2,284	2,405
Office (E(g)(i))	17,611	28,411	29,940
<b>Total:</b>	<b>20,346</b>	<b>32,541</b>	<b>34,256</b>

5.2 The primary entrance to the building is located on Paul Street with secondary entrances on Clere Street and Epworth Street. A dedicated cycle entrance leading to stairs (with wheel channels) and a cycle lift is located from Platina Street, accessed from Tabernacle Street.

5.3 The mix of retail sales and retail food and beverage is proposed at ground and basement floor level, with access to the basement floorspace achievable via the atrium. Office floorspace is proposed to part of the basement and ground floor (as part of the affordable workspace unit), first, second, third, fourth, fifth and sixth floor levels.

5.4 The lower ground floor level would include the significant requirement for cycle storage for the above office, gym staff and retail staff. Further, changing and shower facilities are located next to the cycle storage areas.

5.5 The proposed gym would have its entrance at ground floor level onto Epworth Street, with stairs and a lift down to the lower ground level where the changing facilities are located, whilst the basement would provide the main floorspace for the gym (i.e. equipment and classes etc.).

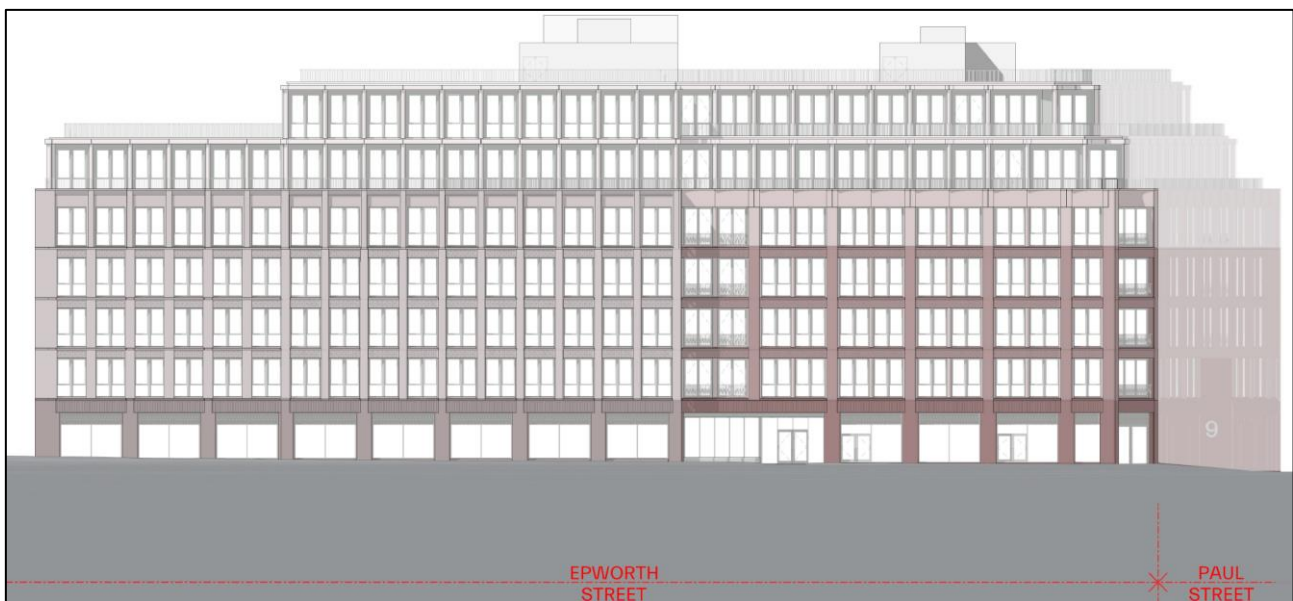


Figure 11: Proposed Southern (Epworth Street) Elevation



Figure 12: Proposed East (Paul Street) Elevation



Figure 13: Proposed Northern (Clere Street) Elevation

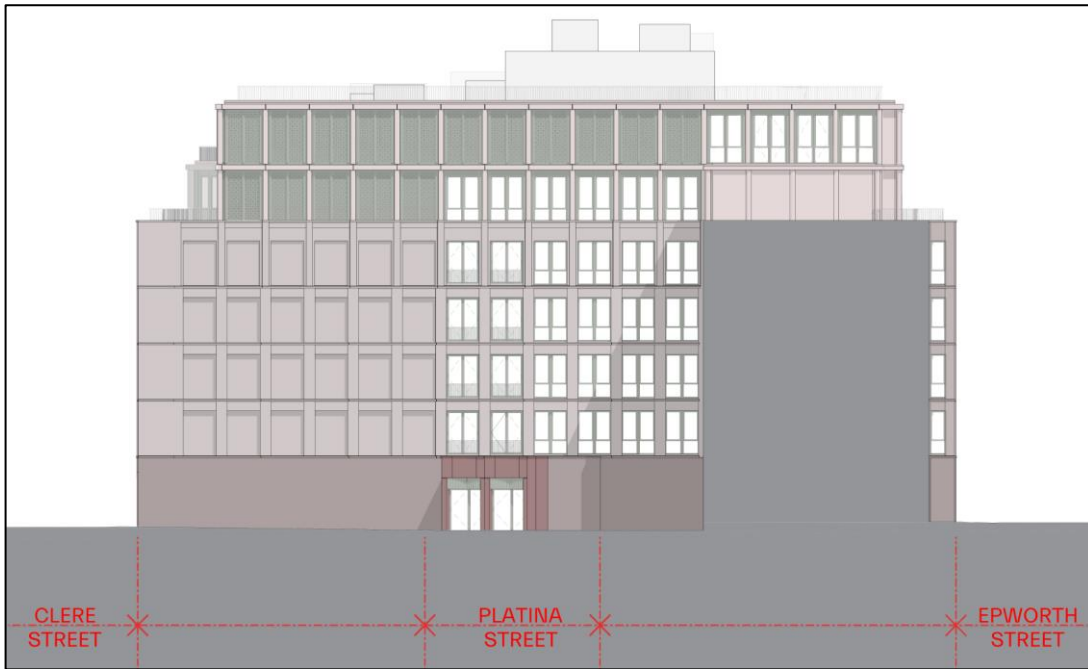


Figure 14: Proposed West (Platina Street) Elevation



Figure 15: CGI of the proposed building

## 6. 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 **P2013/3399/FUL:** “Refurbishment of the existing entrance steps and foyer to include a DDA compliant platform lift”. Approved with Conditions – 12/11/2013.
- 6.3 **P2013/1448/FUL:** “Use of part of roof space as terrace and installation of associated opaque glass privacy screen/balustrades.” Approved with Conditions – 08/08/2013.
- 6.4 **P111274:** “Installation of a automated sliding entrance door to the Epworth Street elevation of the building, other minor associated works proposed. Window alterations to a single window on the Clere Street elevation of the building involving the replacement of a single glass pane with louvres”. Approved with Conditions – 28/07/2011.
- 6.5 **P110884:** “Erection of replacement entrance canopy and alterations to the external corner alcoves of the existing office building”. Approved with Conditions – 10/06/2011.
- 6.6 **P091726:** “Replacement plant located on the roof”. Approved with Conditions – 20/10/2009.
- 6.7 **P091630:** “Minor alterations to external elevations”. Approved with Conditions – 13/10/2009.
- 6.8 **P090660:** “Removal of existing plant and installation of new plant at roof level”. Approved with Conditions – 12/06/2009.
- 6.9 **950932:** “Erection of three flagpoles at first floor level”. Approved with Conditions – 04/09/1995.
- 6.10 **931744:** “Continued use of the building for offices (Class B1)”. Approved with Conditions – 07/02/1994.
- 6.11 **890398:** “Alterations to the existing building comprising 1. Erection of rooftop air conditioning plant 2. Erection of vertical distribution duct enclosure 3. Erection of electrical switchgear room”. Approved with Conditions – 03/07/1989.
- 6.12 **870937:** “Additional roof plant for air conditioning and replacement windows”. Approved with Conditions – 27/11/1987.
- 6.13 **862083:** “Single storey extension (140 sq.m.) for new loading bay and storage area”. Approved with Conditions – 14/04/1987.
- 6.14 **860802:** “Use for collection editing storage processing and distribution of financial data and the production storage and distribution of computer software and systems (use previously granted with personal condition - request is effectively for a similar permission without such a personal condition)”. Appeal made against non-determination: Appeal Allowed with Conditions – 19/02/1987.
- 6.15 **851818:** “Erection of additional roof level plant room and replacement of all existing windows by windows with dark anodised frames and tinted glazing”. Approved with Conditions – 21/01/1986.
- 6.16 **850149:** “Change of use of whole building (approx.7500sq.m.) from use for Class X (warehousing) and ancillary activities to use for computerised collation and distribution of information falling within Class II of the Town and Country Planning (Use Classes) Order 1972”. Approved with Conditions – 19/09/1985.

**Relevant Neighbouring Sites:**

**36 – 44 Tabernacle Street**

- 6.17 **P2018/1410/FUL:** Partial demolition of existing four storey B1(a) office building, and construction of a new part-5, part-6 storey 3,592 sqm B1(a) office building. Approved with conditions and legal agreement 29/07/2019. It should be noted that this permission has now expired.



*Figure 16: CGI of the Approved development at neighbouring 36-44 Tabernacle Street, the subject site as existing is marked in red.*



Zimco House, 16-28 Tabernacle Street and 10-14 Epworth Street

- 6.18 **P2018/0523/FUL:** Demolition of the existing building (in Use Classes B1(a) offices, and B8 storage and distribution). Erection of a new building of 6 storeys, including retention of existing basement, plus rooftop plant and enclosure; and associated works, to provide 9,221 square metres (GIA) for use as B1(a) offices. Resolution to Grant at Islington Planning Committee – 10/09/2018. Approved with Condition and legal agreement – 22/07/2019.



*Figure 17: CGI of the Approved neighbouring development at 16-28 Tabernacle Street and 10-14 Epworth Street, looking south along Tabernacle Street*

**Neighbouring London Borough of Hackney:**

**Maldron Hotel, 49-51 Paul Street**

- 6.19 **2018/2104:** Redevelopment of the site by the erection of a building up to 10 storeys in height to accommodate a 145 room hotel (C1 Use Class), and a 147sqm restaurant/café (A3 Use Class) at ground floor level, with roof plant enclosure and other associated works. Granted subject to Conditions and legal agreement – 27/03/2019. It is noted by officers that this is currently under construction.



*Figure 18: Indicative image of the approved development at 49-51 Paul Street from Clere Street looking east.*

56-64 Leonard Street (Development House)

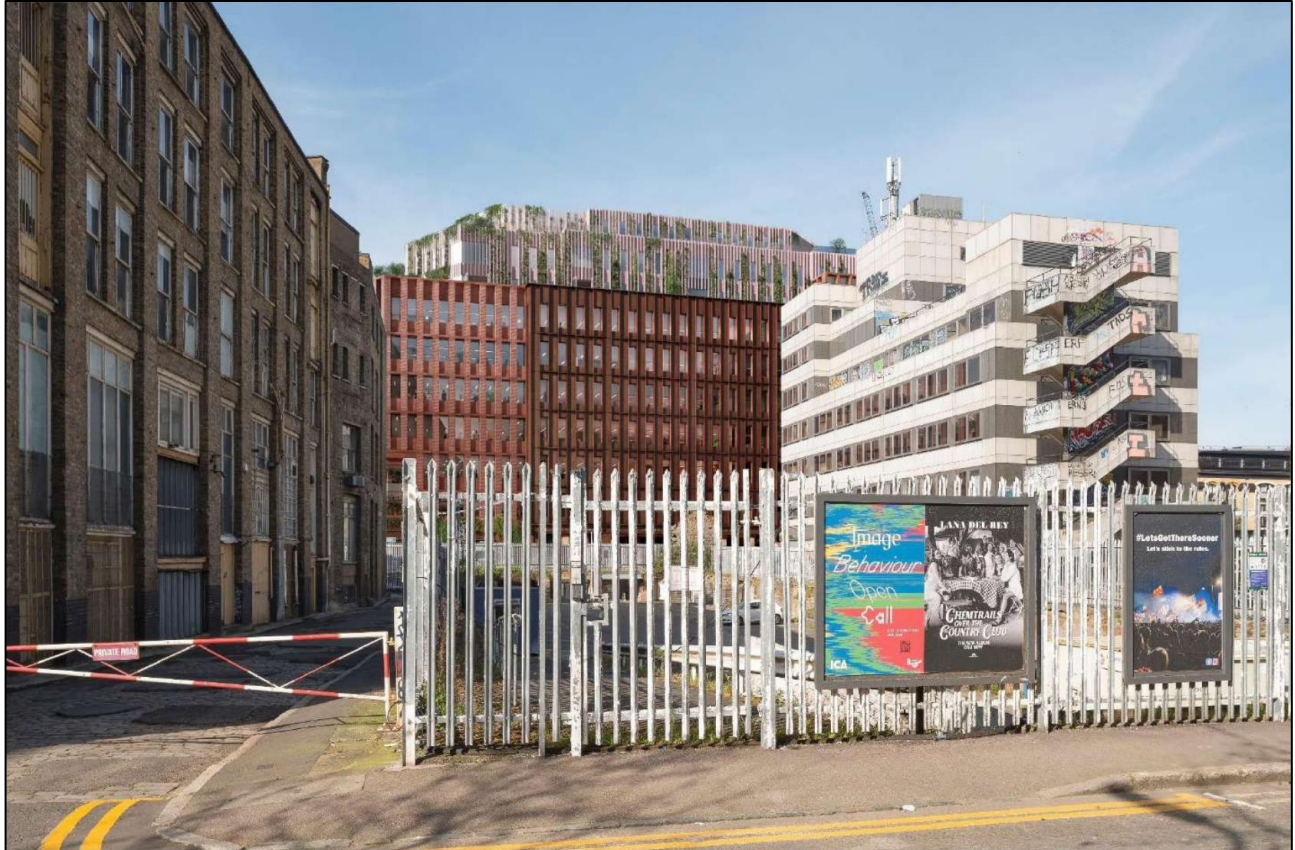
- 6.20 **2017/4694:** Demolition of existing office building (B1) and construction of new ten storey office building (B1) with flexible retail use (A1/A3) at ground floor, terraces and other associated works. [Re-consultation for 14 days to account for (1) additional set-back to the Leonard Street north elevation upper level setback façade (levels 05-08) by approximately 2.5m; (2) additional set back to the taller element of the Kiffen Street Western façade (levels 05-08) by approximately 550mm; and (3) an increase in the area of office provision in the lower ground level by moving plant down to the basement level]. Granted with conditions and legal agreement – 28/03/2019.
- 6.21 **2022/1680:** Demolition of existing office building and construction of a new ten storey office building (Use Class E(g)(i)) with flexible retail (Use Class E(a)) and restaurant (Use Class E(b)) at ground floor, terraces and other associated works. **Still under consideration by London Borough of Hackney.** It is noted within the submission details that the proposal does not “change the form, massing, height design aesthetic of the 2019 permission and subsequent section 73 application”.



Figure 19: Indicative view of the west elevation (along Kiffen Street) of Development House as seen from Clere Street, as approved and as currently proposed.

69 - 77 Paul Street (Telephone House)

- 6.22 **2022/1165:** Demolition to ground floor level of existing building; erection of building to maximum height of ten storeys around a central courtyard to provide office accommodation (Use Class E(g), ground floor retail space (Use Class E), a basement event space (Sui Generis) and associated facilities, landscaping to include visitor cycle spaces. **Still under consideration by London Borough of Hackney.**



*Figure 20: Indicative view of the southern elevation (Leonard Street) of Telephone House as seen from Clere Street, as proposed.*

**Pre-Application Advice:**

**London Borough of Islington:**

- 6.23 Pre-Application engagement between the Applicant and the Council was undertaken prior to the submission of the planning application under reference: Q2021/1737/MJR. 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.
- 6.24 In terms of design, officers raised concern with regards to the impact of height, and the massing of this height, associated with such an extensive amount of plant, as it was read as an additional storey to the building, with a height upwards of 30 metres.
- 6.25 It was advised that the indicative materiality, architectural language and detailing proposed, positively displayed many of the elements required to achieve the level of design quality and richness demanded by this historic context, echoing but not replicating the language of the past. Officers advised that further Design Review Panel be undertaken given such substantive changes to the form and to the materiality have been undertaken since the Design Review Panel on 16 November 2021.
- 6.26 It was also outlined that a full identification and assessment of the impacts on neighbouring residents is required and this will further inform the assessment of acceptable height and bulk at the upper

levels with regards to impact increased sense of enclosure, loss of outlook, loss of privacy through overlooking and loss to daylight/sunlight to habitable rooms.

### Design Review Panel

- 6.27 At pre-application stage, the proposal was presented to the Design Review Panel ('DRP') on two occasions, on the 16 November 2021 and 24 May 2022. The Panel's pre-application stage written comments are appended as **Appendix 3 and 4** to this officer report.
- 6.28 In summary of the scheme presented to the 24 May 2022, the most critical point that the Panel made relates to the impact of the scheme on the setting of the Wesley's Chapel and Bunhill Fields. The Panel advised the design team to seriously think about addressing the form of the building in order to lessen the impact on these critically important heritage assets. This was considered the priority of the Panel.
- 6.29 A further challenge outlined by the Panel was the need to look at the atrium's form and impact on the quality of the internal environment with regard to the introduction of light, air and amenity for the office users. There may currently be too much internal focus rather than exploring the potential for a wider contribution to the overall form and function of the building.
- 6.30 With regard to the debate about the castellated beams, while complimenting the sustainability undertaken in the designs, the Panel highlighted that it is equally important that the character and spatial generosity of contextual historic industrial buildings is also captured. The Panel commented that there was something rather wonderful about the structure within the factories and showrooms of Shoreditch – including the way it contributes to the robust and utilitarian architecture. Therefore, it was outlined that there is a challenge whereby the joy of the interiors needs to be captured as well as embedding sustainable design requirements.
- 6.31 Some concern about the extent of the double basement remains and the applicant was advised to consider whether it could be reduced.
- 6.32 Much more detail is needed with regard to energy – efficiencies and generation, sustainability, and the circular economy going forward in order to match the positive rhetoric.
- 6.33 The Panel concluded that the success of the building will undoubtedly be in its detail. The design team were commended for approaching the site, and scheme design, in a very responsible, tactile and sympathetic way. The Panel considered it important that the architects be retained to RIBA Stage 4 and beyond in order to ensure that the building delivers on its promise.

### Greater London Authority

- 6.34 Pre-application engagement between the Applicant and the GLA was undertaken in October 2020 and August 2022. Regarding Land Use, the GLA response surmised that the proposals are broadly supported in principle with regard to providing an office-led redevelopment on a site designated for employment uses. However, robust justification for the loss of non-designated industrial floor space and explanation as to why the existing B8 data centre use is not being re-provided in accordance with London Plan Policy E7 would be required. The affordable workspace offer should also be maximised to ensure the scheme is consistent with London Plan Policies E1 and E3, and to help offset the proposed loss of non-designated industrial floor space.
- 6.35 The GLA response highlighted that the pre-application proposal would see localised breaches of 30 metres. It was advised that any planning application must address and comply with the criteria set out under London Plan policy D9 (part C), with respect to the visual functional, environmental, and cumulative impact of a tall building.
- 6.36 It was considered that the key design elements – namely the layout; massing; architectural approach; and façade design – are generally well-considered, following rigorous and logical design process through discussions with Islington. It was considered that the proposal would be an excellent addition to the townscape and fits in well with the existing context. The GLA supported the approach to vertical

and horizontal articulation of the façade in line with surrounding buildings. Further, the DRP recommendations should be used to inform design refinement as part of the continuing pre-application process.

- 6.37 The pre-application response concluded that any future planning application will also need to address issues raised in this report in regards affordable workspace; urban design; transport; sustainable development; and environmental issues to ensure accordance with the London Plan.

## 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 1,346 adjoining and nearby properties on 5 September 2022 and expired on 29 September 2022.
- 7.2 The application was reconsulted on 17 October 2022 and expired on 10 November 2022 in order to clarify the site address following a number of representations received.
- 7.3 Further, the application was reconsulted on 16 March 2023 and expired on 09 April 2023 as follows: *“Reason for re-consultation: Clarification of site address, clarification that the proposal is a Departure from the Development Plan (maximum height exceeds 30 metres) and submission of revised drawings and documents”.*
- 7.4 It is the Council’s practice to continue to consider representations made up until the date of a decision.
- 7.5 At the time of the writing this report, **103** public/neighbour representations were received on the application. The points raised within the representation are summarised below [*with the case officer response and reference to which sections of this report address those concerns indicated in brackets*]:

#### **Statutory Consultation**

- No information has been advertised about the application;
- The deadline for comments was not publicised;

*[Officer response: As outlined in paragraphs 7.1 – 7.4 above, extensive public consultation has been undertaken by the Council in accordance with statutory requirements and officers will continue to consider representations received up until the date of decision.]*

#### **Land Use**

- The proposed development would result in an almost 300% increase in the amount of commercial floorspace on the site (from 11,475m<sup>2</sup> currently to 32,541m<sup>2</sup> GIA as proposed). However, the applicant has not provided any compelling need-based justification for the resultant increase in floorspace and how this would align with post-covid office demand/supply in the area;
- The inclusion of additional hospitality/eating establishments can only be detrimental to existing local independent establishments within the area;

*[See paragraphs 9.1 – 9.42 for consideration with regards to land use.]*

#### **Tall building**

- The proposal is deemed a tall building as its maximum height exceeds 30 metres;
- The proposed development fails to comply with the Council’s tall buildings policy;
- The proposed development would be visually dominant and overbearing in its immediate and wider townscape context;
- The development proposes floorspace which is three times larger than the existing building;

*[See paragraphs 9.49 – 9.80 for consideration of a tall building on this site.]*

### **Design and appearance**

- The proposal is very clearly a tall building in an area that is not designated a tall building area;
- The proposed development is out of context with the local character of the surrounding area due to its overall height, massing, appearance, materials and detailed design;  
*[See paragraphs 9.81 – 9.127 for consideration of scale, design and appearance.]*

### **Impact upon heritage assets**

- The application fails to adhere to the Conservation Area Design Guide for Bunhill Fields and Finsbury Square Conservation Area (CA22) and does not acknowledge that no.24 Epworth Street is part of the Conservation Area;  
*[See paragraphs 9.128 – 9.160 for consideration of heritage assets.]*

### **Impact on Neighbouring Amenity**

- Loss of privacy because of overlooking;
- The increased footfall in the area would lead to loss of privacy;  
*[See paragraphs 9.168 – 9.172 for consideration to loss of neighbouring privacy and overlooking.]*
- Increased sense of enclosure and intrusion leading to loss of outlook.  
*[See paragraphs 9.173 – 9.176 for consideration of the proposal upon outlook and sense of enclosure to neighbouring residents.]*
- Loss of daylight and sunlight to neighbouring properties;  
*[See paragraphs 9.186 – 9.252 which outline and consider the transgressions to neighbouring properties (including those on Epworth Street, Paul Street, Tabernacle Street and Clere Street) in relation to reductions to daylight and sunlight.]*
- The development will lead to restricted access for occupiers of 10 Epworth Street;  
*[See paragraphs 9.177 – 9.184 which address the impact of the development upon neighbouring access.]*
- The application has failed to examine the impact of noise and disturbance upon neighbouring amenity from roof terraces;
- Noise and disturbance from commercial uses (including food and beverage) at ground floor level;  
*[See paragraphs 9.177 – 9.198 which address noise and disturbance.]*
- Construction would bring noise and disturbance. There are a number of ongoing and future constructions already approved in the surrounding area;  
*[See paragraph 9.185 which address construction.]*

### **Transport and highways**

- The proposal would lead to the loss of car parking spaces for residents;  
*[See paragraphs 9.273 – 9.276 which address the impact of the development upon neighbouring access.]*

### **Flooding**

- The basement would lead to flooding as the site is located within a 'Critical Drainage Area';  
*[See paragraphs 9.318 – 9.320 which address the impact of the development upon flood risk and sustainable urban drainage.]*

### **Energy efficiency**

- Islington Council declared a climate emergency in 2022. The building would not be energy efficient;  
*[See paragraphs 9.283 – 9.306 which address energy efficiency.]*

### **Sustainability**

- The existing buildings are both structurally sound built 50 more years later than neighbouring Zetland House. The existing offices are listed on various agent's sites as "comprehensively refurbished", modernised and suitable for immediate occupation;
- Demolition has a far more negative carbon impact than refurbishment. It is well documented that the greenest buildings are those that already exist;
- The proposed development would not comply with circular economy principles and the case for demolition has not been properly or adequately justified relative to an alternative retrofit/refurbishment option;

*[See paragraphs 9.307 – 9.317 which address sustainability, whole life carbon and circular economy.]*

### **Structural stability**

- The proposal, to include basement excavation, would harm the structural integrity and stability of neighbouring properties;

*[See paragraphs 9.336 – 9.342 which address structure and basement developments.]*

### **Biodiversity and ecology**

- A number of trees are being removed from the street;

*[See paragraphs 9.321 – 9.330 which address the impact of the development upon neighbouring trees. No trees are to be removed.]*

### **Other**

- The proposed building will negatively impact property values of neighbouring residential properties;
- The proposed building will impact the view for a number of homes on the streets;

*[Officer response: The impact of a development upon property values and the perceived loss of a view are not material planning considerations].*

### **External Consultees:**

- 7.6 **Greater London Authority (GLA) – Stage 1 Response** (attached as **Appendix 5**): London Plan policies on non-designated industrial floorspace; affordable workspace; equalities impact; urban design and tall buildings; fire safety; inclusive design; heritage; transport; sustainable development; and environmental issues are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

**Land use:** The proposed redevelopment for an office with affordable workspace and ancillary retail and gym uses within the CAZ and City Fringe Opportunity Area is supported in land use terms.

**Affordable Workspace:** Prior to Stage 2, the Council should confirm whether it is satisfied with the proposed affordable workspace offer. The Council should ensure that the affordable workspace offer is robustly secured through a s106 agreement, and that the affordable workspace offer is in accordance with the definition set out in Paragraph 6.3.2 of the London Plan.

*[Officer Response: Affordable workspace provision is addressed at paragraphs 9.43 – 9.48 below.]*

**Equality:** Additional information is required prior to Stage 2 to confirm the National Deaf Children's Society would not be unfairly disadvantaged by the proposals.

*[Officer Response: The existing building is in use as offices and as such the NDCS are a market tenant of the building. It is not considered that the NDCS would be unfairly disadvantaged given their lease terms etc.]*

**Urban Design:** Additional information is required relating to fire safety; and the functional impact assessment for tall buildings.

*[Officer Response: The GLA and Council are satisfied that the submitted fire statement has been prepared by a suitably qualified third-party assessor, the fire statement lacks details relating to where building occupants could evacuate to, the ongoing maintenance and monitoring of fire access for fire*



*service personnel and equipment. This has been agreed by the GLA to be secured through condition.]*

**Heritage:** The proposed development would not harm the significance of the adjacent conservation areas or Wesley buildings. A further verified view is requested with regards to proposed building in the background of the Church of St Michael; Clergy House to west of Church of St Michael; and St Michael's Church School to enable officers to fully understand the impact of the proposals on the setting of these listed buildings.

*[Officer Response: An additional view has been submitted () which outlines the development in the background of Church of St Michael; Clergy House to west of Church of St Michael; and St Michael's Church School, in which the development would not be visible.]*

**Transport:** Additional information is required regarding Healthy Streets and Active Travel Zone assessment; travel planning; cycling infrastructure; cycle parking; trip generation; and deliveries and servicing.

*[Officer Response: The Applicant has been working with the GLA with regards to acceptable details on transport and highways. TfL raise no objection to the proposed cycle parking, healthy streets assessment and active travel zone assessments. Travel planning is to be secured through legal agreement. Deliveries and servicing is to be mitigated through condition.]*

**Energy and Sustainability:** Further information is required regarding the energy strategy; whole life-cycle carbon; and circular economy.

*[Officer Response: The Applicant has been working with the GLA with regards to acceptable details on the energy strategy, whole-life carbon and circular economies statements. See paragraphs 9.307 – 9.317.]*

**Environment:** Further information is required regarding urban greening; air quality; and clarification on whether proposed planting would comprise a green wall.

*[Officer Response: The Council's Environmental Health officer raises no objection to the proposal with regards to Air Quality.]*

- 7.7 The applicants have shown a high level of engagement with the Local Planning Authority and Greater London Authority since the Stage 1 letter was issued. There is no objection to the scheme being presented to committee and it will be further reviewed by the GLA at Stage 2 of the process.
- 7.8 **London Borough of Hackney** – Content that the design, scale and size of the proposed development is appropriate to the location and does not result in any harm to the buildings on the opposite side of Paul Street which are mostly identified as positive contributors to the Shoreditch Conservation Area (*located within Hackney*). However, objection to the impact the proposed building would have on the 2 existing residential buildings located to the north of the site on Clere Street. The proposal would result in a significant loss of natural light leading to a harmful loss of amenity for the occupiers of those buildings.
- [Officer Response: Noted there is no objection in relation to design, scale and size of the proposed and it's impact upon heritage assets within Hackney. The impact of the development upon neighbouring amenity, specifically daylight and sunlight, is addressed from paragraphs 9.167 below.]*
- 7.9 **Health and Safety Executive (Fire Safety)** – No comment to make.
- 7.10 **Historic England (Planning and Listed Buildings)** – No comment to make, the Council's own Heritage Officer should assess the impact upon the Listing.
- 7.11 **Historic England (GLAAS)** – It is recommended that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Recommended Conditions.

*[Officer Response: Condition 31 would secure the necessary evaluation of archaeological interest.]*

7.12 **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.

7.13 **Transport for London Crossrail Safeguarding** – It is confirmed that the site is outside the limits of Crossrail Safeguarding Direction and no comment is therefore required.

7.14 **Transport for London Spatial Planning** – The proposed car free development is supported.

Following justification from the Applicant, the location and provision of both long-stay and short-stay cycle parking is accepted. All cycle parking, in line with London Cycle Design Standards (LCDS), should be located in easily accessible and safe locations.

TfL has carried out an internal Cycle Route Quality Criteria Check of Cycleway 1. This noted that the road surface quality is currently extremely poor making it unpleasant to cycle over. Similar new developments nearby have contributed Section 278 works to address this and we expect a similar approach to be applied in this case.

*[Officer Response: Noted, however Transport for London have not outlined the required contribution amount or formula. This is therefore TBC.]*

Concerns are raised with the entrance of the cycle storage Platina Street. Cycling access via Platina Street raises concerns about potential for conflict with servicing vehicles and does not represent the best opportunity for convenient and direct access from Cycleway 1 (Paul Street). Cyclists from Cycleway 1 (Paul Street) would have to navigate Clere Street, where primary servicing is required.

*[Officer Response: Servicing vehicles will not access the Development from Platina Street, all servicing vehicles will access the dedicated off-street delivery and servicing area directly via Clere Street. As such, there would be no direct conflict between servicing vehicles and cyclists entering/exiting the dedicated cycle access. Officers are content that the dedicated cycle access, from Platina Street is acceptable with regards to safety, security and convenience.]*

TfL welcomes the use of Scheduling/Booking of deliveries. We also request prevention of deliveries by condition during local active travel peaks (7-10am, 4-7pm) in order to minimise conflict between vehicles, cyclists and pedestrians in line with London Plan Policy T4 Part F.

*[Officer Response: Noted, Condition 10 seeks to restrict hours of delivery and servicing as requested.]*

7.15 **Thames Water** – No objection subject to informatives.

*[Officer Response: Condition 19 seeks further details requested by Thames Water in relation to submission of a piling method statement, to be agreed with Thames Water prior to commencement.]*

#### **Internal Consultees:**

7.16 **Access and Inclusive Design Officer** – Step free access is achieved throughout the development, including all floor levels, with a number of lifts to the main stair core and platform lifts to the affordable workspace unit.

The Applicant has confirmed that the atrium ‘elephant’ staircase, reception has been designed to include tactile warning measures. Further, increased footway width to the public realm along Clere Street, Paul Street and Epworth Street is welcomed. Sufficient mobility scooter and accessible cycle spaces have been provided within the development.

All entrance doors will either be automated or feature powered actuators. Personal Emergency Evacuation Plans will be prepared for users of the building by Facilities Management. In addition, the building App will provide a platform through which the evacuation plans can be accessed alongside providing a forum that all occupants of the building can communicate with building management.

The agreed inclusive design measures should be secured through condition.

*[Officer Response: Inclusive design and accessibility measures will be secured through condition 17.]*

- 7.17 **Biodiversity and Ecology Officer** – There will be some net gain for biodiversity as a result of this development. However, the success of this depends on the quality of the habitats created (in particular the green roofs and the green wall) and their management. It is agreed that the recommendation that an Ecological Management Plan should be Conditioned, to outline how the biodiversity improvements will be created and managed over a minimum 30 year period.

Agree with the recommendation that integrated bird boxes should be installed and request specific swift bricks, to be installed in groups of at least 3, at various points around the buildings.

*[Officer Response: Compliance with the submitted Ecological Management Plan and submissions of finalised details of bird and bat box will be secured through condition 16.]*

- 7.18 **Design and Conservation** – The proposal is for a well-designed development that recreates a large part of an urban block. It is a very significant improvement on the quality and appearance of the existing buildings on the site. By virtue of the high calibre of its architecture, the development will also improve the character and quality of the immediate and broader context within which the site is located.

This is a thoughtful, well considered, piece of architecture that pays a subtle homage to the history of the area with its playful application of pressed motifs within the precast concrete panels, and in its referencing of the language of productivity through an interpretation of the showroom and the factory typologies in recognition of the area's long history of furniture production and sales.

The height of the building is considered to be appropriate for this intensely urban context. The five storey 'base' sits comfortably with the prevailing storey height ambient of the more immediate context while the additional two floors, set back from the front façades and dressed in a lighter materiality, also adhere to the broader storey height ambient. Therefore, in terms of overall height, the scheme is considered to sit compatibly within this intensely urban context.

Planning policy emphasises the importance of good quality design and of adding beauty to the built environment. This proposal is considered to achieve both these significant objectives.

There are therefore no design objections to the proposal.

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

- 7.19 **Highways and Transport** – Epworth Street and Platina Street are managed and maintained by London Borough of Islington, whilst Clere Street and Paul Street are managed and maintained by London Borough of Hackney.

The proposed internal delivery and servicing yard, which can be entered and exited in a forward gear, allowing for safe loading/unloading to service the development, is supported.

Transport for London's suggestion to provide short-stay cycle parking, along with potential further public realm/tree planting by replacing existing parking bays on Epworth Street, can be supported in principle and should be secured via legal agreement.

*[Officer Response: Paragraphs 9.264 – 9.282 consider this in further detail.]*

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

*[Officer Response: Noted, paragraphs 9.283 – 9.306 consider the energy credentials of the proposal.]*

- 7.21 **Environmental Health (Acoustic)** – 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.

*[Officer Response: Noted, paragraphs 9.177 – 9.184 consider the impacts of noise and disturbance, whilst condition 4 relates to noise mitigation measures as recommended.]*

**7.22 Environmental Health (Contamination)** – The application includes a Phase 1 desktop study which highlights the need for a intrusive site investigation informing the contaminated land response. No objection subject to condition.

*[Officer Response: Noted, in regards to the impacts of contamination, condition 23 relates to securing investigation and any required remediation works as recommended.]*

**7.23 Planning Policy (Land Use)** – The scheme provides a large addition of office floorspace which is supported and prioritised by the Local Plan. The supporting uses at ground floor level, allowing active frontage, will contribute to the mix and balance of uses in the area and improve the leisure and retail offer which is important in creating attractive locations for businesses to locate.

**7.24 Sustainability** – Whole Life Carbon: Since the submission of the application, the Applicant team have prepared two reports aiming to address questions raised by Islington Council and the GLA. Rather than showing how the scheme has prioritised retention and retrofit, rather these documents focus on justifying demolition and redevelopment. The submitted WLC assessment fails to identify the feasibility of different opportunities and specific commitments necessary to carry out actions to reduce WLC emissions. As such, this detail should be secured prior to commencement.

*[Officer Response: Noted, Condition 26 will secure the revised and further details in relation to Whole Life Carbon assessment.]*

Circular Economy: The submitted Circular Economy statement is in broad compliance with emerging Local Plan Policy. However, it is highlighted that the SDCS and the Emerging Local Plan Policy S10 part G requires that the impact of construction on the environment is minimised by complying with Islington's Code of Practice for Construction Sites. Further information and stronger commitments are sought to demonstrate how the development will carry out the actions stated within the GLA Circular Economy Template.

*[Officer Response: Noted, Condition 28 will secure the revised and further details in relation to Whole Circular Economy assessment.]*

The drainage design, proposed discharge rate and blue roof attenuation storage are welcomed and policy compliant. The details provided in the Flood Risk Assessment and Drainage Report should be secured via condition.

*[Officer Response: Noted, Condition 18 will secure the drainage details outlined in the Applicants submission.]*

The proposal would achieve the required Urban Greening Factor of 0.3 through the proposed green roofs and soft landscaping, which is welcomed. The Applicant has provided detail as and rationale stating that no further green roof space and planting is not achievable is accepted by the Council. The UGF score should be secured via condition.

*[Officer Response: Noted, Condition 15 secures the Applicant's outlined minimum Urban Greening Factor.]*

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.

*[Officer Response: Noted, Condition 16 seeks further details relating to quantum and location of suitable bird/bat boxes/bricks to be approved.]*

- 7.25 **Tree (Arboriculture)** – The submitted details appear to show that the building line is acceptable in its distance from the existing trees along Clere Street to the north, and these trees are to be retained as part of the proposal. Concerns are raised with regards to facilitation and construction of the development, and as such further details of tree protection during construction is requested.

Further tree planting to the benefit of the streetscene and public realm could be improved. Scope for additional tree planting along Epworth Street should be explored.

*[See Condition 35 which secures the submission of a Tree Protection Plan.]*

## 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) 2019, 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:

- |  |   |
|--|---|
| - PLAN1: Site appraisal, design principle and process                | - S6 Managing heat risk                                   |
| - SP1 Bunhill and Clerkenwell  | - S7 Improving air quality                                |
| - B1 Delivering a range of affordable business floorspace            | - S8 Flood risk management                                |
| - B2 New business floorspace   | - S9 Integrated water management and sustainable design   |
| - B3 Existing business floorspace                                    | - S10 Circular Economy and Adaptive Design                |
| - B4 Affordable workspace  | - T1 Enhancing the public realm and sustainable transport |
| - B5 Jobs and training opportunities                                 | - T2 Sustainable transport choices                        |
| - R1 Retail, leisure and services, culture and visitor accommodation | - T3 Car-free development                                 |
| - R6 Maintaining and enhancing Islington's unique retail character   | - T4 Public realm   |
|  | - T5 Delivery, servicing and construction                 |

- R8 Location and concentration of uses
- G4 Biodiversity, landscape design and trees
- G5 Green roofs and vertical greening
- S1 Delivering sustainable design
- S2 Sustainable design and construction
- S3 Sustainable design standards
- S4 Minimising greenhouse gas emissions
- S5 Energy infrastructure
- DH1 Fostering innovation while protecting heritage
- DH2 Heritage assets
- DH3 Building heights
- DH4 Basement development
- DH5 Agent-of-change, noise and vibration
- DH7 Shopfronts

#### *Draft Site Allocations*

- 8.13 Within the draft Bunhill and Clerkenwell Area Action Plan, the subject site has been allocated as **Site Allocation BC48**. The Site Allocation highlights the allocation for intensification of office use and that any redevelopment must provide level access and active frontages to the street.

#### **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');
  - City Fringe Opportunity (Finsbury Policy BC8);
  - Bunhill & Clerkenwell Core Strategy Key Area;
  - Employment Priority Area 18 (General) (Old Street/Whitecross 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. OFFICER ASSESSMENT

9.1 The main material considerations arising from this proposal are as follows:

- Land use in principle;
- Design and appearance;
- Impact upon heritage assets;
- Accessibility and inclusive design;
- Neighbouring amenity;
- Transport and highways;
- Energy and sustainability; and
- Overall planning balance;

### 9.2 Land Use

#### Policy Context

9.3 This section of the report sets out the policy context against which the proposal will be assessed in regard to existing and proposed land use.

9.4 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.

9.5 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.

9.6 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.

9.7 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.

9.8 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.

9.9 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 area is considered Islington's most important employment location within 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.

9.10 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.

- 9.11 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.
- 9.12 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.
- 9.13 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).
- 9.14 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.
- 9.15 Further, Finsbury Local Plan policy BC8 ‘Achieving a balanced mix of uses’ designates an area within for Employment Priority Areas (‘EPA’) for General or Office employment. Within the EPA, no net loss business floorspace is to be permitted and proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 9.16 The site is allocated within the ‘Epworth Street/Old Street’ EPA (General). 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.
- 9.17 The City Fringe Opportunity Area Planning Framework (‘CFOAPF’) is defined in the London Plan (2021) as being approximately 901 hectares of land covering parts of the London boroughs of Islington, Tower Hamlets and Hackney. The application site is identified as being within the City Fringe Opportunity Area.
- 9.18 The CFOAPF notes that the City Fringe has a significant role in addressing London’s housing need, and as such a key aim of the CFOAPF is to achieve a balanced, spatially nuanced approach to determining planning applications. One that allows for the residential development needed without compromising the opportunity for economic growth. The CFOAPF is clear that residential development should not be at the expense of the employment land and the commercial floorspace the City Fringe needs to support growth.
- 9.19 The CAZ SPG provides guidance on the implementation of policies in the London Plan (2015) related to London’s Central Activities Zone (CAZ). As Supplementary Planning Guidance (‘SPG’), the CAZ SPG does not set new policy, but rather explains how policies in the London Plan should be carried through into action. It is not a manual prescribing a universal format for development in the CAZ, but rather aims to give local authorities matters to consider in determining planning applications.
- 9.20 Neither the CFOAPF nor the CAZ SPG form part of the development plan, however they are material planning considerations when determining the current planning application. Set out below is an assessment of the current proposal, taking account of the guidance set out in the CFOAPF and CAZ SPG.

## Emerging

- 9.21 Emerging Policy BC1 'Prioritising office use' is an area wide policy. It highlights that's given the significant evidenced need to provide office floorspace to cater for projected jobs increases and secure inclusive economic growth, office floorspace is the clear priority land use across the entire Bunhill and Clerkenwell AAP area. Office floorspace must be maximised where possible.
- 9.22 Emerging Policy BC3 'City Fringe Opportunity Area' highlights that Proposals must maximise business floorspace provision, specifically office floorspace, as far as possible in line with the Council's priority for the City Fringe Opportunity Area and other policies in the AAP, particularly Policy BC1.
- 9.23 The site is identified as a Site Allocation 'BC48' within the Emerging Local Plan document 'Bunhill and Clerkenwell Area Action Plan'. The allocation outlines that office use should be intensified on the site, whilst any redevelopment must provide level access and active frontages to the street.

## Assessment

- 9.24 The site is currently split into two separate buildings in use as office floorspace (Use Class E(g)(i)). The proposal seeks the following land use make-up:

Use	Existing (GIA)	Proposed (GIA)	Percentage%
Office – E(g)(i)	11,475sqm	28,441sqm	87%
Retail – E(a)	0	1,149sqm	13%
Café/Restaurant – E(b)	0	667sqm	
Gym – E(d)	0	2,284sqm	
<b>Total:</b>	<b>11,475sqm</b>	<b>32,284sqm</b>	

- 9.25 As shown above, the majority (87%) of the proposed use would be for office (Use Class E(g)(i)), in accordance with the thrust of the CAZ and Bunhill Area Action Plan. The lower basement area is reserved for mechanical, equipment and drainage requirements.
- 9.26 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.
- 9.27 Paragraph 5.2 of the Strategic and Development Management Policies states that employment policies focus primarily on offices, workshops, and industrial and warehousing uses within the B Use Classes (and now Use Class E(g)) but also consider other employment generating development outside the commercial Use Classes. A data storage centre is an employment use under Sui Generis use class. Employment generating uses should be protected in accordance with Policy DM5.2. Data centres perform an important function and are an employment use, however the space will be replaced with office floorspace, an employment use with a higher employment density and a priority use for this area under the Local Plan and this should be considered in the planning balance.
- 9.28 Officers consider that due to the context and 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 nettable internal floorspace. As such, a building in use solely for single business use (office) floorspace is supported by Officers.
- 9.29 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 EPA.

- 9.30 The proposal is in accordance with policy BC8 as the ground and lower ground floor areas offer a mix of uses, ensuring that the office floorspace is unfettered and alongside active frontage uses such as retail, and food and beverage.
- 9.31 The proposal would be in accordance with emerging Local Plan policy B2 as it would intensify office use within the CAZ and Clerkenwell AAP to enhance the area's role in supporting London's strategic business role is a priority.

#### Quality of the proposed office space

- 9.32 The CFOAPF acknowledges that planning policy that is aimed at providing commercial space in lieu of space lost through permitted development rights has had limited success. A key issue encountered has been where commercial provided fails to respond adequately to demand and therefore is not marketable. This can lead to space being unoccupied and being vulnerable to conversion to other non-work related uses later.
- 9.33 The proposed office floorspace to the above ground building would be of Category A quality with sufficient natural light, outlook, and floor to ceiling heights of 4.60 metres at ground floor and 3.5 metres at the first floor level and floors above. The basement office area dedicated to affordable workspace unit would have some natural light from internal lightwells at ground floor level, to the southern elevation of the building and would achieve a floor to ceiling height approximately 4.60 metres.
- 9.34 The proposal is considered to be in accordance with emerging Local Plan policy B2(E) with regards to allowing for flexibility for a range of occupiers, roof level of amenity for occupiers (including adequate levels of daylight and sunlight, access to communal/ancillary facilities such as meeting rooms), incorporates the highest of inclusive design standards and demonstrates provision of a range of spaces relevant to the primary function/sector of the particular area (in this instance being within the CAZ).
- 9.35 While it is accepted that the lower ground office floorspace would not benefit from exceptional level of natural light or external outlook as achieved with the upper floors, the floor to ceiling heights are generous (exceeding 3m) and the office spaces would be easily accessible via lifts and staircases. It is considered that the office floorspace is of exceptionally high quality throughout the proposal.

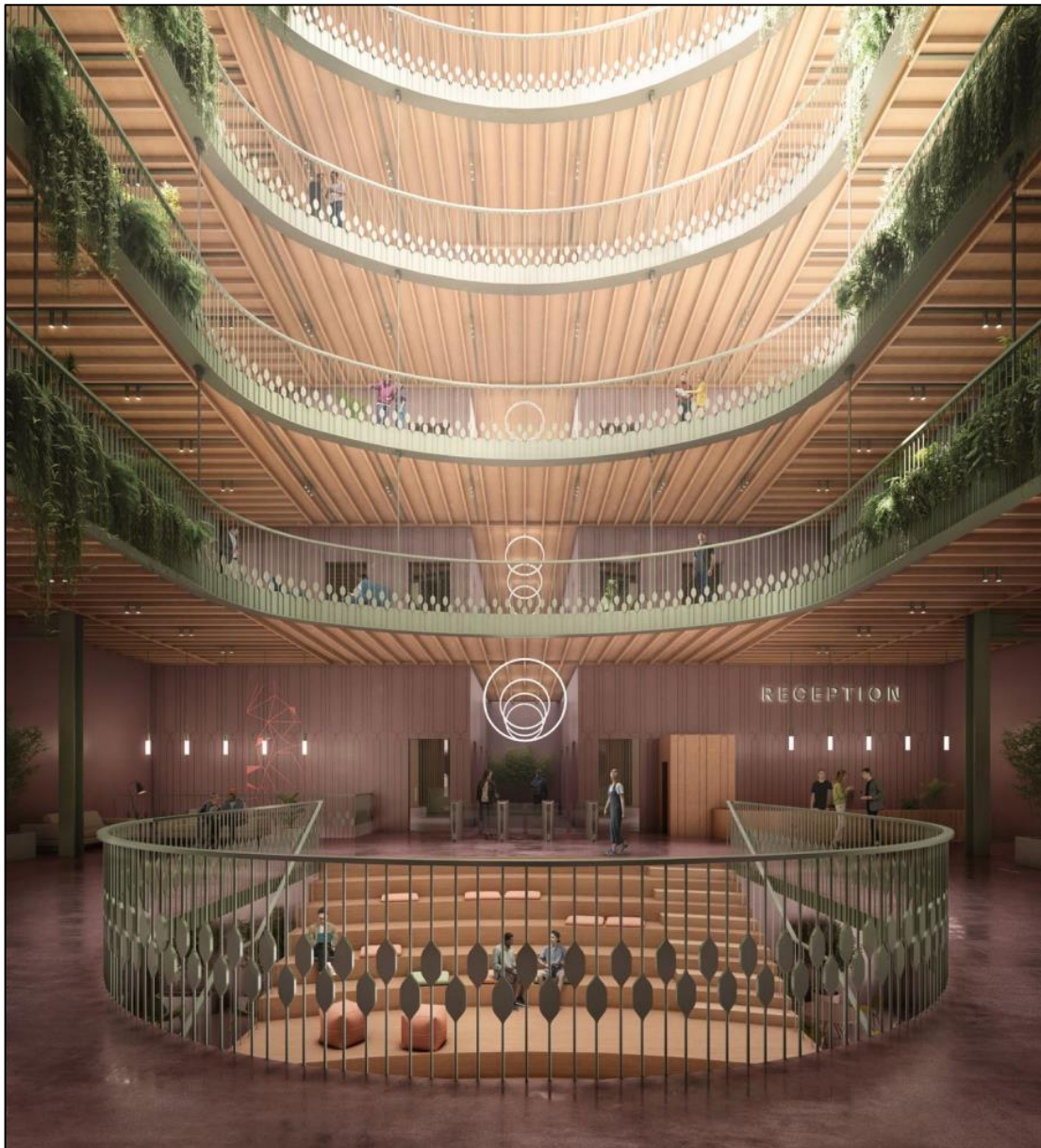


Figure 21: Indicative view of the internal atrium to the centre of the building, at ground floor level

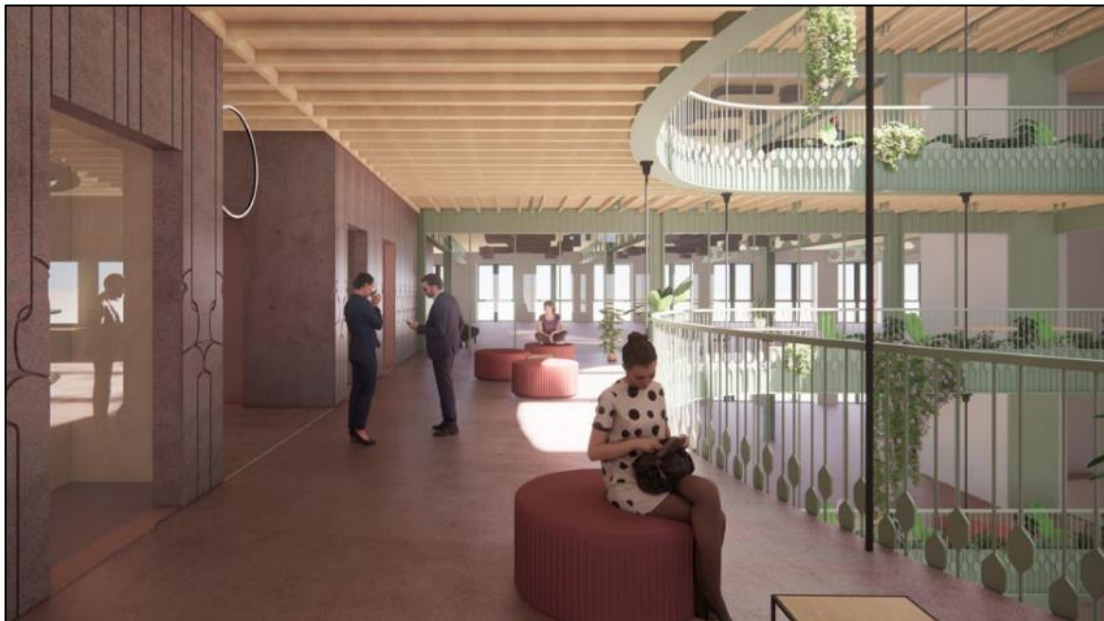


Figure 22: Indicative typical view of the internal atrium at upper floor levels

## Retail and Leisure

- 9.36 Policy CS14 of Islington's Core Strategy states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.
- 9.37 In terms of emerging Local Plan, policy R1 highlights that retail services and leisure uses will be resisted where, by virtue of their location and/or concentration, they would have negative impacts on the character, function and amenity of an area or would negatively impact on the health and wellbeing of the borough's residents. The site is not within a designated Town Centre, Primary Shopping Area or Local Shopping Area.
- 9.38 However, the proposal would be in accordance with emerging Local Plan Site Allocation BC48 as it would provide retail use, with associated active frontage to the street, across the ground floor level. The retail units would be accessed from both the street and internally from the central atrium.
- 9.39 The proposed leisure use (Gym – Use Class E(d)) represents 7% of the total floorspace of the building. It would have a small frontage onto Epworth Street as reception and welcome area, whilst the majority of the floorspace dedicated to changing rooms and fitness equipment etc. is located at basement level. As such, the proposed gym would not impact on the streetscene as it would have minimal active frontage and makes use of basement space without natural light and outlook.
- 9.40 It is considered that there is clear policy support for retail on the ground floor of this office development in order to enhance the vitality and vibrancy of the CAZ and the borough as a whole. The proposed retail and leisure floorspace would be subject to a conditions (21 and 22) restricting its use within the appropriate Class E categories.

## Land use summary

- 9.41 The proposed mix use proposal is considered to be in accordance with the currently adopted Local Plan, emerging Local Plan and the London Plan. Office use, which represents 87% of the building would ensure intensification of office use within the CAZ and Clerkenwell AAP. Further, at ground and basement levels, retail and leisure represents the remaining 13% of the building. This is in accordance with the emerging Site Allocation BC48 which seeks active frontage to the street at ground floor level.
- 9.42 The proposal is, therefore, considered acceptable in regards to land use principles subject to securing affordable workspace provision, planning conditions and all other necessary obligations set out later in this report. The Section 106 legal agreement would ensure these requirements are incorporated into the final design and would outline the mechanics of leasing the floorspace to the Council in perpetuity at a peppercorn rent.

## Affordable Workspace

- 9.43 London Plan Policy E3 states that considerations should be given to the need for affordable workspace 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) or in locations 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.
- 9.44 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).

- 9.45 The emerging Local Plan policy B4 states that within the CAZ and Bunhill and Clerkenwell Area Action Plan area, major development proposals involving office development must incorporate 10% affordable workspace (AWS) (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 or in perpetuity if the proposal is for over 10,000sqm in floorspace. Following the examination of the Local Plan policies, modifications to Policy B4 have been proposed which confirm that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to the uplift in floorspace only and not the whole floorspace.
- 9.46 The applicant proposes affordable workspace provision to be located to the south western part of the building, at ground and lower ground level. The affordable workspace unit would measure a total of 2,008sqm which equates to 13.4% of the total floorspace proposed. The applicant has agreed that the affordable workspace unit would be leased to the Council in perpetuity.
- 9.47 The affordable workspace provision would have a dedicated access on Epworth Street and would also have numerous other access points at lower ground level to the cycle/changing facilities and to the central atrium. As such, the affordable workspace unit would have the same access to the shared facilities as the other market office floorspace above, including the extensive rooftop terraces.
- 9.48 The proposal is therefore considered to be in accordance with London Plan policy E1, Islington Local Plan policy DM5.4 and emerging Islington Local Plan policy B4.

### **Tall Building**

- 9.49 London Plan policy D9 'Tall buildings' states that Development Plans should define what is considered a tall building and defines tall buildings as at least 6 storeys or 18 metres. Part C relates to impacts of tall buildings and outlines that proposals should address visual, functional, environmental and cumulative impacts. Tall buildings are encouraged to provide free to enter publicly accessible areas, where appropriate, to the top of the building to allow for wider views across London.
- 9.50 Policy CS9 of the Core Strategy is concerned with protecting and enhancing Islington's built and historic environment and states, inter alia, that tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported. However, parts of the Bunhill and Clerkenwell key area may contain some sites that could be suitable for tall buildings, this will be explored in more detail as part of the Bunhill and Clerkenwell Area Action Plan.
- 9.51 Finsbury Local Plan policy BC9 is concerned with tall buildings and contextual considerations for building heights and states that tall buildings are considered to be buildings or structures that are substantially taller than their neighbours and/or which significantly change the skyline. Buildings of 30 metres in height or more may be appropriate only within the areas indicated in Figure 17 of the Finsbury Local Plan. These areas include sites identified in Policy BC2 (City Road Basin) and Policy BC3 (Old Street), as well as an area adjacent to the City of London boundary at Moorgate. Elsewhere, building heights must respond to the local context, particularly those contextual factors indicated on Figure 17. Further, Figure 17 within the Finsbury Local Plan indicates in yellow that the site may be appropriate for a building over 30m in height. Proposals for all new buildings are expected to conform to Policy BC9, unless an exceptional case can be proven, through robust analysis and justification.
- 9.52 The 30-metre limit identified within Policy BC9 should be taken to mean the distance between the average ground level of the site and the highest point of the building or structure. The actual and perceived height of a building relates to a range of factors: for example, variation in floor-to-ceiling heights (typically between 3 and 4 metres, depending on the building's uses), architectural treatments and features (particularly at ground floor and roof level), and the site's prominence (either in built or topographical terms). Given this, in addition to the historic nature of the area and the need to maximise residential amenity, the quality of the design of any new tall building is critical. Policy BC9 sets out nine criteria for ensuring that new tall buildings are well designed and do not negatively impact on the local environment, including the design and infrastructure considerations.

- 9.53 Emerging policy DH3 'Building heights' explains that 'buildings of more than 30 metres are only acceptable in-principle: (i) on sites allocated in the Local Plan where the allocation makes specific reference to suitability for heights of 30m or more; and/or (ii) within specific sites identified in a Spatial Strategy area.
- 9.54 This policy is evidenced by the Islington Tall Buildings Study which is an up to date and comprehensive urban design assessment for the development of tall buildings. It conforms with policy D9 of the London Plan 2021, which requires boroughs to determine locations where tall buildings may be an appropriate form of development and identify any such locations in their Development Plans. The Council is currently in the later stages of the examination of its Local Plan and the weight that can be given to the policies in the draft Local Plan will increase as it progresses towards adoption. As the proposals are at the pre-application stage it is important that the emerging policy is taken into account.
- 9.55 Further, emerging Finsbury Local Plan policy BC3 part L, four sites in the City Fringe Opportunity Area have been identified as potentially suitable for tall buildings over 30 metres. This does not include the application site.
- 9.56 Islington has identified appropriate tall building locations in accordance with the guidance set out in London Plan policy D9 parts B(1) and B(2) and considers that following this process tall buildings should only be developed in the identified locations as specified in D9 part B(3).
- 9.57 The proposed rooftop plant enclosure takes the height of the building to total of 34.85 metres, as shown in Figure 23 below. As such, the proposal would represent a departure from the draft Local Plan. The proposed building shoulder height is 20.83 metres, rising to 25.05 metres and 29.2 metres to the setback floors above.

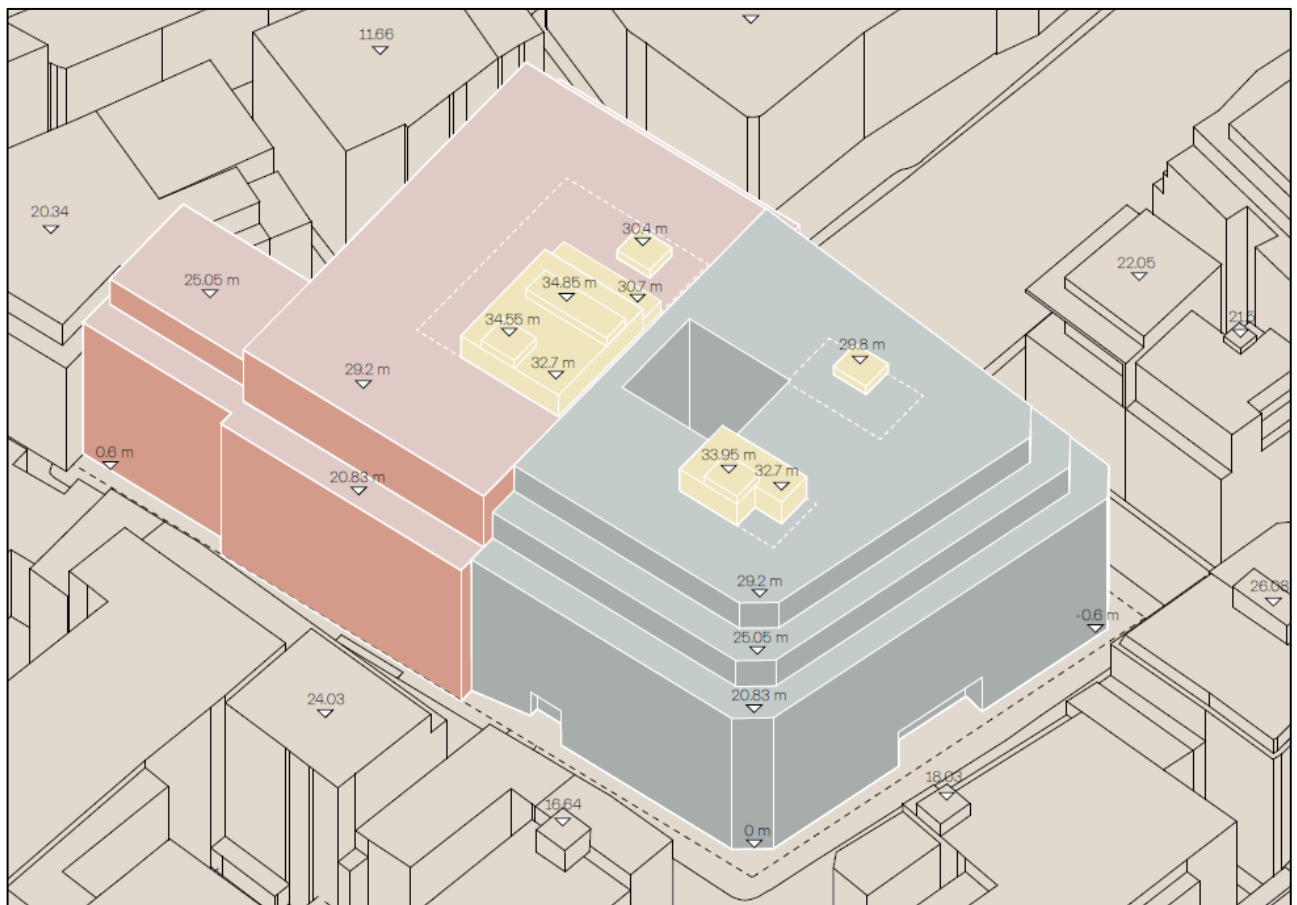


Figure 23: The 'spot heights' of the proposed building. The areas marked in yellow denote the parts of the building which exceed 30 metres in height.

- 9.58 Part C of London Plan policy D9 outlines potential impacts in which a tall building should be assessed. These are outlined and addressed in turn below:
- 1) *Visual Impacts*
- 9.59 London Plan policy D9(C) outlines the visual impact considerations for tall buildings, as follows:
- a) *the views of buildings from different distances:*
- i long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views;*
- ii mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality;*
- iii immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy;*
- 9.60 In the long-range views illustrated in the submitted Townscape, Heritage and Views Impact Assessment ('THVIA'), the development would not be in view due to the prevailing urban context. Where the proposed building would be in view in the mid and shorter range views, the TVHIA illustrates that the building would be in keeping with the scale of the existing prevailing context.
- b) *whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding;*
- 9.61 The scale of the proposed building is considered to be in keeping with the prevailing local and wider urban context, reinforcing the spatial hierarchy.
- c) *architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan;*
- 9.62 As set out in the assessment by officer at paragraphs 9.81 – 9.127, the proposal as a whole is considered to be of high architectural quality with attractive materials which complement the character of the local context.
- d) *proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area;*
- 9.63 A detailed assessment of the proposed building with regards to impact upon heritage assets has been undertaken below at paragraphs 9.128 – 9.160. It is considered that the proposal would not harm the significance or setting of neighbouring heritage assets such as listed buildings and conservation areas.
- e) *buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it; and*
- f) *buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river;*
- 9.64 Considerations (e) and (f) are not relevant in the assessment of this application as the site is not located within the setting of a World Heritage Site nor near the River Thames as outlined by the Thames Policy Area of the London Plan.



*g) buildings should not cause adverse reflected glare;*

*h) buildings should be designed to minimise light pollution from internal and external lighting;*

9.65 The proposed façade treatment and fenestration alignment is considered consistent with the prevailing character of opposite neighbouring buildings. Conditions 8 and 9 seek further details with regards to external lighting and internal lighting to avoid glare and light pollution.

9.66 In summary of visual impacts, the proposed development is considered to be of a scale that would be in keeping with the neighbouring development and the surrounding area. In the longer range views illustrated in the submitted Townscape, Heritage and Views Impact Assessment ('THVIA'), the development would not be in view due to the prevailing urban context. Where the proposed building would be in view in the mid and shorter range views, the TVHIA illustrates that the building would be in keeping with the scale of the existing prevailing context. Further, the THVIA assesses the cumulative impacts, taking consented but not-yet-constructed schemes into consideration. In these cumulative views, the scale would not exceed that of other consented schemes.

## *2) Functional Impacts*

9.67 London Plan policy D9(C) outlines functional impact considerations for tall buildings, as follows:

*a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants;*

9.68 The proposal has been assessed with regards to external detailed design and appearance at paragraphs 9.81 – 9.127, accessibility and inclusive design at paragraphs 9.264 – 9.282.

*b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process;*

9.69 The proposal includes a dedicated internal delivery and servicing area, accessed from Clere Street. Servicing vehicles can enter and exit the site in a forward gear. As such, the proposed servicing strategy will preserve the safety of surrounding public realm and highway. Further, it is considered that the strategy would not give rise to noise and disturbance to the detriment of neighbouring amenity.

*c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas;*

9.70 The building is well served by a number of entrances and access points. The main entrance is located to the centre of the building elevation along Paul Street, with secondary building accesses to Epworth Street, Clere Street and Platina Street. Dedicated cycle storage access is achieved from Platina Street. Further, a number of ground floor units, including the dedicated affordable workspace unit and retails units would have dedicated access from street. As such, it is not considered that the proposed building would lead to unacceptable overcrowding or isolation in the surrounding area.

*d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building;*

9.71 The GLA and Transport for London have reviewed the application at Stage 1 and some concerns were raised regarding Healthy Streets and Active Travel Zone assessment; cycling; cycle parking; trip generation; deliveries and servicing; and travel planning. The Applicant has been in correspondence with both the GLA and TfL on these matters, and these have now been addressed through revised cycle parking measures and mitigation to be secured through condition and legal agreement obligations.

*e) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area;*

9.72 As outlined in the GLA's Stage 1 response, the development would provide an intensification of an existing office use within the CAZ and City Fringe Opportunity Area and is therefore considered to be an appropriate land use.

*f) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings;*

9.73 Given main building envelope of the proposal would reach a maximum of 29.2 metres, with isolated elements (such as for plant, equipment and lift over-runs) exceeding 30 metres, it is not considered that these elements would interfere with aviation, navigation or telecommunication, whilst there is sufficient separation distance to ensure the proposal does not cause significant detrimental impact upon neighbouring solar energy generation (PV Panels).

### 3) *Environmental Impacts*

9.74 London Plan policy D9(C) outlines that wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building. Further, air movement affected by the proposal should support the effective dispersion of pollutants, but not adversely affect street-level conditions and any noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building

9.75 Given the main scale and massing of the proposed building is similar to the prevailing built form context, it is not considered that the height of the building's main elevations, especially along Epworth Street, Paul Street and Clere Street would give rise to significant change in noise created by air movement, wind and temperature surrounding the building.

9.76 The impact of the proposal upon daylight, sunlight and overshadowing has been assessed by officer at paragraphs 9.186 – 9.252 below, following the submission of a Daylight and Sunlight assessment against BRE Guidance.

### 4) *Cumulative Impacts*

9.77 London Plan policy D9(C) outlines that the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.

9.78 Officers agree with the GLA Stage 1 response which outlines that the proposed building would not appear out of keeping with the taller buildings in the vicinity of the site and would not significantly impact the established building heights in the area. As highlighted in paragraphs 6.17 – 6.22, a number of existing and consented schemes within the immediate and surrounding area of the site. As such, the proposed building is not considered to be incongruous to the prevailing and forthcoming urban context.

### *Tall building summary*

9.79 The proposed building is not located within an area which is identified as suitable for tall buildings. However, officers consider that due to isolated elements of the building which would exceed the 30-metre threshold, the impact of exceeding 30 metres in height is negligible.

9.80 GLA officers consider that the visual impacts are acceptable and that functional impacts of the proposal could be broadly acceptable, subject to further assessment of transport and fire safety

matters. Furthermore, the environmental and cumulative impacts of the proposal will need to be finalised at Stage 2 following review of the Council's detailed assessment. GLA officers will consider the acceptability of the proposed tall buildings on balance at Stage 2.

## **Design, appearance, and impact upon heritage assets**

### **Policy Context**

- 9.81 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.
- 9.82 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.
- 9.83 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.
- 9.84 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).
- 9.85 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.
- 9.86 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.
- 9.87 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.
- 9.88 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.

- 9.89 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.
- 9.90 DM policy DM2.3 (Heritage) 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.
- 9.91 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

- 9.92 The maximum height of the proposed building would be a total of 34.85 metres, due to the height of isolated plant equipment/enclosures and lift overruns atop of the main roof. The more dominant and visually prominent 'shoulder' of the building rises to a height of 20.8 metres whilst the recessed two storey 'crown' of the development rises to a total height of 29.2 metres.
- 9.93 These heights are considered compatible with neighbouring urban blocks, helping to produce a comfortable contextual fit for the development. The series of setbacks applied to the two upper floors, and their 'lighter' elevational treatment, aid in this assimilation into the local street and roofscapes.
- 9.94 From street level the scheme 'reads' predominantly as a 5-storey building. This lower element, the body of the scheme, is of a more solid appearance than the setback upper storeys, giving it an appropriate dominance and weight that compares favourably with the predominant architectural language of the locality. It has been designed to present strong and enhanced building lines, to all its street edges, and presents a formal, urbane streetscape as befits this intensely urban context.
- 9.95 The 'Showroom' (eastern) element, with its five-storey base, accommodates a further two storeys. These are progressively set back from the building edge. They too have been designed with a greater void to solid ratio to their elevations than that of the lower floors. Both these devices serve to further reduce the visual impact on the streetscape of both the height and the mass of this part of the scheme.
- 9.96 The 'Factory' (western) element comprises a single and a two-storey set back element with the single storey element to the western most edge as the site approaches Tabernacle Street. These upper floors are similarly set back from the building edge and have also been designed with a greater void to solid ratio than the lower 5 storey element, reducing their visual impact.
- 9.97 There are two relatively minor elements of plant/lift over run which exceed above 30 metres. Both have been centrally positioned within the overall urban block, and therefore set well back from the street edges, suitably minimising their visual impact. There are no objections to these from a design perspective given their scale, relative to the scale of the development, and given their deeply recessed position within the scheme.
- 9.98 Massing has been creatively addressed by the detailed design including through materiality. Firstly, the visual distinction between the two 'halves' of the scheme presents as two 'buildings' on the site which helps reduce the impact of massing. These two typologies are subtly but legibly differentiated with a change in the colour palette between the two halves, and in the façade treatment with the

factory facade being of a simpler language and the showroom façade being considerably more embellished.

- 9.99 There is also a strong rhythm to the facades which aids in addressing the visual impact of the massing. This is expressed in pronounced vertical and horizontal elements, and includes a variation of the window bays, lintels, columns, and fenestration patterning.
- 9.100 The massing has been further mitigated by the physical setbacks of the top two floors and their lighter, more transparent, architectural treatment.
- 9.101 Islington's Urban Design Guide emphasises that an important streetscape objective is - the need to maintaining an appropriate height to width ratio between the buildings and the streets they flank. It advises that new development should complement and relate to the prevailing townscape (paragraph 5.69). In this respect it is considered that the scheme meets such an important objective.

#### Detailed design, appearance and materiality

- 9.102 It is considered that this is a well-designed scheme with a fine architectural expression and rich detailing. It is contemporary in its language but references multiple historical characteristics and reinterprets them in a well-considered and respectful manner.
- 9.103 The elevational treatment is of a high quality. It achieves an excellent balance between a respectful reference to the functions, patterns, and proportions of the predominant historical warehouse architecture still common within the local area, and a distinct, unique, and contemporary expression.
- 9.104 The elevational treatment differs subtly and effectively between the two parts (the 'showroom' and 'factory') of the development. The grander and more formal 'Showroom' which occupies the eastern half of the site, comprises a more complex elevation with greater embellishments and deeper tones, and the use of double bays with circular columns, and a scalloped parapet. The 'Factory' element, which occupies the western part of the scheme, has a simpler, less embellished, elevational treatment with a pale materials palette and a single bay arrangement.
- 9.105 There are further subtleties within the facades that change in accordance with the differing edge conditions, in particular in relation to the primacy of the Paul Street façade including the grandeur applied to the main entrance and its surrounds.
- 9.106 The elevations are also differentiated between the main body of the building, the primary lower 5 storeys, which have a greater solid to void ratio compared to the setback upper two storeys which are visually lighter with a greater void to solid ratio in their elevational treatment.
- 9.107 The ground floor treatment throughout is distinctive and robust. It provides for a sufficiently active and animated ground floor interface to the public realm to all three of the site's street edges. The primary entrance to Paul Street is celebrated with a double height space and richly detailed surrounds, legibly announcing its function as the main entrance into the development.



*Figure 24: Indicative view from the eastern side of Paul Street of the main entrance to the building*

- 9.108 The two secondary entrances are located on the southern and northern edges, to Epworth and Clere Streets. These too are well designed and legible and, through their quieter language and smaller proportions compared to the primary Paul Street entrance (shown in figure 24 above), acknowledge their function as secondary entrances into the scheme.
- 9.109 Clere Street is to continue to accommodate the servicing function of the site. The opening to the onsite ground floor loading bays remains in a similar location to the existing service entrance, to the site's north-eastern edge. It abuts a proposed run of 4 bays located behind decorative metal doors and that accommodate a range of plant and servicing facilities.
- 9.110 Midway along this Clere Street edge is located one of the secondary entrances which begins the animation and activation of this part of the street. This is followed by two retail units, each with their own entrance and shopfront, and leading to the chamfered edge that returns onto Paul Street. The

ratio of inactive to active is considered acceptable to this secondary frontage as is the retention of the servicing function to this part of the site.

- 9.111 Epworth Street is also suitably animated and activated accommodating the secondary entrance, together with individual entrances to the affordable workspace to the east, and a retail unit and a gym to the west.
- 9.112 There had been some concern expressed about the extent of the voids to basement to the eastern (factory) element of the scheme give the importance of securing an active ground floor/public realm interface. While these remain, they have been reduced in scale. The entrance to the affordable workspace and a single bay are both positioned flush with the pavement to generate activity and provide some animation to this western part of the scheme.
- 9.113 As with Clere Street, the ratio of inactive to active ground floor use and appearance is considered acceptable to this secondary frontage.
- 9.114 Paul Street accommodates three of the six retail units as well as the primary entrance and is therefore the most active as befits the more primary nature of this street compared to Clere Street and Epworth Street.
- 9.115 This ground floor response is of a high quality with a suitable amount of activity generated. It therefore accords with the advice contained within the council's Urban Design Guide SPD.

## **Materials**

- 9.116 The importance of using high quality materials is stressed within Islington's Urban Design Guide, within paragraphs 5.111 – 5.123. The guidance specifically advises in para 5.112 that: "*The choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area*".
- 9.117 The proposed materials palette, and its clever and attractive application, is considered by Officers to adhere with this requirement, as follows:
- 9.118 Pre-cast concrete has been chosen as the primary material for the façades, due in part because of its more effective sustainability credentials when contrasted with hand laid bricks. Pre-cast concrete has also been selected due to its malleable nature. It allows for decorative motifs to be imprinted into it which will enrich the architectural character of the façade while positively responding to the history of the site and its immediate context.
- 9.119 The building is therefore to be clad in coloured precast stone/concrete panels. The 'Showroom' half of the proposed development is clad in a darker, richer palette of terracotta and browns while lighter, whiter hues are proposed to the 'Factory' half. The colours also lighten up the façade as the building rises, furthering the visual solidity of the base of the block and lessening its visual dominance toward to the top.
- 9.120 The ground floor, including entrances, of the more formal 'Showroom' element are clad in a darker pre-cast, which is in keeping with darker materials traditionally used at the base of surrounding buildings. The finish of the pre-cast at ground floor is to be smooth and polished, inviting touch and celebrating the tactile nature of the material.
- 9.121 The tiered mansard levels to the 'Showroom' will be expressed in pre-cast concrete / stone, which projects forward from a metal curtain walling system. This provides a lighter tectonic feel and, much like surrounding buildings, the material palette of the mansard is shared with that of the main body of the building.



Figure 25: Material Palette of the 'Showroom' element to Paul Street and the eastern sides of Epworth Street and Clere Street

9.122 The 'Factory' element of the scheme, also be clad in pre-cast stone/concrete panels with an exposed finish, will be plainer in terms of architectural detailing, with less articulation, reflecting the typology of the factory. The colour and texture will further differentiate this more utilitarian half of the building from the more flamboyant 'Showroom' yet will sit compatibly with the materiality of surrounding buildings.





Figure 26: Material Palette of the 'Factory' element to the western side of Epworth Street

- 9.123 The ground floor material is proposed to be the same as the Eastern half of the scheme: a darker pre-cast with a smooth tactile finish. As with the 'Showroom', the mansard levels will be expressed in pre-cast sitting proud of a metal curtain walling system - a lighter tectonic feel, but still aligning with the material palette of the main body of the building.
- 9.124 A pattern motif is embedded in elements of the façade including lintels, adding a layer of richness with its historical reference. The motif itself is derived from the Baxter Leather Company's heel breasting machine, which was invented on the site on Epworth Street.
- 9.125 Further façade ornamentation is introduced through the application of a 'petal' motif incorporated into the metalwork at high level ground floor, and in the handrails of the Juliet balconies positioned above the primary Paul Street entrance.
- 9.126 The importance of using high quality materials is stressed within the UDG, within paras 5.111 – 5.123. The guidance specifically advises in para 5.112 that: *"The choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area"*.
- 9.127 The proposed materials palette, and its clever and attractive application, adheres with this requirement. In summary, the detailed design, appearance and materiality of the proposed building

is considered to be of high-quality architecture. Condition 3 is recommended to ensure that the finalised schedule and samples of the material palette is submitted to and approved by officers.

### **Impact upon Heritage assets**

- 9.128 The site is not located within a Conservation Area; however, it does adjoin the Bunhill Fields and Finsbury Square Conservation Area (CA22) located along the western boundary.
- 9.129 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.130 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.
- 9.131 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”.
- 9.132 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).
- 9.133 ‘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”.
- 9.134 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 9.135 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 9.136 In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been undertaken by Council Officers, who have identified that less than substantial harm would be caused by the proposal, due to its impact on the setting of character and appearance of the neighbouring Conservation Area and setting of the listed buildings.
- 9.137 Where the decision-maker concludes that there would be some harm to a heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.

9.138 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

9.139 Where more than one heritage asset would be harmed by the proposed development, (for example the impact upon a listed building and the character and appearance of a Conservation Area) the decision-maker also needs to ensure that when the balancing exercise is undertaken, the ‘cumulative effect’ of those harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.

9.140 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the applicant as part of its submission.

*Listed building(s)*

9.141 There are a number of Listings located in the surrounding area which could be impacted by the proposal.

9.142 To the southeast of the site, on the corner of Scrutton Street and Paul Street (outside The Fox public house) is the Grade II listed gun ‘Post at North Corner of Scrutton Street, Paul Street EC2’, located within the London Borough of Hackney.

9.143 To the northeast, approximately 80 metres from the site, is the Grade I listed ‘Church of St Michael’, also located in the neighbouring London Borough of Hackney.

9.144 To the west, approximately 35 metres from the site, is the Grade I listed ‘Wesley Chapel’. Surrounding Wesley Chapel, there are a number of Grade II and II\* listings, such as the tomb of John Wesley, the Statue of John Wesley, the Chapel Keeper’s House, Benson Building, The Manse, Entrance Gates and Railings.

9.145 Further west of Wesley Chapel, approximately 130 metres from the site, is the Grade I listed park and garden of Bunhill Field Burial Ground.

9.146 As outlined in Local Plan policy DM2.3, 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.

9.147 On review of the views provided in the Townscape and Heritage Views Impact Assessment (‘THVIA’), the GLA within their Stage 1 Response, having had regard to the statutory duties and the policies, agree with the findings of the THVIA that the proposed development would not harm the significance or the setting of the adjacent conservation areas and the adjacent Wesley buildings (John Wesley’s House and attached railings [Grade II]; Wesley’s Chapel [Grade I]; Benson Building [Grade II]; Chapel Keeper’s House [Grade II]; The Manse [Grade II]; Statue of John Wesley in the Forecourt of Wesley’s Chapel [Grade II]; Gates to John Wesley’s House [Grade II]; Entrance Gates to Wesley’s Chapel [Grade II]; Wesley’s Chapel Memorial to Susannah Wesley in the Forecourt [Grade II]; and Tomb of John Wesley in the burial ground of Wesley’s Chapel [Grade II\*]).

9.148 However, the GLA requested that prior to Stage 2, an additional view(s) should be submitted outlining the proposed building in the background of Church of St Michael (Grade I), Clergy House to west of Church of St Michael (Grade II\*) and St Michael’s Church School (Grade II\*), as the THVIA does not clearly depict the impact of the proposed development on these buildings.

9.149 The requested view has been submitted within 'Castle & Fitzroy House: additional view analysis (addendum) dated 9 January 2023 by KM Heritage. The submitted addendum and view from the north side of Leonard Street looking south-west indicates that the majority of the proposed development would not be visible in this view. A small proportion may be visible within the air space between the listed buildings, however discernible.

9.150 In summary, it is considered that the proposal would not result in harm to or loss of significance to (including their setting), and thereby preserve, nearby listed buildings in accordance with the PLBCAA, NPPF, London Plan and Local Plan.

#### *Locally listed buildings*

9.151 There are a number of locally listed buildings within the vicinity of the site. To the south of the site is 23 Paul Street. Further, to the south of the site and directly opposite the site to the south of Epworth Street lies 24 Epworth Street. To the south west of the site lie 8 Epworth Street and 30 Tabernacle Street on the corner of Epworth Street and Tabernacle Street. Opposite 30 Tabernacle Street lies 27 Tabernacle Street. To the west along Tabernacle Street lies 46 Tabernacle Street and 52 Tabernacle Street. Further, to the north west of the site lies adjoining 41, 43, 45, 47 and 49 Tabernacle Street. 53 Tabernacle Street and 55 Tabernacle Street are located further north.

#### *Conservation Area(s)*

9.152 The site is not located within a conservation area. However, the site is within proximity to the neighbouring Bunhill Fields and Finsbury Square Conservation Area (CA22) to the south and west, whilst partially adjoining the Conservation Area to Platina Street, as shown in Figure 27 below.

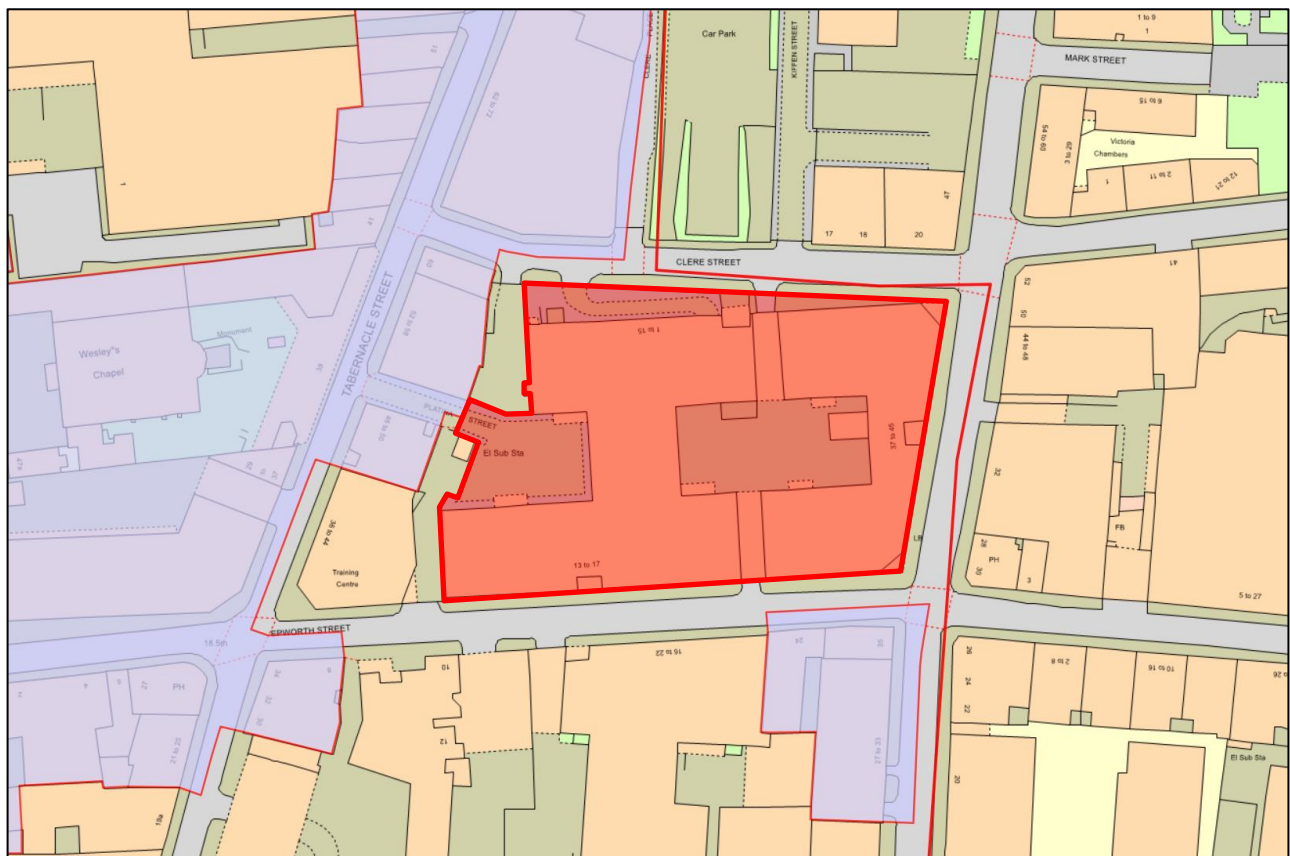


Figure 27: The site (in red) in regard to neighbouring conservation areas (in purple).

9.153 Local Plan policy DM2.3 outlines that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. Whilst the proposed building may be visible in places

from the surrounding conservation area(s), it would be of comparable scale to surrounding built form and the appearance and architecture is considered contextual to the character, appearance and setting of the conservation area(s), which are therefore be preserved in accordance with the PLBCAA, NPPF, London Plan and Local Plan.

### *Archaeology*

- 9.154 The application site is located within a designated Archaeological Priority Area (APA) – ‘Moorfields’. The submitted ‘Archaeological desk-based assessment’ prepared by Museum of London Archaeology dated July 2022 outlines that there is potential for early post-medieval archaeological remains to survive on the site. Any archaeological remains on the site will be entirely removed by the proposed development.
- 9.155 Historic England – Greater London Archaeology Advisory Service (GLASS) have been consulted on the application and have recommended further evaluation of the nature and extent of surviving remains, followed by, if necessary by a full investigation. See condition 32.

### Design and Heritage summary

- 9.156 The existing buildings on the site are of a poor architectural standard and do not enrich the quality or character of the streetscape, or the broader setting of the nearby heritage assets. As such, their replacement with a well-designed proposal would be beneficial to local character and quality, enriching the area.
- 9.157 The proposed building is of a height, mass and scale appropriate to the immediate surrounding context and does not cause harm to the wider streetscape. Although the maximum height (by way of lift overruns and plant) of the building is in excess of 30 metres, the main bulk and massing of the building is crowned at a height of 29.2 metres. The five storey ‘base’ (at 20.8 metres) sits comfortably with the prevailing storey height ambient of the more immediate context while the additional two floors, set back from the front façades and dressed in a lighter materiality, also adhere to the broader storey height ambient. Therefore, in regards to overall height, the scheme is considered to sit compatibly within this intensely urban context.
- 9.158 The proposal is a well-designed development that recreates a large part of an urban block. It is a very significant improvement on the quality and appearance of the existing buildings on the site. By virtue of the high calibre of its architecture, the development will also improve the character and quality of the immediate and broader context within which the site is located.
- 9.159 It is considered to be a thoughtful, well considered, piece of architecture that pays a subtle homage to the history of the area with its playful application of pressed motifs within the precast concrete panels, and in its referencing of the language of productivity through an interpretation of the showroom and the factory typologies in recognition of the area’s long history of furniture production and sales.
- 9.160 It is considered that the proposal would not result in harm to or loss of significance to, and thereby preserve, adjacent and nearby heritage assets (including listed buildings and conservation areas) in accordance with the PLBCAA, NPPF, London Plan and Local Plan.

### Accessibility and Inclusive Design

- 9.161 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.

- 9.162 The proposal includes level access across the site to all entrances at ground floor level. There are several lifts allowing for level access to all floors of the proposed building, including the basement levels.
- 9.163 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. The proposal includes two staircases and six lifts to the main core of the building (to the west of the atrium). A further two separate cores are located to the east side of the atrium, each with a staircase and lift.
- 9.164 The proposal includes step-free access into all entrances and to all levels; level access to all external terraces; at least one fire evacuation lift; inclusive cycle parking for non-standard cycles and a suitably sized lift; accessible WC's to each floor and at least one ambulant facility where self-contained WC's are provided.
- 9.165 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 1,097 and, as such, 16x 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 £80,000 would be secured through a section 106 agreement.

### **Neighbouring Amenity**

- 9.166 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.
- 9.167 There are immediate residential occupiers to the subject site, to the north of Clere Street, east of Paul Street, south of Epworth Street and to the west of Tabernacle Street.

### **Overlooking and privacy**

- 9.168 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.
- 9.169 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 commercial building to adversely affect the privacy of neighbouring residential buildings.
- 9.170 The existing building includes fenestration with outlook onto Epworth Street, Paul Street and Clere Street as existing. To 10 Epworth Street, the separation distance would increase from the existing 12.9 metres to 14.8 metres as proposed, albeit there is the increase in height of the building. 24 Epworth Street would also see an increase in separation distance from 9.7 metres to 11.5 metres. To 20 Clere Street, the separation distance would remain at 10.4 metres, whilst 17-18 Clere Street would see a decrease in separation distance from the existing 11.8 metres to 10.6 metres.

- 9.171 Given the prevailing Central London urban context, officers do not consider that the proposal would give rise to undue privacy concerns consistent with the character of the local area.
- 9.172 The proposal includes roof terraces at fifth and sixth floors, whilst the upper most roof is to be a significant roof terrace. The roof terraces would not adjoin any neighbouring residential buildings, and would be set away from the main elevations of the building envelope, whilst it is considered that there is sufficient separation distance to any neighbouring residential properties.

### **Outlook and sense of enclosure**

- 9.173 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 urban location.
- 9.174 The site does not directly adjoin any neighbouring residential properties as existing. Buildings to the west which front Tabernacle Street (inclusive of Platina Street) are within commercial use. It is only these buildings to the west which adjoin the proposed building.
- 9.175 The height of the proposed building shoulder is 5 storeys along Paul Street, Clere Street and the eastern most part of Epworth Street at a maximum height of 20.8 metres.
- 9.176 Given the proposal would be restricted to the existing urban block form and layout, with the existing highway remaining at Clere Street, Paul Street and Epworth Street, officers do not consider that the proposed building would give rise to a loss of outlook and an increased sense of enclosure which would warrant a refusal.

### **Noise and disturbance**

- 9.177 An 'Acoustic Report' dated 15 July 2022 and prepared by Hann Tucker Associates has been 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 and City Fringe Area. 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.
- 9.178 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 workers at their desks within offices do not typically generate significant noise and are compatible with residential uses.
- 9.179 Retail units and the leisure gym proposed at ground and basement levels shall be conditioned in line with Islington's prescribed licensing policies.
- 9.180 The proposed gym would be located at basement levels, with the reception and short stay cycle parking located at ground level. It is not considered necessary to restrict the hours of use of the gym, as gyms can typically operate 24 hours day, whilst the gym floor area and equipment is located at basement level. As such, a condition limiting the level of amplified music is to be secured through condition 31.
- 9.181 The proposal includes roof terraces at fifth and sixth floors, whilst the roof is to be a significant roof terrace. The potential for noise and disturbance may carry to neighbouring residential properties. As such, a condition limiting the hours of use (to between 0800 and 2000 only) of the roof terraces would secure mitigation of noise and disturbance to neighbouring amenity. See condition 7.
- 9.182 The other flat roof elements of the proposal along the elevations of Epworth Street, Paul Street and Clere Street will not be accessible for amenity use by office occupiers, and will be secured through Condition 7.

- 9.183 Objections from neighbouring properties raised concerns that the amount of light pollution 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. London Plan policy D9 seeks to ensure that proposed tall buildings should be designed to minimise light pollution from internal and external lighting. 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.
- 9.184 A number of objections raised suggest that the proposal would be of detriment to the access of neighbouring buildings, specifically 10 Epworth Street. The proposal does not seek to remove or change the access arrangements to this neighbouring building. Concerns regarding access during construction are to be considered through the submission of a finalised 'Demolition and Construction Environmental Management Plan' which should ensure that the disturbance, including access arrangements and noise, to neighbouring buildings is minimised, as outlined below.

### **Construction impacts**

- 9.185 It is anticipated that the construction of the proposed development would inevitably cause some degree of noise and disruption affecting neighbouring residents and businesses. A final 'Demolition and Construction 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 recommended condition 11. 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.

### **Daylight, Sunlight and Overshadowing**

- 9.186 Policy D9 of the London Plan outlines that the impact of a development upon daylight and sunlight penetration should be carefully considered and not compromise comfort and the enjoyment of open spaces around the building.
- 9.187 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment ('BRE') document 'Site layout planning for daylight and sunlight – A guide to good practice' (2022) 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.
- 9.188 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]*'.
- 9.189 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.190 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.
- 9.191 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 (such as



schools, hospitals, hotels and hostels, small workshops, and some offices) where occupants have a reasonable expectation of daylight.

### Daylight Guidance

9.192 The BRE Guidelines (2022) stipulate at 2.2.23 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).”*

9.193 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.*”

9.194 At paragraph 2.2.10 of 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*”.

9.195 Paragraph 2.2.13 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.

9.196 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*”.

9.197 The BRE Guidelines at 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.

### Sunlight Guidance

9.198 The BRE Guidelines (2022) state in relation to sunlight at paragraph 3.2.13: “*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 winter 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.”*

9.199 The BRE Guidelines) state at paragraph 3.1.6 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.”

9.200 The guidelines go on to state at 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. Normally loss of sunlight need not be analysed to kitchens and bedrooms, except for bedrooms that also comprise a living space, for example a bed sitting room in an old people’s home”.

9.201 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

9.202 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.

9.203 At paragraph 3.3.17, the BRE guidelines state: “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 of Daylight, Sunlight and Overshadowing

9.204 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 ‘Daylight and Sunlight’ report dated July 2022 has been submitted. The report and annexes consider the impacts of the proposed development on the residential neighbours in accordance with the latest 2022 Building Research Establishment (BRE) Guidelines.

9.205 In modelling the assessment, ‘Avison Young’ 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.

9.206 The below figure shows the neighbouring residential receptors identified and tested within the Daylight and Sunlight report (page 24):

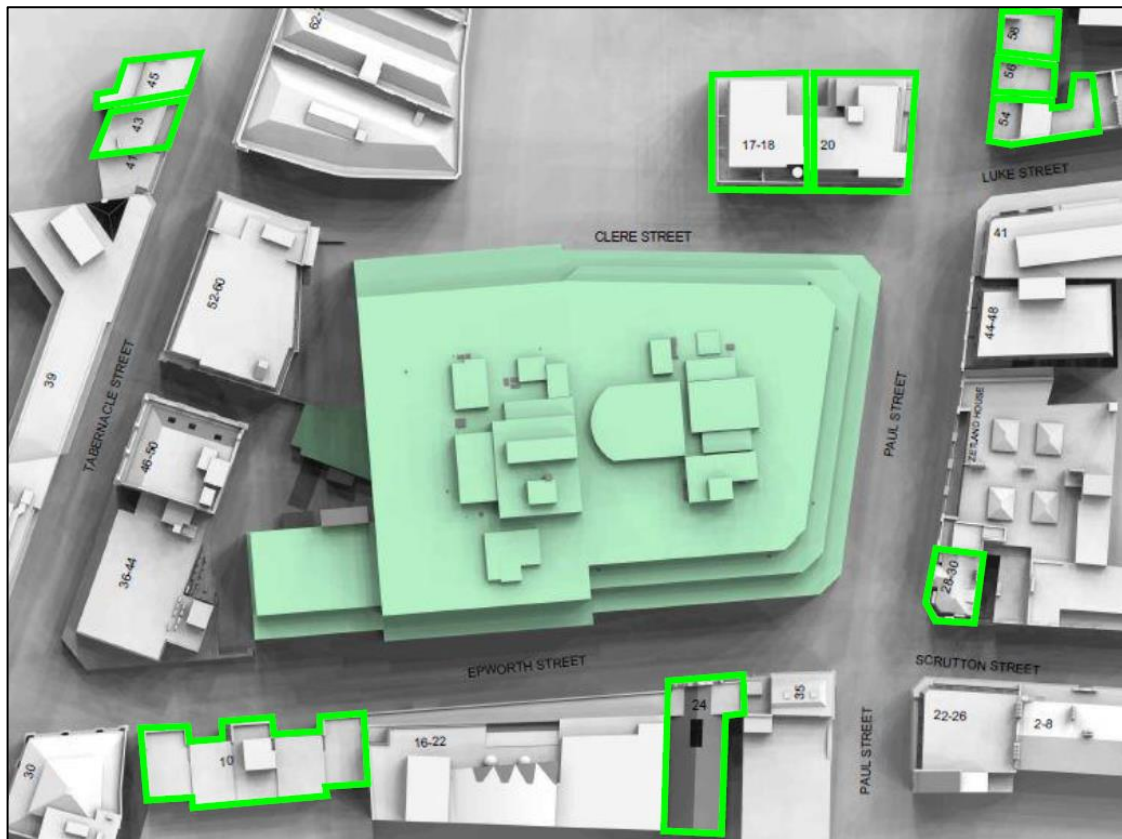


Figure 28: Map of the neighbouring residential properties tested against BRE Guidance.

9.207 The submitted Daylight & Sunlight report concludes that several neighbouring properties relevant for assessment fail the relevant BRE daylight and sunlight tests, however all neighbouring external amenity areas would meet BRE guidance with regards to overshadowing.

#### Impacts to Daylight

9.208 The report indicates that 96 of the windows tested would transgress BRE guidance relating to VSC and 29 of the rooms tested would see reductions beyond BRE guidance relating to NSL.

9.209 Transgressions are reported to the neighbouring properties confirmed to be residential as follows:

- 10 and 24 Epworth Street;
- 17-18 and 20 Clere Street;
- 28-30 and 54 Paul Street; and
- 43 Tabernacle Street;

#### *10 Epworth Street*

9.210 10 Epworth Street is a six-storey building located on the southern side of Epworth Street, to the south of the site. The bottom two storeys are open with parking for residents of the dwellings at second floor (stated as first floor by the Applicant's Daylight consultant) and above. The building contains 19x residential dwellings which have window/rooms which face the site.



Figure 29: The principal elevation of 10 Epworth Street

9.211 32 windows and 32 rooms facing the site were tested. 12 (37.5%) windows and 17 (53.1%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 1 below:

Table 1: 10 Epworth Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>First Floor</b>								
R4 / W4	Bathroom	0.02	0	100%	4.7	0	0	0
R6 / W6	Hallway	0.2	0.06	66.7%	12.3	7.3	6.1	15.6%
R8 / W14	Bedroom	0.1	0	100%	7.1	4.3	1.3	69.6%
R10 / W16	Kitchen	0.01	0.01	0	6.5	3.7	2.1	43%
R12 / W18	Bedroom	27.3	13.9	49.2%	6.5	6.4	2.9	54%
R13 / W19	Bedroom	27.4	13.2	52%	12.8	10.8	3.9	63.9%
<b>Second Floor</b>								
R4 / W4	Bathroom	0.1	0	100%	4.7	0.4	0.4	0
R6 / W6	Hallway	0.9	0.7	24.2%	12.3	10.3	9.2	10.9%
R8 / W16	Bedroom	0	0	0	7.1	0.8	0.1	95.6%
R10 / W18	Kitchen	0.7	0.2	68.2%	6.5	5.6	2.5	55.4%
R13 / W21	Bedroom	31.2	16.5	47%	5.8	5.7	3.5	39.3%
R14 / W22	Bedroom	31.3	15.7	49%	12.8	12.6	4.5	64%
<b>Third Floor</b>								
R4 / W4	Bathroom	0.4	0.1	67.4%	4.7	1.3	1.3	0
R8 / W16	Bedroom	0.4	0	100%	7.1	1	0.3	64.4%
R10 / W18	Kitchen	2.2	0.7	69%	6.5	5.6	2.5	55.5%
R13 / W21	Bedroom	34.6	19.7	43.1%	6	5.8	4.3	25.8%
R14 / W22	Bedroom	34.7	18.7	46.1%	12.8	12.6	5.7	55%
<b>Fourth Floor</b>								
R4 / W4	Bathroom	0.4	0.1	73.7%	4.7	0.2	0.2	0
R8 / W16	Bedroom	1.4	0.02	98.6%	7.1	1	0.4	56.2%
R10 / W18	Kitchen	2.3	0.7	68.4%	6.5	4	0.4	56.2%
R13 / W21	Bedroom	37.1	23.3	37.4%	6	5.9	5.8	1.4%
R14 / W22	Bedroom	37.2	23.2	40.2%	12.8	12.6	7.6	39.4%

9.212 As shown in Table 1 above, 20 (62.5%) of the windows tested would see reductions beyond BRE guidance regarding VSC and 15 (46.9%) of the rooms tested would see reductions beyond BRE guidance regarding NSL.

9.213 The most affected windows and rooms (14 in total) are located beneath an overhang (highlighted in red in the table above), due to facing out on to an overhanging walkway, which is the access point to the residential properties, as shown in figure 29 above.

9.214 The Applicant has therefore undertaken an 'alternative assessment' in which the overhang has been removed and the windows are not obstructed to VSC. The result are as follows in table 2 below:

Table 2 – 10 Epworth Street: Without overhangs/balconies		Vertical Sky Component			Comparison with balconies assessment
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
<b>First Floor</b>					
R4 / W4	Bathroom	14.1	11.3	<b>20.1%</b>	<b>100%</b>
R6 / W6	Hallway	14.5	19.9	3.7%	<b>66.7%</b>
R8 / W14	Bedroom	15.6	8.5	<b>45.7%</b>	<b>100%</b>
R10 / W16	Kitchen	15.1	10.6	<b>29.6%</b>	0
<b>Second Floor</b>					
R4 / W4	Bathroom	19.3	16.8	17%	<b>100%</b>
R6 / W6	Hallway	17.2	16.7	2.9%	<b>24.2%</b>
R8 / W16	Bedroom	18.3	11.0	<b>39.8%</b>	0
R10 / W18	Kitchen	17.5	12.9	<b>26.1%</b>	<b>68.2%</b>
<b>Third Floor</b>					
R4 / W4	Bathroom	19.3	16.8	13.1%	<b>67.4%</b>
R8 / W16	Bedroom	21.8	14.8	<b>32%</b>	<b>100%</b>
R10 / W18	Kitchen	20.8	16.4	<b>21.1%</b>	<b>69%</b>
<b>Fourth Floor</b>					
R4 / W4	Bathroom	28.1	25.5	9.3%	<b>73.7%</b>
R8 / W16	Bedroom	28	21.5	<b>23.2%</b>	<b>98.6%</b>
R10 / W18	Kitchen	29	24.9	14.1%	<b>68.4%</b>

9.215 The results of the 'without balconies' calculations show that the balconies do cause harm to the light received to the windows and rooms at 10 Epworth Street as existing. With the balconies in place as existing, the windows would have very low values and perceptible to reductions beyond BRE Guidance. The without balconies alternative assessment shows that all of the windows and rooms would not see such a reduction without the overhanging balconies in place, however would still meet not meet BRE guidance.

9.216 The most affected windows serve bedrooms, which the BRE recognise as less used throughout the day. With regards to the impact on kitchens, in VSC, the kitchen windows would experience less than a 30% relative loss in light (as compared to 69% with the overhang walkways in place).

9.217 It is acknowledged that balconies cannot actually be removed to the existing building, 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.

## 24 Epworth Street

9.218 24 Epworth Street is a four-storey building located to the south of the site, to the southern side of Epworth Street. The building contains 4x residential dwellings which face have window/rooms which face the site at basement level and above. According to the Valuation Office Agency and Council Tax records, the basement and ground floors are in use as a single dwelling (maisonette).



Figure 30: 17-18 Clere Street (western elevation)

9.219 38 windows and 5 rooms were therefore tested. 11 (29%) windows and 1 (20%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 3 below:

Table 3: 24 Epworth Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Basement</b>								
R1 / W1	Living	12.2	6.5	46.9%	46.7	31.2	21.7	30.3%
R1 / W2		15.6	7.6	51.2%				
R1 / W3		13.7	5.8	57.8%				
R1 / W4		13.8	6.6	52.4%				
R1 / W5		15.2	6.2	59.5%				
R1 / W6		12.2	5.9	51.4%				
R1 / W7		15.5	7	55%				
<b>Ground</b>								
R1 / W1	Living/Kitchen /Diner	12.2	6.5	46.9%	80.3	3	1	66.3%
R1 / W2		15.6	7.6	51.2%				
R1 / W3		13.7	5.8	57.8%				
R1 / W4		13.8	6.6	52.4%				
R1 / W5		15.2	6.2	59.5%				
R1 / W6		12.2	5.9	51.4%				
R1 / W7		15.5	7	55%				
R1 / W8		1.6	1.6	0				
R1 / W9		1.3	1.3	0				
<b>First Floor</b>								
R1 / W3	Studio	22.9	10.8	53%	63	26.4	7.5	71.4%
R1 / W4		22.9	10.7	53.5%				
R1 / W5		25.6	11.8	54%				
R1 / W6		22.6	9.5	57.9%				
R1 / W7		2.6	2.6	0				
R1 / W8		1.7	1.7	0				
<b>Second Floor</b>								
R1 / W3	Living/Diner	30	13.7	54.4%	63	58.9	16.6	71.7%
R1 / W4		30.1	13.6	54.8%				
R1 / W5		32	14.7	54.1%				
R1 / W6		29.2	12.2	58.2%				
R1 / W7		7.2	7.2	0				
R1 / W8		4	4	0				
<b>Third Floor</b>								
R1 / W2	Living/Kitchen /Diner	33.1	15.4	53.4%	68.9	68.8	68.6	0.3%
R1 / W3		35.1	16.9	51.9%				
R1 / W4		35.1	16.8	52.3%				
R1 / W5		36.6	18.5	49.6%				
R1 / W6		32.9	14.5	55.9%				
R1 / W7		14.2	14.2	0				
R1 / W8		28.3	28.1	n/a				
R1 / W9		59.3	55.2	n/a				
R1 / W10		84.9	82.8	n/a				

9.220 As shown in the table above, 27 (71%) of the windows tested would see reductions beyond BRE guidance regarding VSC and 4 (80%) of the rooms, at basement, ground, first and second floors tested would reductions in excess beyond BRE guidance.

9.221 All of the impacted windows and rooms are dual aspect, with side (east facing) windows for further outlook and light, whilst all the flats at 24 Epworth Street are dual aspect, with outlook to the front, side and rear of the building.

## 17-18 Clere Street

9.222 17-18 Clere Street is a six-storey building, containing commercial use at basement and ground floors, with residential units to the upper floors. The fourth and fifth floors are a more recent addition to the building following planning permission reference: 2003/2169 (London Borough of Hackney).



Figure 31: 17-18 Clere Street (western elevation)

9.223 56 windows and 13 rooms were tested. 36 (64.3%) windows and 9 (69.2%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 4 below:

Table 4: 17-18 Clere St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>First Floor</b>								
R1 / W1	Living	26.1	23	11.7%	93	92.5	92.5	0.01%
R1 / W2		29.4	26.4	10.3%				
R1 / W3		27.1	25.7	5.3%				
R1 / W4		29.8	27	n/a				
R1 / W5		30.6	27.7	n/a				
R1 / W6		31.5	27.9	n/a				
R1 / W7		31.2	27.2	n/a				
R1 / W8		31	26.7	14%				
R1 / W9		30.7	25.8	15.9%				
R1 / W10		30.4	25.1	17.5%				
R1 / W11		23	2.3	64%				
R1 / W12		23	8.4	63.4%				
R1 / W13		22.8	8.5	62.9%				
R2 / W14	Bedroom	22.5	8.6	61.7%	18.2	13.4	6.9	48.4%
R2 / W15		22.3	9	59.8%				
<b>Second Floor</b>								
R1 / W1	Living	28.2	25.2	10.6%	93	92.6	92.5	0.12%
R1 / W2		31.5	25.8	18.4%				



R1 / W3		28.9	27.6	n/a				
R1 / W4		31.8	29.1	n/a				
R1 / W5		32.6	29.8	n/a				
R1 / W6		33.6	30.2	n/a				
R1 / W7		33.5	29.5	n/a				
R1 / W8		33.3	28.9	n/a				
R1 / W9		33.1	28	n/a				
R1 / W10		32.9	27.3	n/a				
R1 / W11		28.7	10.3	64.3%				
R1 / W12		28.8	10.4	63.9%				
R1 / W13		28.8	10.5	63.4%				
R2 / W14	Bedroom	28.6	10.7	62.7%	18.2	18.2	7.8	57.2%
R2 / W15		28.6	11.1	61.3%				
<b>Third Floor</b>								
R1 / W1	Living	29.7	26.8	9.6%	93	93	92.4	0.6%
R1 / W2		32.9	30.1	n/a				
R1 / W3		30.1	29.9	n/a				
R1 / W4		33.1	30.7	n/a				
R1 / W5		32.6	29.9	n/a				
R1 / W6		35.4	32	n/a				
R1 / W7		35.2	31.4	n/a				
R1 / W8		35.1	30.8	n/a				
R1 / W9		34.9	29.9	n/a				
R1 / W10		34.8	29.2	n/a				
R1 / W11		33	12.5	62.2%				
R1 / W12		33.2	12.7	61.8%				
R1 / W13		33.1	12.8	61.4%				
R2 / W14	Bedroom	33	13.1	60.4%	18.2	18.2	8.5	53.2%
R2 / W15		33.1	13.5	59.2%				
<b>Fourth Floor</b>								
R1 / W5	Bedroom	26.7	22.6	15.5%	8.7	8.7	8.7	0
R1 / W6		29.7	14	52.9%				
R2 / W7	Playroom	11.3	1.2	89.9%	27	26.5	6	77.2%
<b>Fifth Floor</b>								
R1 / W1	Kitchen	28.9	26.6	8%	102	101	101	0
R1 / W2		31.4	18.5	41.1%				
R1 / W3		31	18.7	39.5%				
R1 / W4		30.5	18.2	40.2%				

9.224 As shown in Table 4 above, 20 (35.7%) of the windows tested of the windows tested would see reductions beyond BRE guidance regarding VSC and 4 (30.1%) of the rooms tested would see reductions beyond BRE guidance regarding NSL. All of these windows at first, second and third floor levels face due south and the proposed building.

9.225 At fifth floor, to the top of the building, three windows of the large open plan living/kitchen/diner with reduction beyond BRE would see reductions ranging from 39.5% - 41.1%. There would be no reduction to the daylight distribution to this room.

9.226 It is noted that all of the properties within this building are dual aspect, with fenestration facing south onto Clere Street and the proposed development, and to the west onto Kiffen Street.

9.227 The Applicant has provided a further assessment in which the balconies and overhangs have been removed in order to show the impact of the development on the windows if they were not obstructed, to the fourth and fifth floor. As shown in table 5 below, the number of transgressions reduces to 5 windows with in VSC and 1 room in NSL.

Table 5: 17-18 Clere St Without Balconies/Overhangs		Vertical Sky Component			Comparison with balconies assessment
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
<b>Fourth Floor</b>					
R1 / W5	Bedroom	28.8	24.4	15.5%	15.5%
R1 / W6		32.9	16.5	<b>49.9%</b>	<b>52.9%</b>
R2 / W7	Playroom	31.6	16.2	<b>48.6%</b>	<b>89.9%</b>
<b>Fifth Floor</b>					
R1 / W1	Kitchen	38.5	35.8	%	8%
R1 / W2		38.6	25.5	<b>33.9%</b>	<b>41.1%</b>
R1 / W3		38	25	<b>34.3%</b>	<b>39.5%</b>
R1 / W4		37.5	24.8	<b>33.7%</b>	<b>40.2%</b>

9.228 The results of the 'without balconies' calculations show that the overhangs do cause harm to the light received to the windows and rooms as existing. The without balconies alternative assessment shows that all of the windows and rooms would not see such a reduction without the overhanging balconies in place, however would still meet not meet BRE guidance. It is acknowledged that balconies cannot actually be removed to the existing building, 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.

### 20 Clere Street

9.229 20 Clere Street is a seven-storey building located on the corner of Paul Street and Clere Street, to the north of the site. It is in use at ground floor for commercial (office) and residential to the upper floors above.



Figure 32: 20 Clere Street

9.230 The transgressions beyond BRE guidance are reported in Table 6 below:

Table 6: 20 Clere St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>First Floor</b>								
R1 / W1	Bedroom	20.5	10.2	<b>50.3%</b>	12.1	8.1	9.2	-13.4%
R2 / W2	Living/ Kitchen/ Diner	19.6	13.5	<b>31.2%</b>	43.5	43	43.1	-0.3%
R2 / W3		11.3	11.5	-1.5%				
R2 / W4		17.5	17.5	0				
R2 / W5		19.8	11.1	<b>44.1%</b>				
R2 / W6		19.9	15.2	<b>23.6%</b>				
<b>Second Floor</b>								
R1 / W1	Bedroom	26.4	12.3	<b>53.6%</b>	12.1	11.8	9.4	<b>20.4%</b>
R2 / W2	Living/ Kitchen/ Diner	25.9	13.3	<b>48.6%</b>	43.5	43.1	43.1	-0.04%
R2 / W3		12.8	12.8	-0.2%				
R2 / W4		20.8	20.8	0				
R2 / W5		25.3	15.8	<b>37.4%</b>				
R2 / W6		25	17.5	<b>29.9%</b>				
<b>Third Floor</b>								
R1 / W1	Bedroom	32.2	14.9	<b>53.8%</b>	12.1	11.9	9.7	18.8%
R2 / W2	Living/ Kitchen/ Diner	31.8	16.1	<b>49.4%</b>	43.5	43.3	43.2	0.2%
R2 / W3		14.6	14.4	1%				
R2 / W4		24.9	24.9	0				
R2 / W5		31	18.7	<b>39.8%</b>				
R2 / W6		30.2	20.4	<b>32.4%</b>				
<b>Fourth Floors</b>								
R1 / W1	Bedroom	35	18.2	<b>48.1%</b>	12.1	11.9	10.1	15%
R2 / W2	Living/ Kitchen/ Diner	34.6	19.5	<b>43.7%</b>	43.5	43.3	43.2	0.2%
R2 / W3		16.5	16.4	1%				
R2 / W4		29.2	29.2	0				
R2 / W5		33.9	22.1	<b>34.6%</b>				
R2 / W6		33.1	23.8	<b>28.2%</b>				
<b>Fifth Floor</b>								
R1 / W1	Bedroom	36.1	22.7	<b>37.1%</b>	25.8	25.1	23.8	5.1%
R1 / W1	Bedroom	34.3	25.1	<b>26.8%</b>	24.4	24.1	20.9	13.3%
R2 / W2	Living/ Diner	25.8	18	<b>30.3%</b>	34.3	34.3	34.3	0
R2 / W3		37.2	31	16.7%				
R2 / W4		36.7	31.8	13.4%				
R2 / W5		36.1	36.1	0				

9.231 As shown in Table 6 above, 19 (57.6%) of the windows tested of the windows tested would see reductions beyond BRE guidance regarding VSC and 1 (8.3%) of the rooms tested would see reductions beyond BRE guidance regarding NSL. All of these windows at first, second and third floor levels face due south and the proposed building.

9.232 The transgressions relate reductions in VSC to windows, whilst only one room would see a reduction beyond BRE guidance with regards to NSL. Although there are reductions of 26.2% to 48.1% in VSC at fourth and fifth floor levels, the retained VSC would be at a minimum of 18.2%.

9.233 It is noted that the impacted properties are dual aspect, with fenestration to the living/kitchen/diner facing east onto Paul Street.

## 54 Paul Street

9.234 54 Paul Street is a five-storey building located on the corner of Paul Street and Luke Street. The ground floor is in use as commercial (retail - food and beverage) and residential to the upper floors above.



Figure 33: The front and side elevations of 54 Paul Street

9.235 45 windows and 27 rooms were tested. 45 (100%) windows and 24 (88.8%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported in Table 7 below:

Table 7: 54 Paul Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Ground Floor</b>								
R1 / W1	Unknown	7.5	6	19.9%	19.2	7.2	4.2	42.75%
R1 / W2	Unknown	6.8	5.6	17.7%				
R2 / W3	Unknown	6.1	5.3	13.4%	18.8	5.5	3.2	41.9%
R2 / W4	Unknown	5.9	5.3	9.4%				
<b>First Floor</b>								
R1 / W1	Unknown	9.4	7.7	17.7%	18.6	7.6	4.8	36.1%
R1 / W2	Unknown	8.6	7.2	15.5%				

9.236 As shown in the table above, no windows would see reduction in VSC beyond BRE guidance, however 3 (11.2%) rooms would see reductions beyond BRE guidance in daylight distribution (NSL). It is understood by officers that the affected rooms which see NSL reductions beyond BRE guidance are not within residential use and are related to the ground floor commercial (retail) use.

## 28-30 Paul Street

9.237 28-30 Paul Street is a five-storey building located on the corner of Paul Street and Scrutton Street. The ground and first floors are in use as a public house (The Fox) and residential to the upper floors above. According to the Valuation Office Agency and Council Tax records, one residential unit is registered at 28-30 Paul Street. Officers understand that the residential unit is split over second, third

and fourth floor is accessed from within the Public House itself, potentially as former landlord's residence, given Council Tax Records indicate there is only one property at this address.



Figure 34: 28-30 Paul Street

9.238 17 windows and 8 rooms were tested. 7 (41.2%) windows and 6 (75%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 8 below:

Table 8: 28-30 Paul Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Second Floor</b>								
R1 / W1	Unknown	31.2	18.9	<b>39.3%</b>	9.3	8.9	5.2	<b>42.1%</b>
R2 / W2	Unknown	31.2	20.4	<b>34.8%</b>	23.1	23	23	0
R2 / W3		31.5	21.9	<b>30.5%</b>				
R2 / W4		29.8	26.5	11.1%*				
<b>Third Floor</b>								
R1 / W3	Unknown	35.2	24	<b>31.7%</b>	18.9	18.7	18.7	0.1%
R1 / W4		35.2	25	<b>29.1%</b>				
R1 / W5		33.8	30.5	n/a				
R2 / W1	Unknown	35.1	21.7	<b>38.1%</b>	13.6	13.3	10.4	<b>21.3%</b>
R2 / W2		32.1	22.7	<b>35.4%</b>				
<b>Fourth Floor</b>								
R1 / W1	Unknown	37.1	25.3	<b>31.8%</b>	12.3	12.2	10.5	14.3%
R1 / W3		34.3	22.3	<b>35%</b>				
R2 / W2	Unknown	37.1	26.6	<b>28.2%</b>	17.8	17.5	15.4	12.1%
R2 / W4		36.2	27.2	n/a				

9.239 As shown in table above, 10 (58.8%) of the windows tested would see reductions beyond BRE guidance regarding VSC and 2 (25%) of the rooms tested would see reductions beyond BRE guidance regarding NSL.

9.240 It is acknowledged that the residential unit(s) is dual aspect, with windows also facing out onto the southern elevation overlooking Scrutton Street, as shown in figure 34 above.

## 43 Tabernacle Street

9.241 43 Tabernacle Street is a four-storey building with a basement level located to the northwest of the site. It is understood that the building contains 4 residential units, including the ground and basement.



Figure 35: 43 Tabernacle Street, the impacted window is outlined in red.

9.242 17 windows and 12 rooms were tested. 17 (100%) windows and 11 (91.7%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 9 below:

Table 9: 43 Tabernacle Street

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Basement</b>								
R2 / W2	Unknown	10.9	9.5	12.5%	9.3	5.5	4.1	<b>25%</b>

9.243 As shown in the table above, no windows would see reduction in VSC beyond BRE guidance, however 1 (8.3%) room would see a reduction beyond BRE guidance in daylight distribution (NSL). The room would see a minimal reduction beyond BRE guidance of 25% to a single basement room. As such, officers consider the impact of the proposal to this building as negligible.

### Summary of Daylight Impacts

9.244 The submitted Daylight and Sunlight report highlights transgressions beyond BRE guidance. There are a number of instances where there are reductions in either VSC or NSL, but not both. When an alternative target is tested (specifically the 'without overhangs/balconies' exercise), more windows and rooms would meet BRE guidance.

9.245 The alternative target testing in relation to '*without overhangs/balconies*' to 10 Epworth Street indicates that the architectural features cause harm to light received to windows and rooms to this neighbouring building. With the overhangs in situ, the windows have lower values and are perceptible to reductions beyond BRE guidance.

### **Impacts to Sunlight**

9.246 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. As such, there is only a requirement for windows at 17-18 and 20 Clere Street, and 54-58 Paul Street to be tested. There are transgressions to neighbouring 17-18 Clere Street and 20 Clere Street as follows:

Table 10: Sunlight Transgressions

		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
<b>17 Clere Street</b>								
<i>First Floor</i>								
W6	LKD	28	21	7	25%	5	0	100%
W7	LKD	29	21	8	27.6%	5	0	100%
W8	LKD	27	18	9	33.3%	4	0	100%
W9	LKD	29	16	13	44.8%	5	0	100%
W10	LKD	27	12	15	55.6%	4	0	100%
W11	LKD	49	13	36	73.5%	9	0	100%
W12	LKD	49	13	36	73.5%	8	0	100%
W13	LKD	50	14	36	72%	9	0	100%
W14	Bedroom	49	15	34	69.4%	9	0	100%
W15	Bedroom	48	16	32	66.7%	7	0	100%
<i>Second Floor</i>								
W7	LKD	32	24	8	25%	6	0	100%
W8	LKD	30	21	9	30%	6	0	100%
W9	LKD	31	21	10	32.3%	5	0	100%
W10	LKD	30	18	12	40%	5	0	100%
W11	LKD	57	21	36	63.2%	17	0	100%
W12	LKD	59	20	39	66.1%	18	0	100%
W13	LKD	59	21	38	64.4%	18	0	100%
W14	Bedroom	57	21	36	63.2%	17	0	100%
W15	Bedroom	58	23	35	60.3%	17	1	94.1%
<i>Third Floor</i>								
W7	LKD	34	28	6	17.6%	7	1	85.7%
W8	LKD	33	28	5	15.2%	6	1	83.3%
W9	LKD	35	25	10	28.6%	7	0	100%
W10	LKD	33	24	9	27.3%	6	0	100%
W11	LKD	62	28	34	54.8%	22	0	100%
W12	LKD	64	29	35	54.7%	23	0	100%
W13	LKD	64	29	35	54.7%	23	0	100%
W14	Bedroom	63	29	34	54%	23	0	100%
W15	Bedroom	64	32	32	50%	23	1	95.7%
<i>Fourth Floor</i>								
W2	Bedroom	25	20	5	20%	7	2	71.4%
W4	Bedroom	24	19	5	20.1%	6	1	83.3%
W5	Bedroom	27	18	9	33.3%	9	0	100%
W6	Bedroom	53	29	24	45.3%	25	1	96%
W7	Playroom	17	3	14	82.4%	15	1	93.3%
<b>20 Clere Street</b>								
<i>First Floor</i>								
W1	Bedroom	46	18	28	60.9%	6	0	100%
W5	Living	45	23	22	48.9%	5	2	60%
<i>Second Floor</i>								
W1	Bedroom	56	25	31	55.4%	15	0	100%
W2	Living	53	31	22	41.5%	12	3	75%
<i>Third</i>								
W1	Bedroom	64	30	34	53.1%	22	1	95.5%
W2	Living	64	36	28	43.8%	20	3	85%
<i>Fourth Floor</i>								
W1	Bedroom	68	40	28	41.2%	26	4	84.6%



9.247 As shown in Table 10 above, 40 windows would see transgressions beyond BRE guidance with regards to sunlight received to neighbouring windows. The affected properties are located due north of the subject site at 17-18 and 20 Clere Street. A number of windows at first, second, third and fourth floors of 17-18 Clere Street would see significant reductions in WPSH of up to 100% in some instances, however would retain acceptable levels of APSH of above 25%. This is also relevant to second, third and fourth floor levels of 20 Clere Street, where the reductions in sunlight WPSH would transgress BRE guidance but would retain acceptable levels of APSH. It is noted that the living room to first, second and third floors would see transgressions to only one of the three south facing windows of each of the living room.

### **Overshadowing (sunlight on ground)**

9.248 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).

9.249 Only the external rooftop amenity space at 17-18 Clere Street has been identified as an external amenity area with expectation of sunlight on ground within close proximity to the site. This is located at roof level (sixth floor). The submitted daylight report highlights that there would be no reduction to this roof terrace area and therefore complies with the BRE Guidance.

### **Daylight, Sunlight and Overshadowing Summary**

9.250 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. It has to be acknowledged that there would be impacts to neighbouring properties leading to reductions in daylight and/or sunlight and that this is regrettable.

9.251 10 and 24 Epworth Street would see reductions in daylight beyond BRE guidance, whilst 17-18 and 20 Clere Street properties would see transgressions in both daylight and sunlight, given they are the properties located due north of the application site.

9.252 These transgressions weigh against the scheme, however the context of the neighbouring properties affected, such as architectural features and whether the dwellings are dual aspect etc. should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing Central London urban context.

### **Neighbouring Amenity Summary**

9.253 The impact of the proposed development upon neighbouring amenity has been carefully considered by officers. A number of conditions are proposed to mitigate impacts of the development such as noise and disturbance from plant, equipment and use of amenity spaces.

9.254 It is acknowledged by officers that there is a degree of conflict with Local Plan policy DM2.1 relating to amenity, specifically in relation to the level of daylight and sunlight reductions beyond BRE Guidance. This has been carefully examined and whilst impacts are acknowledged to weigh against the scheme, these are considered within the wider planning balance. The overall conclusion is that the scheme accords with the development plan as a whole.

### **Highways and transport**

9.255 Chapter 10 of the 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.

- 9.256 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.
- 9.257 The application site has a PTAL of 6, which is considered 'excellent', due to its proximity to Old Street, Barbican, Liverpool Street and Shoreditch High Street stations, and numerous bus routes along City Road, Old Street and Great Eastern Street.
- 9.258 It is noted that Epworth Street is one-way traffic only, with vehicles entering from Tabernacle Street and travelling east to Paul Street. Paul Street is also one-way traffic travelling south. Clere Street allows for two-way traffic, and can be accessed from Tabernacle Street and Paul Street.

### Trip Generation

- 9.259 In accordance with London Plan policy T4, a Transport Statement has been submitted. It includes an analysis into the number of additional trips to and from the site which would be undertaken following the development. Similar developments for offices within London, with a PTAL Score of 6, have been assessed and compared.
- 9.260 Given the uplift in floorspace, the trip generation assessment forecasts a considerable uplift in peak hour trips, including public transport.
- 9.261 The proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones. As such, the vast majority of trips to and from the site would be taken via public transport such as tube/underground, trains and buses.
- 9.262 Following comments from TfL, the applicant has provided some further details in relation to the increase in net trips to the site to the closest stations (Old Street Moorgate and Liverpool Street). This includes modal share data that is taken from the census and indicates that the majority of trips are made by sustainable modes of walking, cycling and public transport.
- 9.263 A full Travel Plan is required for this development as the proposal is for more than 2,500sqm of office floorspace. 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

- 9.264 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.
- 9.265 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 multiple entrances onto pavements on Epworth Street, Paul Street and Clere Street.
- 9.266 Paul Street is designated as a major cycle route within Policy DM8.4 whilst Transport for London
- 9.267 The surrounding area is also served by TfL Cycle Hire with docking stations located at St Leonard Circus and Clifton Street with 43 and 24 docking points respectively.

### *Long Stay Cycle Parking*

- 9.268 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. The store(s) need to be secure, covered, conveniently located and step free.
- 9.269 Transport for London have outlined that the proposed provision of long-stay parking complies with the London Plan requirements. Access to the shared long-stay cycle parking at basement level will be from a dedicated cycle entrance and exit on to Platina Street. To access the basement from

ground floor level, the staircase will have wheeling ramps whilst there is also dedicated cycle lift, in which the dimensions are in accordance with London Cycling Design Standards ('LCDS').

9.270 It is also noted that a 'cycle repair station' is located within the long stay provision for the office provision.

#### *Short Stay Cycle Parking*

9.271 A total of 34 short stay cycle spaces are proposed at ground level externally, within the red line of the site, close to the southern elevation on Epworth Street. A further 18 short stay cycle parking spaces are proposed at ground floor level within the reception area of the gym, accessed from Epworth Street. To the basement level close to the atrium and rear stair core to the dedicated cycle storage area, 24 further short stay cycle parking spaces are proposed. This would total 76 on-site short-stay spaces. Transport for London have highlighted that this would represent a slight shortfall against

9.272 To Clere Street, 18 cycle parking spaces are proposed to be placed on within the public realm to bring the total of short-stay cycle parking to 94, to be secured through legal agreement. This is acceptable in principle to the Council's highways officer.

#### Vehicle parking

9.273 The site includes existing on-site formal parking arrangements for 13 vehicles within the central courtyard. The subject site is located within a Controlled Parking Area (CPZ) 'Zone C', with restricted parking 24 hours a day on weekdays and Saturdays. The proposed development is car-free given no formal on-site parking will be provided.

9.274 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.

9.275 The proposal would see an uplift in approximately 954 employees and therefore at least 29x accessible parking bays are required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of **£66,000** is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.

9.276 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

9.277 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.

9.278 Emerging Local Plan policy T5 states that delivery and servicing should be provided off-street where feasible for commercial developments of over 200sqm, make optimal use of sites, demonstrate that servicing and delivery vehicles can enter and exit in a forward gear, ensure that there are no adverse impacts on existing/proposed refuse and recycling facilities, ensure that there are no adverse impacts on existing/proposed refuse and recycling facilities, ensure that the cumulative impact on sustainable transport modes is identified and suitably mitigated/prevented, and investigate potential for delivery and servicing by non-motorised sustainable modes, such as cargo cycle, and 'clean' vehicles.

9.279 A dedicated internal service area at ground floor level is proposed allowing for off-street servicing. It would be accessed from Clere Street, with a vehicular crossover into a 4.5 metre width vehicular access. The internal service area would provide two loading bays for vehicles of up to 8 metres in length, allowing for vehicles to enter and exit in a forward gear.

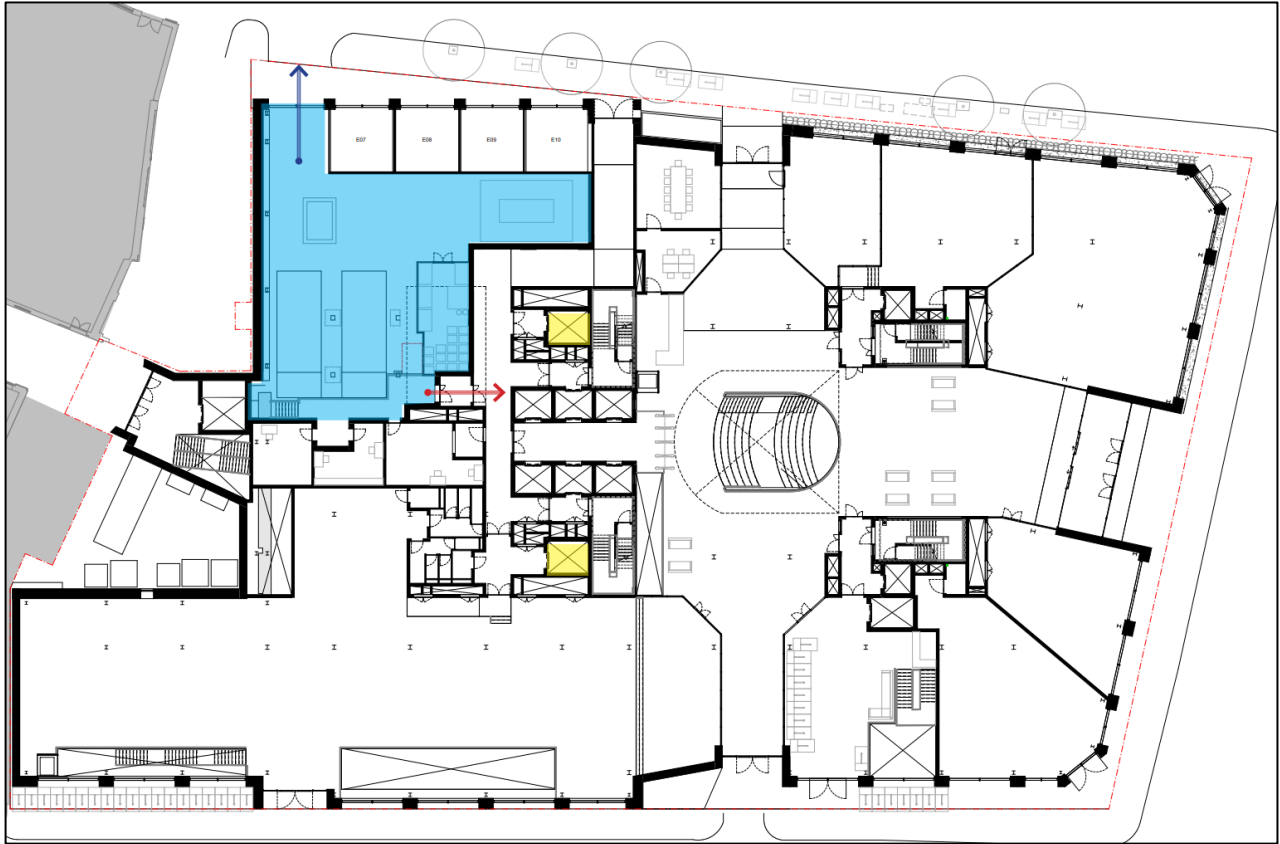


Figure 36: The proposed dedicated internal servicing yard (highlighted in blue) at ground floor level

9.280 With regards to refuse and recycling, this would be located in a shared area by all occupiers. The refuse and recycling 'waste store' area is located at ground floor level and is accessed from the loading bay area. There are two service lifts located within the main core area of the building.

9.281 The submitted DSP outlines that occupiers of the proposed building will be encouraged to schedule deliveries outside of the morning peak period (0700 – 1000) and afternoon peak period (1500 – 1900). Given the close proximity of Cycleway 1 (Paul Street), TfL have requested that the Delivery and Servicing Plan should include measures to restrict all deliveries, except on foot or by cargo bike, would also be strongly supported during cycling traffic peaks. This is considered to be between 0730 to 0930 and 1630 to 1930 on weekdays. This is reflected in Condition 10.

### Summary on transport and highways

9.282 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 and deliveries, waste collection, accessibility, cycling, 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 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, and emerging Local Plan Policies T2, T3, T4 and T5. The proposal is therefore acceptable in terms of transport / highways subject to conditions and S106 contributions.

### Energy and Sustainability

9.283 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.

### Energy Performance

- 9.284 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.
- 9.285 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.
- 9.286 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.
- 9.287 The applicant has submitted the relevant detail within a 'Energy Statement' dated 25 April 2023. Following initial comments on the submitted energy statement by the Council's Energy Officer, revised and further information was submitted.

### *Carbon Emissions*

- 9.288 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted SDCS indicates 49.1% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.289 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 ('DEN') 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 33.7% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington's Core Strategy policy CS10 where not connecting to a DEN.
- 9.290 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 **£464,500** of total CO2 emissions. This is to be secured by way of a planning obligation.

### *Sustainable design standards*

- 9.291 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”.
- 9.292 A BREEAM Pre-Assessment has been submitted for the development achieving an ‘outstanding’ rating with an overall score of 90%, exceeding the requirement of Islington DM 7.4A for ‘excellent’, which shall be secured through Condition 12.

### *Energy demand reduction (Be Lean)*

- 9.293 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.” Further, 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”.
- 9.294 The proposed U-values for the fabric elements of the proposal are improvements on the recommendations of Islington’s Environmental Design SPD. Further, the Energy Statement shows the proposed development achieving a 25.6% reduction in Regulated Emissions over a Part L 2013 baseline meeting the requirement in the London Plan for non-domestic buildings to achieve a 15% reduction at this stage. LED lighting has been specified throughout with suitable sensors.
- 9.295 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”.
- 9.296 An Overheating Risk Assessment has been provided which indicates that appropriate Thermal Modelling has been carried out, and through a mixture of passive design measures and active cooling in the basement areas the risk of overheating has been eliminated. Although overheating risk can be eliminated by passive design measures, active cooling will be required in the basement areas due to the lack of opening windows. 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)*

- 9.297 The applicant is proposing a centralised ASHP system to provide heating and cooling.
- 9.298 Policy DM7.3B states “all major developments within 500 metres of an existing or planned DEN.... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.” The proposed development is within 500m (around 100m) from the Citigen DEN. Adequate ‘future-proofing’ through pipe routes and ‘an area set aside’ at basement level should be provided allowing for necessary plant to connect to any nearby DEN.
- 9.299 The Energy Statement states that ‘future proofing measures will be incorporated into the scheme to enable a connection to a future heating district scheme have been considered.’ However, as outlined by the applicant, the operators of the Citigen DEN have not responded to the applicant with regards to feasibility. Should the feasibility assessment show connection to the nearby DEN is not achievable, the applicant is required to show how the proposed development will be futureproofed for connection to any potential DEN. Given the applicant has evidently attempted to contact the DEN, a condition requiring details of future proofing should be secured.
- 9.300 London Plan policy SI3 part D states in the energy hierarchy that low emission CHP should only be used: “where there is a case for CHP to enable the delivery of an area wide network, meet the development’s electricity demand and provide a local response to the local electricity network”

*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.”*

- 9.301 The applicant has reviewed the potential of forming a Shared Heat Network with neighbouring sites and demonstrated that it would not be viable to form a Shared Heating Network.

*Renewable energy supply (Be Green)*

- 9.302 The use of renewable energy should be maximised to enable the achievement of CO2 targets.
- 9.303 The Energy Statement includes an assessment of various renewable technologies including biomass, solar thermal, GSHP and wind turbines which have been ruled out for valid reasons. The Energy Statement proposes ASHP and a 93.7sqm Solar PV array which is supported by the Council's Energy officer.

*(Be Seen)*

- 9.304 The London Plan 2021 states that developments must “be seen: monitor, verify and report on energy performance” and that “*The move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered. Major developments are required to monitor and report on energy performance, such as by displaying a Display Energy Certificate (DEC), and reporting to the Mayor for at least five years via an online portal to enable the GLA to identify good practice and report on the operational performance of new development in London.*” Sufficient detail has been provided of how the development will meet the GLA's ‘be seen’ requirements. The Council will also seek to secure this via Section 106 Agreement, based on the template wording used by the GLA.

*Green Performance Plan (GPP)*

- 9.305 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.
- 9.306 A Draft Green Performance Plan has been submitted alongside the energy strategy which includes measurable targets for 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.

*Whole Life Carbon*

- 9.307 London Plan Policy SI 2 requires proposed developments to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint.
- 9.308 Emerging Local Plan policy S4 states that all major development proposals must calculate whole lifecycle carbon emissions through a nationally recognised whole life-cycle carbon assessment and demonstrate actions taken to reduce life-cycle carbon emissions (WLC).
- 9.309 A whole life-cycle carbon (‘WLC’) assessment has also been undertaken to quantify the embodied carbon of the proposal. This would be updated at each design stage as more of the design becomes quantifiable, and the specific materials become known. This WLC Assessment has been prepared in line with the GLA's London Plan Policy SI2 and using the methodology outlined in the RICS Professional Statement 2017 and BS EN15978:2011.

- 9.310 The submitted WLC assessment outlines that several opportunities for carbon reduction have been identified and quantified to provide a feasible route to achieve compliance. The areas which are expected to be progressed in the next stage of assessment includes Concrete design, i.e. cement replacement contents and reinforcement details confirmed; Façade external extrusions / shading material (aluminium / steel / recycled content / geometric design); Structural Steel Frame Recycled Content; Finishes schedule highlighting areas of ceiling and floor finishes; Refined MEP options, i.e. chilled beams vs fan coil units and recycled content of ductwork and details on demolition materials for aggregate / re-use on site. The originally submitted WLC assessment did not demonstrate that retention had been fully explored in the first instance and inconsistently reported waste estimates. The Applicant has been working with the Council's Sustainability officer and the GLA in updating and revising the WLC assessment, having clarified the waste estimates and explored the potential of retention of the existing building.
- 9.311 Condition 25 requires the submission of updated WLC information and Condition 26 secures a post-construction report.
- 9.312 The GLA have outlined that there is nothing further required from the Applicant at this stage with respect to the Pre-Redevelopment Audit, however it is requested that the Applicant provide a summary explaining the considerations for developing the site and justifying the proposed demolition in line with the strategy set out in the Design Approach table of the template.

### *Circular Economy*

- 9.313 London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process. London Plan Policy SI 7 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, following the Circular Economy Statements LPG. Further, policy SI 7 states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.
- 9.314 Emerging Local Plan 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.
- 9.315 A Circular Economy ('CE') assessment has been submitted with the application. A number of key commitments and design strategies have been identified to ensure the development will contribute towards a circular economy. These involve design decisions to minimise resources used, minimise waste and strategies to manage waste effectively. The Strategic Approach has been defined following the Circular Economy Core Principles.
- 9.316 Further information and stronger commitments are sought to demonstrate how the development will carry out the actions stated within the GLA Circular Economy Template such as "investigate the feasibility of re-using the demolished masonry and brickwork as aggregate for the new concrete" and "Excavation waste will be used on site where possible – 95% beneficial use." These claims are vague and more specific detail should be submitted to evidence that the policy requirements of emerging Local Plan policy S10 have been met.
- 9.317 Final CE details would be secured by pre-commencement condition 27 in addition to a CE post-construction report secured by condition 28 to ensure that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.

### Sustainable Urban Drainage (SUDs)

- 9.318 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 should be 50 litres per second per hectare.



- 9.319 The submitted 'Flood Risk Assessment & 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. The total effective area of blue roofs will be approximately 2,952sqm. The proposal would represent an 86% reduction in run-off rate. An attenuation tank of circa 200 cubic metres is proposed at basement level.
- 9.320 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 18.

### **Biodiversity, landscaping and trees**

- 9.321 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.
- 9.322 Core Strategy policy CS7 'Bunhill and Clerkenwell' requires that major development improve the public realm, provide ample private / semi private and public open space, and incorporate space for nature. Policy CS15 requires that biodiversity be protected and enhanced across the borough and seeks to create a greener borough by maximising opportunities for planting, green roofs and green corridors.
- 9.323 Emerging Local Plan policy G4 states that all developments are required to minimise impacts on existing trees, hedges, shrubs and other significant vegetation, and provide sufficient space for the crowns and root systems of existing and proposed trees and their future growth. Developments within proximity of existing trees are required to provide protection from any damage during development.
- 9.324 There are no trees on the site as existing, whilst there are street trees near to the site along the pavement to the north of the building on Clere Street. No trees are proposed at ground floor level within the red line boundary due to the constraints of the site.
- 9.325 The proposal includes green roofs, to the flat roofs of the fifth, sixth and seventh floors. 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.



*Figure 37: Existing trees on Clere Street*

- 9.326 Emerging Local Plan policy G4 states that all developments are required to minimise impacts on existing trees, hedges, shrubs and other significant vegetation, and provide sufficient space for the crowns and root systems of existing and proposed trees and their future growth. Developments within proximity of existing trees are required to provide protection from any damage during development.
- 9.327 A 'BS5837 Tree Survey and Arboricultural Impact Assessment' ('TSAIA') dated July 2022 and prepared by Greengage has been submitted in support of the application. The report identifies 5 trees identified within to be Category B. None of the trees are to be removed to facilitate the proposed development, however regular pruning to the southern crown of trees will be required, with some branch tie back. It is anticipated that in facilitating the development, the trees will required protection from construction vehicles and equipment, such as scaffolding. A tree protection plan is to be secured through condition 35.

#### Urban Green Factor (UGF)

- 9.328 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.
- 9.329 Emerging Local Plan policy G4 requires all developments to protect, enhance and contribute to the landscape, biodiversity value and growing conditions of the development and surrounding area. All developments must protect and enhance site biodiversity, including wildlife habitats, trees and measures to reduce deficiencies in access to nature.
- 9.330 The whole curtilage of the site is covered by a hardstanding materials for car parking as existing. The site has no ecological activity for 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 and biodiversity measures, which is welcomed, and shall be secured through Condition 15.

## **Air Quality**

- 9.331 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.
- 9.332 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 11. 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 11.

## **Fire Safety**

- 9.333 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.
- 9.334 A fire statement has been submitted which was prepared by a qualified third party assessor (Hoare Lee) with listed qualifications. The fire statement provides details relating to construction methods; materials; means of escape; features to reduce the risk to life; access for fire services personnel and equipment; fire appliance access; and protection of the base build in the context of future modifications.
- 9.335 In line with Policy D5 of the London Plan, the fire statement states that evacuation lifts and a firefighting lift is to be provided. These lifts should be clearly identified/labelled on a floor plan within the fire statement prior to Stage 2. The GLA have highlighted that this lift provision should be secured by condition by the Council in accordance with Policy D5 of the London Plan. Condition 24 ensures that the development should only be occupied and managed in accordance with the submitted fire strategy.

## **Basement works**

- 9.336 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.
- 9.337 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.
- 9.338 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.
- 9.339 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.
- 9.340 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.

9.341 A Structural Method Statement ('SMS') prepared by Heyne Tillett Steel dated 20 July 2022, 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 basements are confined to within the site only, and set away from most neighbouring buildings due to the site being bounded by highways to sides (north, east and south) as such the proposal would not likely undermine any adjacent structures;
- The damage to any adjoining properties will be limited to a maximum of category 2 in the (CIRIA) Report 580 'Embedded Retaining Walls' to comply with the Islington Basement Development Supplementary Planning Document (SPD) 2016;
- Ground movement assessment (GMA) reports will be required at a later stage as a part of negotiations with Thames Water to confirm the impact of the proposed basement on nearby sewers;
- Ground movement assessments (GMA) reports will be required at a later stage as a part of negotiations with UKPN to confirm the impact of the proposed basement on the nearby retained substation on the West boundary;
- Structural proposals include:
  - Superstructure proposed as CLT or precast concrete planks supported on 650mm deep steel beams with services distributed within the structural zone.
  - Steel frame with columns on a 10.5m x 6m grid generally and a 6m grid on the façade.
  - Concrete shear walls or cross braced steel frames located around the cores providing lateral stability to the building against wind loading.
  - Roof level façade setbacks create transfer beams to support facade columns.
  - Basement constructed using secant piles around the perimeter with internal concrete liner walls.
  - Building founded on piles foundations and suspended basement concrete slabs, some tension piles are required.

9.342 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 secured through condition 20.

### **Planning Balance**

9.343 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".

9.344 The proposal is a departure from the Local Plan as the maximum height is in excess of 30 metres. It has been considered within this report that the height of the building is acceptable, given the areas of the building which exceed 30 metres in height are limited to isolated lift over run and plant areas to the centre of the building. The visual, functional, environmental and cumulative impacts of tall buildings have been addressed and not considered to give rise to adverse or detrimental impacts to the surrounding area.

- 9.345 Further, 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 which is regrettable, officers consider that given the context of the neighbouring properties affected (such as architectural features and whether the dwellings are dual aspect etc.) should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing dense Central London urban context.
- 9.346 It has been outlined that the proposal has not fully explored the potential to retain the existing structure in accordance with the emerging Local Plan and current London Plan. This therefore is considered a negative which weighs against the scheme. However, the proposed redevelopment of the site is in accordance with emerging Site Allocation BC48, which seeks to intensify office floor space on the site, whilst providing level access to the street at ground floor level (which the existing building does not) and provide active frontage at ground floor level. Officers consider that pre-commencement conditions sufficiently secure the absent details to be approved by the Council and the GLA.
- 9.347 The proposed land use on site is 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 Central Activities Zone and City Fringe designations. The proposal would also meet the aims of the adopted and emerging Site Allocation brief.
- 9.348 The scheme would comply with policies relating to energy, sustainability, accessibility, transportation and highways, whilst no objection is raised to the scale, mass, appearance and detailed design of the proposal.
- 9.349 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:
- Significant uplift in high quality and modern employment business (Use Class E(g)(i)) floorspace within the Central Activity Zone (CAZ), City Fringe Opportunity Area and Employment Growth Area;
  - Provision of affordable workspace at 13% (GIA) of the uplift in office floorspace leased to the Council at a peppercorn rent in perpetuity;
  - Sustainable transport thrust, a car-free development;
- 9.350 In summary, Officers consider that the aforementioned public benefits are significant and therefore outweigh the harm caused from the development to neighbouring amenity and/or the demolition of the building in favour of a retrofit scheme, in the overall planning balance.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 9.351 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.
- 9.352 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. Provision of 2,008sqm workspace unit at lower ground and ground floor level to be leased to the Council in perpetuity;
- b. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- c. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of (number to be confirmed by TfL) and carried out at the Applicant's expense;
- d. Submission of a full Travel Plan;
- 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: 16x. 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: £80,000;
- g. A contribution of £464,500 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: £21,265 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. Contribution towards employment and training for local residents of a commuted sum of: £183,777; 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

*Transport for London*

- o. Contribution (TBC by TfL prior to Stage 2) towards improvement to the carriageway of Wilson Street and Paul Street (Cycleway 1);

9.353 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 deliver high quality office accommodation contributing to the stock of business use floorspace within the Borough, the Central Activities Zone and the Bunhill and Clerkenwell Key Area, areas which are of high demand as outlined by the Local Plan framework. Further, mixed use to include retail and leisure at ground floor level with active street frontage is encouraged and supported. The proposal is therefore supported in regards to land use principle.
- 10.2 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. It is considered that there would be no harm to nearby heritage assets.
- 10.3 The proposal is a Departure from the Development Plan as the tallest part of the building would exceed 30 metres in height. As addressed in paragraphs X above, the elements of the building which exceed 30 metres are limited to plant and equipment enclosures to the main roof of the building. The 30-meter threshold is exceeded only for isolated plant and equipment and is located centrally within the building footprint, whilst the building shoulder and floorplates do not exceed 30 metres in height. As such, the rooftop plant and equipment would not be immediately visible from the streetscene or wider townscape views.
- 10.4 While there would be a degree of conflict with Policy DM2.1 in terms of daylight and sunlight reductions to neighbouring windows and rooms, officers consider that, given the context of the neighbouring properties affected (such as architectural features and whether the dwellings are dual aspect etc.) should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing dense Central London urban context.
- 10.5 The proposal 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. Further pre-commencement conditions relating to Whole Life Carbon and Circular Economy, requiring further detail to be submitted to and approved by the Council.
- 10.6 As such, 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.
- 10.7 It is recommended that planning permission be granted subject to conditions and legal obligations 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. Provision of 2,008sqm workspace unit at lower ground and ground floor level;
- b. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- c. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of (number to be confirmed by TfL) and carried out at the Applicant's expense;
- d. Submission of a full Travel Plan;
- 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: 16x. 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: £80,000;
- g. A contribution of £464,500 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: £21,265 and submission of site-specific responses Page 130 to the Code of Construction Practice for



approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;

- m. Contribution towards employment and training for local residents of a commuted sum of: £183,777; 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

*Transport for London*

- o. Contribution (TBC by TfL prior to Stage 2) towards improvement to the carriageway of Wilson Street and Paul Street (Cycleway 1);

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, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

<b>1</b>	<b>COMMENCEMENT OF DEVELOPMENT</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>A284-MCO-XX-XX-DR-A-05001 rev: P03 - Location Plan;  A284-MCO-XX-XX-DR-A-05010 rev: P03 - Site Plan;  A284-MCO-XX-B2-DR-A-06108 rev: P03 - Proposed Basement Floor Plan;  A284-MCO-XX-B1-DR-A-06109 rev: P03 - Proposed Lower Ground Plan;  A284-MCO-XX-L0-DR-A-06110 rev: P03 - Proposed Ground Floor Plan;  A284-MCO-XX-L1-DR-A-06111 rev: P03 - Proposed L1 Floor Plan;  A284-MCO-XX-L2-DR-A-06112 rev: P03 - Proposed L2 Floor Plan;  A284-MCO-XX-L3-DR-A-06113 rev: P03 - Proposed L3 Floor Plan;  A284-MCO-XX-L4-DR-A-06114 rev: P03 - Proposed L4 Floor Plan;</p>

	<p>A284-MCO-XX-L5-DR-A-06115 rev: P03 - Proposed L5 Floor Plan;  A284-MCO-XX-L6-DR-A-06116 rev: P03 - Proposed L6 Floor Plan;  A284-MCO-XX-R1-DR-A-06117 rev: P03 - Proposed R1 Floor Plan;  A284-MCO-XX-R2-DR-A-06118 rev: P03 - Proposed R2 Floor Plan;  A284-MCO-XX-XX-DR-A-06201 rev: P03 - Proposed North Elevation;  A284-MCO-XX-XX-DR-A-06202 rev: P03 - Proposed East Elevation;  A284-MCO-XX-XX-DR-A-06203 rev: P03 - Proposed South Elevation;  A284-MCO-XX-XX-DR-A-06204 rev: P03 - Proposed West Elevation;  A284-MCO-XX-XX-DR-A-06301 rev: P03 - Proposed Long Section;  A284-MCO-XX-XX-DR-A-06302 rev: P03 - Proposed Short Section;  0209853-HLE-XX-B2-DR-CS-10001 rev P01 - Combined Services Plant Layout Basement 2;  Acoustic Report 29065/AS-Stage2/Rev1 dated 15 July 2022;  Access Comments Response Document A284-10.01-107-RevA dated 03/02/2023;  Air Quality Assessment dated July 2022;  Archaeological desk-based assessment dated July 2022;  Biodiversity Impact Assessment dated June 2022;  BS5837 Tree Survey and Arboricultural Impact Assessment dated July 2022;  Castle &amp; Fitzroy House - Demand Report dated July 2022;  Castle &amp; Fitzroy House: additional view analysis (addendum) dated 9 January 2023  Design And Access Statement rev P3 - A284-MCO-XX-XX-DS-A-01000 dated July 2022;  Economic Regeneration Statement;  Energy Statement rev 03 dated 25.04.2023 and SKE-0209853-7C-HL-20221110-Future DEN Connection dated 14/11/2022;  Environmental Noise Survey Report 29065/ES1/Rev1 dated 15 July 2022;  Fire safety statement for planning – Castle &amp; Fitzroy House;  Flood Risk Assessment &amp; SuDS Strategy Report dated 17 May 2022 and FRA &amp; SuDS Strategy Report Addendum dated 22/05/2023;  Ground floor plan-exceedance flows dated 23/02/2023;  Health Impact Assessment dated July 2022;  Landscape Statement A284-MCO-XX-XX-DS-A-01000;  Odour Assessment revision 02 dated 15 July 2023;  Outline Delivery and Servicing Plan dated July 2022;  Operational Waste Management Plan dated February 2023;  Preliminary Ecological Appraisal dated July 2022;  Proposed Drainage Strategy dated 16/02/2023;  Retail Impact Assessment dated July 2022;  Retrofit vs New Build Briefing Notes rev P02 dated 3 January 2023;  Site Investigation and Contaminated Land Assessment Report dated 30 May 2022;  Structural Method Statement (SMS) Report dated 20 July 2022;  Sustainability Statement rev 02 dated July 2023;  Townscape, Heritage and Visual Impact Assessment dated July 2022;  Transport Assessment dated July 2022 and Stage 1 Report – Applicant Response (Transport) dated 18 January 2023;  Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215_Castle and Fitzroy House_wlca_assessment_template_planning_Rev04;  Circular Economy Statement revision 06 dated 16 May 2023 and gla_circular_economy_statements_template_Castle Fitzroy House _Rev02;</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>
<b>3</b>	<b>Materials (Detail and Samples)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses for all facing bricks;</li> <li>b) render (including colour, texture and method of application);</li> <li>c) windows and doors (including sections and reveals);</li> </ul>

	<p>d) roofing materials (including facing materials);  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>
<b>4</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest 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 &amp; 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>
<b>5</b>	<b>Refuse and Recycling (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans 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>
<b>7</b>	<b>Flat Roofs (Compliance)</b>
	<p>CONDITION: Notwithstanding the identified roof terrace amenity areas within the approved plans, 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>The roof terraces shall not be used outside the hours: 0800 – 2000.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
<b>8</b>	<b>Internal Lighting and Roller Blinds (Details and Compliance)</b>
	<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"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul>

	<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>
<b>9</b>	<b>External Lighting (Details)</b>
	<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 works above ground 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>
<b>10</b>	<b>Delivery and Servicing Plan (Compliance)</b>
	<p>CONDITION: Prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL). The plan shall include details of all servicing and delivery requirements of the site (including a booking system and measures to reduce impact upon neighbouring amenity), delivery and servicing times, measures to encourage sustainable methods of delivery (e.g. cargo bikes), waste and recycling collection and management against misuse.</p> <p>No deliveries or servicing, except by foot or cargo bike, shall take place within the hours of 1600 – 1900 and 2200 – 1000.</p> <p>The approved details 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>
<b>11</b>	<b>Demolition, Construction and Environmental Management Plan (Details)</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, 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;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>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;</li> </ul>

	<p>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on 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 <a href="https://nrmm.london/usernrmm/register">https://nrmm.london/usernrmm/register</a> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <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>
<b>12</b>	<b>BREEAM (Compliance)</b>
	<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>
<b>13</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Energy Strategy identifying further improvements on how the development will achieve a reduction of 27% in total (regulated and unregulated) emissions against Part L 2013 baseline and a full feasibility study of connections to a Decentralised Energy Network, shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved.</p>

	<p>The measures identified in the approved strategy shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Green Roofs (Details and Compliance)</b>
	<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</p> <p>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>
<b>15</b>	<b>Urban Greening Factor (Compliance)</b>
	<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>
<b>16</b>	<b>Bird and Bat Boxes (Details and Compliance)</b>
	<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>
<b>17</b>	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The hereby approved Inclusive Design and Accessibility shall be installed and operational prior to first occupation of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <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>

<b>18</b>	<b>Sustainable Urban Drainage (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Flood Risk Assessment &amp; SuDS Strategy outlining further measures to achieve a QBAR greenfield rate (0.7 l/s) and shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved. The final strategy and measures 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>
<b>19</b>	<b>Piling Method Statement – Thames Water (Details)</b>
	<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>
<b>20</b>	<b>Basement Excavation (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (SMS) Report dated 20 July 2022, 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>
<b>21</b>	<b>Restriction of approved Uses and Removal of Permitted Development Rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved 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>
<b>22</b>	<b>Restriction of PD Rights - Class E to residential (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use</p>

	<p>falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority ca restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location.</p>
<b>23</b>	<b>Contaminated Land (Details)</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>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:</li> <li>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.</li> <li>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</li> </ol> <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>



<b>24</b>	<b>Fire Safety Strategy (Compliance)</b>
	<p>CONDITION: The details and measures set out in the Fire safety statement prepared by Hoare Lee 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>
<b>25</b>	<b>Whole Life Carbon (Details)</b>
	<p>CONDITION: An updated Whole Life Carbon Assessment shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>a) Prior to demolition works and relating to the demolition phase; and b) Prior to construction works</p> <p>The updated assessment shall include/address:</p> <ul style="list-style-type: none"> <li>• Further carbon reduction quantification through the detailed design stage material selection and specification;</li> <li>• Completed Updated GLA Whole Life-Cycle Carbon Assessment</li> <li>• Details of how opportunities for retaining and refurbishing/re-purposing existing buildings, materials and other resources on site have been maximised to reduce the need for new materials;</li> <li>• Details of life cycle of embodied carbon and finite resources relating to the enabling works stage and end of life approach;</li> <li>• Details of the applicant's Principals of Sustainable Procurement and details of specific measures being taken on the site for specification and sourcing of materials;</li> <li>• Consideration of end-of-life de-construction;</li> <li>• Cost premiums, supply chain limits and structural constraints for the proposal and Implications of Key Performance Indicators not being met; and</li> <li>• Updated targets for Bill of Materials;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b), and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.</p>
<b>26</b>	<b>Whole Life Carbon Post -Construction Assessment Report (Details)</b>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a whole life carbon post-construction assessment report shall be submitted to approved by the Local Planning Authority.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>27</b>	<b>Circular Economy (Details)</b>
	<p>CONDITION: An updated Circular Economy Statement shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>c) Prior to demolition works and relating to the demolition phase; and d) Prior to construction works</p>

	<p>The updated statement shall include outstanding information including the reporting of key metrics and commitments to achieve London Plan policy targets. The information and specific commitments shall demonstrate how the development will achieve Circular Economy actions and principles identified.</p> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b) and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.</p>
<b>28</b>	<b>Circular Economy Post-Construction Report (Details)</b>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a post-construction circular economy report shall be submitted to the Local Planning Authority for approval in writing.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that circular economy principles have been incorporated into the design, construction and management of the approved development in accordance with London Plan Policy S17.</p>
<b>29</b>	<b>External Signage (Details)</b>
	<p>CONDITION: Prior to occupation of the development hereby approved, details of all external signage shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such permanently thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
<b>30</b>	<b>Opening Hours – Retail (Compliance)</b>
	<p>CONDITION: The hereby approved retail units (Use Class E(a)) shall be operational only between the following hours:</p> <p>Monday to Saturday: 0700 – 2300 Sunday and Public Holidays: 0800 – 2000</p> <p>REASON: In the interests of protecting neighbouring residential amenity from unacceptable noise impacts in particular at the quietest times of each day. These restrictions are necessary in order to secure compliance with London Plan Policy D3 and policy DM2.1 of the Islington Development Management Policies 2013.</p>
<b>31</b>	<b>Amplified Music (Details)</b>
	<p>CONDITION: No amplified music shall be played either internally or externally until an Noise Report which assesses the cumulative impact of music and crowd noise has been submitted and approved by the Local Planning Authority.</p> <p>REASON: To ensure that an appropriate standard of neighbouring residential accommodation is provided.</p>
<b>32</b>	<b>Archaeological Written Scheme of Investigation</b>
	<p>CONDITION: No demolition or development shall take place until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing, by the Local Planning Authority. For land that is included within the Stage 1 WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p>

	<p>If heritage assets of archaeological interest are identified by the stage 1 WSI, then for those parts of the site which have archaeological interest, a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is the Stage 2 WSI, no demolition or development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:</p> <p>The statement of significance and research objectives, the programme and methodology of site investigation, recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>Where appropriate, details of a programme for delivering related positive benefits;</p> <p>The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in Stage 2 WSI.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>33</b>	<b>Building Operation Management Plan (Details)</b>
	<p>CONDITION: An Operation Management Plan providing details of how access to and management of the roof-top amenity space is to be achieved shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and disturbance.</p>
<b>34</b>	<b>Digital Connectivity (Details)</b>
	<p>CONDITION: Prior to commencement of each building detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.</p> <p>REASON: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.</p>
<b>35</b>	<b>Tree Protection (Details)</b>
	<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> <ol style="list-style-type: none"> <li>a. Specific issues to be dealt with in the TPP and AMS:</li> <li>b. location and installation of services/ utilities/ drainage;</li> <li>c. methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;</li> <li>d. details of construction within the RPA or that may impact on the retained trees;</li> <li>e. a full specification for the installation of boundary treatment works;</li> <li>f. 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;</li> <li>g. 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;</li> <li>h. a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;</li> <li>i. a specification for scaffolding and ground protection within tree protection zones;</li> <li>j. tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</li> <li>k. 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;</li> <li>l. boundary treatments within the RPA;</li> </ol>

	<p>m. methodology and detailed assessment of root pruning;</p> <p>n. reporting of inspection and supervision;</p> <p>o. methods to improve the rooting environment for retained and proposed trees and landscaping; and</p> <p>p. veteran and ancient tree protection and management.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</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>
<b>36</b>	<b>Roof Terrace/Balcony furniture or structures (Details)</b>
	<p>CONDITION: Details of any roof terrace/balcony furniture or structures (including seating, planters, fencing, wind breaks, umbrellas and heaters) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The details shall include the location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and 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>

**List of Informatives:**

<b>1</b>	<b>Section 106 agreement</b>
	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.
<b>2</b>	<b>Construction Works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday, excluding event days including football games, where the site must not be operational 2.5 hours prior to kick-off and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>3</b>	<b>Highway Requirements</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 - "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Compliance with sections 59 and 60 of the

	Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> .
<b>4</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>5</b>	<b>Tree Works Specification</b>
	<p>The following British Standards should be referred to:</p> <ol style="list-style-type: none"> <li>a. BS: 3882:2015 Specification for topsoil</li> <li>b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li> <li>c. BS: 3998:2010 Tree work – Recommendations</li> <li>d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li> <li>e. BS: 4043:1989 Recommendations for Transplanting root-balled trees</li> <li>f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li> <li>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</li> <li>h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</li> <li>i. BS: 8601:2013 Specification for subsoil and requirements for use</li> </ol>
<b>6</b>	<b>Thames Water (1)</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.</p> <p>The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>7</b>	<b>Thames Water (2)</b>
	<p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Water's underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p> <p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-ourpipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-ourpipes</a>.</p> <p>Should you require further information please contact Thames Water. Email:</p>

	<a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a>
<b>8</b>	<b>Definition of Superstructure and Practical Completion</b>
	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.
<b>9</b>	<b>Alterations to the highway</b>
	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. All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a> Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

## 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:

<b>A) The London Plan 2021 - Spatial Development Strategy for Greater London</b>
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<p><b>1. Planning London's Future - Good Growth</b>  <b>Policy GG2</b> Making the best use of land  <b>Policy GG5</b> Growing a good economy</p> <p><b>2. Spatial Development Patterns</b>  <b>Policy SD4</b> The Central Activities Zone  <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ</p> <p><b>3. Design</b>  <b>Policy D1</b> London's form, character and capacity for growth  <b>Policy D3</b> Optimising site capacity through the design led approach  <b>Policy D4</b> Delivering good design  <b>Policy D5</b> Inclusive design  <b>Policy D8</b> Public Realm  <b>Policy D10</b> Basement development  <b>Policy D11</b> Safety, security and resilience to emergency  <b>Policy D12</b> Fire safety  <b>Policy D13</b> Agent of Change  <b>Policy D14</b> Noise</p> <p><b>6. Economy</b>  <b>Policy E1</b> Offices  <b>Policy E2</b> Providing suitable business space  <b>Policy E3</b> Affordable Workspace  <b>Policy E11</b> Skills and opportunities for all</p>	<p><b>7. Heritage and Culture</b>  <b>Policy HC1</b> Heritage conservation and growth</p> <p><b>8. Green Infrastructure and Natural Environment</b>  <b>Policy G5</b> Urban Greening  <b>Policy G6</b> Biodiversity and access to nature  <b>Policy G7</b> Trees and woodlands</p> <p><b>9. Sustainable Infrastructure</b>  <b>Policy SI1</b> Improving air quality  <b>Policy SI2</b> Minimising greenhouse gas emissions  <b>Policy SI4</b> Managing heat risk  <b>Policy SI5</b> Water infrastructure  <b>Policy SI7</b> Reducing waste and supporting the circular economy  <b>Policy SI12</b> Flood risk management  <b>Policy SI13</b> Sustainable drainage</p> <p><b>10. Transport</b>  <b>Policy T2</b> Healthy Streets  <b>Policy T3</b> Transport capacity, connectivity and safeguarding  <b>Policy T4</b> Assessing and mitigating transport impacts  <b>Policy T5</b> Cycling  <b>Policy T6</b> Car parking  <b>Policy T6.2</b> Office parking  <b>Policy T7</b> Deliveries, servicing and construction</p>
<p><b>B) Islington Core Strategy 2011</b></p>	
<p><b>Spatial Strategy</b>  <b>Policy CS7</b> Bunhill and Clerkenwell</p> <p><b>Strategic Policies</b>  <b>Policy CS8</b> Enhancing Islington's character  <b>Policy CS9</b> Protecting and Enhancing Islington's Built and Historic Environment</p>	<p><b>Policy CS10</b> Sustainable Design  <b>Policy CS11</b> Waste  <b>Policy CS13</b> Employment Space</p> <p><b>Infrastructure and Implementation</b>  <b>Policy CS18</b> Delivery and Infrastructure</p>
<p><b>C) Development Management Policies 2013</b></p>	
<p><b>2. Design and Heritage</b>  <b>Policy DM2.1</b> Design  <b>Policy DM2.2</b> Inclusive Design  <b>Policy DM2.3</b> Heritage  <b>Policy DM2.4</b> Protected views</p> <p><b>5. Employment</b>  <b>Policy DM5.1</b> New business floorspace  <b>Policy DM5.2</b> Loss of existing business floorspace  <b>Policy DM5.4</b> Size and affordability of workspace</p> <p><b>6. Health and open space</b>  <b>Policy DM6.1</b> Healthy development  <b>Policy DM6.5</b> Landscaping, trees and biodiversity  <b>Policy DM6.6</b> Flood prevention</p> <p><b>7. Energy and Environmental Standards</b>  <b>Policy DM7.1</b> Sustainable design and construction statements</p>	<p><b>Policy DM7.2</b> Energy efficiency and carbon reduction in minor schemes  <b>Policy DM7.3</b> Decentralised Energy Networks  <b>Policy DM7.4</b> Sustainable design standards  <b>Policy DM7.5</b> Heating and cooling</p> <p><b>8. Transport</b>  <b>Policy DM8.1</b> Movement hierarchy  <b>Policy DM8.2</b> Managing transport impacts  <b>Policy DM8.3</b> Public transport  <b>Policy DM8.4</b> Walking and cycling  <b>Policy DM8.5</b> Vehicle parking  <b>Policy DM8.6</b> Delivery and servicing for new developments</p> <p><b>9. Infrastructure</b>  <b>Policy DM9.1</b> Infrastructure  <b>Policy DM9.2</b> Planning obligations  <b>Policy DM9.3</b> Implementation</p>
<p><b>D) Finsbury Local Plan 2013 Area Action Plan for Bunhill &amp; Clerkenwell</b></p>	
<p><b>Policy BC8</b> Achieving a balanced mix of uses  <b>Policy BC9</b> Tall buildings and contextual considerations for building heights</p>	
<p><b>E) DRAFT Islington Local Plan</b></p>	

<p><b>1. PLAN01</b> Site appraisal, design principle and process</p> <p><b>2. Area Spatial Strategies</b> <b>Policy SP1</b> Bunhill &amp; Clerkenwell</p> <p><b>4. Inclusive Economy</b> <b>Policy B1</b> Delivering a range of affordable business floorspace <b>Policy B2</b> New business floorspace <b>Policy B4</b> Affordable workspace <b>Policy B5</b> Jobs and training opportunities <b>Policy R8</b> Location and Concentration of uses</p> <p><b>5. Green Infrastructure</b> <b>Policy G4</b> Biodiversity, landscape design and trees <b>Policy G5</b> Green roofs and vertical greening</p> <p><b>6. Sustainable Design</b> <b>Policy S1</b> Delivering Sustainable Design <b>Policy S2</b> Sustainable Design and Construction <b>Policy S3</b> Sustainable Design Standards <b>Policy S4</b> Minimising greenhouse gas emissions <b>Policy S5</b> Energy Infrastructure <b>Policy S6</b> Managing heat risk <b>Policy S7</b> Improving Air Quality <b>Policy S8</b> Flood Risk Management <b>Policy S9</b> Integrated Water Management and Sustainable Drainage <b>Policy S10</b> Circular Economy and Adaptive Design</p>	<p><b>7. Public Realm and Transport</b> <b>Policy T1</b> Enhancing the public realm and sustainable transport <b>Policy T2</b> Sustainable Transport Choices <b>Policy T3</b> Car-free development <b>Policy T4</b> Public realm <b>Policy T5</b> Delivery, servicing and construction</p> <p><b>8. Design and Heritage</b> <b>Policy DH1</b> Fostering innovation while protecting heritage <b>Policy DH2</b> Heritage assets <b>Policy DH3</b> Building heights <b>Policy DH4</b> Basement development <b>Policy DH5</b> Agent-of-change, noise and vibration</p>
<b>F) DRAFT Bunhill and Clerkenwell Area Action Plan</b>	
<p><b>2. Area wide policies</b> <b>Policy BC1</b> Prioritising office use</p>	<p><b>3. Area Spatial Strategies</b> <b>Policy BC3</b> City Fringe Opportunity</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 (General) (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)  
Character and Context SPG  
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)  
Fire Safety draft LPG





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**CONFIDENTIAL**

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Our ref: Q2020/1737/MJR  
Date: 22nd November 2021

Dear Mr Hall,

**ISLINGTON DESIGN REVIEW PANEL**  
**RE: CASTLE & FITZROY HOUSE (PRE-APPLICATION REF: Q2020/1737/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 16<sup>th</sup> November 2021 for a 1st Review of the scheme. The proposal under consideration is for:

Demolition of the existing B1 office building with B8 data storage centre at basement level and the erection of a part 5, part 6, and part 7 storey office led development, up to 32m in height (to top of plant), to provide circa 30,000sqm (GIA) of B1 office floorspace, a new B8 data storage facility and new ground floor A1 and A3 uses.

**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), Stuart Piercy, Tim Attwood, Kate Graham, and Thomas Lefevre. It included a presentation by the development team followed by a question and answer session, and a discussion of the proposals. The 'site visit' was undertaken virtually, at the beginning of the presentation.

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 their presentation. The presentation commenced with the virtual site visit followed by the presentation of the scheme by the project architects Morris & Company. A question and answer session between Panel Members and the applicant team then took place followed by a commentary on the scheme provided by each member. The meeting concluded with the Chair's summing up.

These items, commencing with the question and answer session, are recorded below.

## Questions and Answers

**Panel Query:** RP noted that this was a large presentation but lacking in significant levels of detail. However The Panel appreciates schemes coming early to review while they are still being formed and the team should therefore understand that this is likely to generate a lot of questions from the panel.

RP expressed some confusion with regard to the entrance strategy noting that there was some conflict between some of the imagery presented.

**Answer:** The design is indeed work in progress. The entrance strategy is also changing and the applicant accepted there was some discrepancy between the plans reflecting a change in strategy.

**Panel Query:** KG queried a discrepancy in plans with regard to the 6<sup>th</sup> floor and roof level with those most recently issued at odds with those in the presentation. Queried alternative options to the siting and bulk of plant to roof. Mass of the plant will have a greater impact due to its height and the afforded views.

**Answer:** Work in progress – the applicant is still looking at options as to the siting of all plant.

**Panel Query:** KG queried Views and noted that those medium and long range views from Bunhill Fields that were presented are obscured by foliage. Are there winter views and if not these are essential given the set piece of the Chapel and the applicant's stated desire not to interrupt its silhouetted roof form as well as broader heritage sensitivities.

**Answer:** Winter views will be undertaken and assessed over the coming months.

**Panel Query:** KG queried the absence of information as to how the building will be viewed from Tabernacle Street looking down Platina Street. This view is also visible from within a conservation area and while recessed is nevertheless of importance.

**Answer:** Noted.

**Panel Query:** KG queried whether there are any landscape plans, or any planting or public realm measures such as casual seating to the edges?

**Answer:** Landscape architects have just been appointed to take forward the landscape design.

**Panel Query:** SP enquired what the sunlight and daylight findings are and a better understanding of the disposition of uses – including residential - within the immediate context. He noted LBI's strict adherence to BRE standards in this respect.

**Answer:** The applicant team responded that they don't yet know the effects but are aware of the location of adjacent residential uses going forward.

**Panel Query:** SP queried the extent of the basement at 2 x full site, 5m deep, levels.

**Answer:** The applicant stated the need to maximise plant space below ground while adding that there is already a data centre in the building which is to be retained and which requires significant basement space. The applicant also noted the extent of space generated by such a large development and required for wellness related facilities together with cycle stores, possibly a hub for electric vehicles, and such like.

**Panel Query:** TA sought greater visual clarification going forward with regard to the roof level structures including balustrading given the associated visual impact.

**Answer:** Noted.

**Panel Query:** TA queried the double height concourses and sought a better understanding as to what spaces are accessible to the public noting that this area is quite 'dead' for much of the time.

He also noted the confusion of the entrancing strategy and sought clarification going forward given the importance entrances have on the functioning of the development, of the urban form and on street life in general. Given the scale of the block there does need to be considerable public benefit associated with the development.

**Answer:** Applicant stated that the 'ground' is to extend upwards, through the atrium contributing to a sense of drawing in the public realm to the body of the scheme. The ground floor is conceived as an exchange space. Outside will comprise clearly defined secondary entrances leading to uses that will flow into the heart of the building. The central space is to be more like a market hall and could be occupied as such during the day.

The applicant stated that initially an east-west (internal) route from Platina Street connecting to Paul Street was considered. However this was not encouraged by the Council (*given it did not adequately respond to or reinforce the historic street pattern or demonstrably address future movement requirements*).

**Panel Query:** TL also expressed some concern about the extent of the basement requesting indicative layout plans for both levels.

**Answer:** Level 1 was presented as being indicatively populated; Level 2, as presented, was not.

**Panel Query:** RP queried the flexibility of the internal office space which was presented in plan form as being subdivided into 2 offices per floor.

**Answer:** The floors have the potential to be effectively subdivided up to 12 individual units. Spatial flexibility is a critical requirement for the applicant.

**Panel Query:** RP noted the fine and visionary intent including within the emerging architecture and questioned the procurement route and the threat to quality of the D&B route.

**Answer:** The applicant stated that MOCO will design to RIBA Stage 4 then be novated to the client side to manage quality.

The applicant wants to make this a flagship development with the focus on delivering the best product – that leads in sustainability and where people are excited to come to. Wants an outward looking building that contributes to local communities. Wants a building that is flexible like the old warehouse buildings – that can be used over and over again.

The spatial quality is also really important – want to attract the right sort of tenants. The site sits between Liverpool Street and Old Street – so it is ideally located for this typology.

### **Panel Commentary**

**KG:** This is a large site so its redevelopment presents multiple considerations. The approach, including that toward townscape matters, is shaping up into what will be a flexible 'Shoreditch'

building. The new buildings will likely be a significant improvement with regard to the setting of the Conservation Area given the poor quality of the existing buildings on the site.

But it is the effects on the setting of Wesley Chapel that is of concern, a big concern. The applicant stated that the design was mindful not to impede on the distinctive Chapel roof form – but those views from Bunhill Fields show upper floors of the proposed new build being clearly visible behind the Chapel roof pitch. Including plant. A winter assessment needs to be undertaken to enable the council to make an informed assessment as to the impact on the setting of heritage assets.

And the applicant is reminded that trees come and go over time. Any views of plant over Wesley's Chapel should not be allowed and even the acceptability of the upper floors in this view are likely to be problematic and should be avoided. Therefore the setting of the heritage assets remains an important and outstanding matter.

**SP:** The typology is welcomed on this site as is the narrative around it creating resilient workspace. The proposal is undoubtedly positive in comparison with what currently exists. The massing appears to be an acceptable fit in those narrow, near positioned, street views presenting a positive storey. However, it is the long views that are difficult to assess and views presented by photograph are very different to those presented by model. The applicant needs to better illustrate the long and middle distant views and in doing so enable Islington to make a better assessment of the impact.

There needs to be a commitment to tangible sustainable benefits of the scheme. Currently it is hard to see what systems will make this an exemplar building, or how the highest of standards can be both achieved and maintained.

The proposed double basement requires an extensive dig which is of concern in respect of sustainable development.

Plant screen – the amount of plant should be reduced and set further back from the edges. Consider changing its form on plan so it doesn't form such a horizontal mass which is at odds with the vertical rhythms being established to the body of the block. Should be enough scope to push it around and be less of an impact than currently proposed.

Confidence in MOCO studio with regard to achieving the high quality of materiality this development will require. Generally consider it a positive approach and supports the emerging scheme design.

**TA:** Great having the sustainability ambition as presented but there remains a need to understand how this will actually be delivered. All will be in the detail - not just in the ambition. Sustainability is increasingly important and the applicant is advised to adopt a more rigorous approach, including the citing of prototype reference examples as to the specifics to be achieved and how these will be achieved.

The applicant should also demonstrate how the development will be capturing the waste heat from the data centre. This will help to offset the basement required to house it. The applicant should make sure the lower embodied carbon choice of a steel and CLT frame are 'locked in' as far as possible.

Such a big block – the views are really important and the development will undoubtedly change the skyline in the longer views. More articulation to the top floors is needed. Currently there is not a clear understanding as to effectively break up the mass and the upper levels

are presented as one big building, at odds with the base. It is somewhat too tall in a few places and consideration should be given to lowering it where possible.

Very encouraged by the ambition of the scheme however, including such an enrichment of the local streetscape which is currently dull and bleak with little greening. So while the designs are 'getting there' they are nevertheless not quite there.

The treatment of the public realm around the whole ground floor and in particular around the entrances is really very important. Need to respect yet improve the character.

Don't feel that the bold identity so promoted in the presentation has yet been achieved. Could almost be deemed to be trying to ensure that the development does not stand out – being almost too respectful. Not really bold enough in line with the applicant's vision.

In all this is considered a very promising initiative - but let's keep working.

**TL** This was a very clear presentation. And the honesty within it was welcomed including the sharing of sketch up and other work in progress.

Three issues for consideration:

- a) Retrofit – we all know we have to move away from a culture of systematic demolition and new build, so well done on the retrofit study. Completely understand the reasons as to why not reusing the existing structure, there are good reasons. Suggest however adding to the analysis some carbon numbers to quantify the difference between the options and also find advantages of retrofit/structure re-use over new build – otherwise we will always find reasons to demolish!
- b) A two level basement – this will have a significant carbon price. Do you really need two 5.3m high levels? Preference would be for no basement and failing that one basement level only. Can you do a comparison between these three options and put a carbon figure on each?
- c) The ambition of 'highest standards of sustainability' and 'best in class' are welcome – but what do they mean for the scheme in design terms beyond the headline of BREEAM Outstanding? What does it mean in terms of energy efficiency? Heating system? Renewable energy generation? Embodied carbon? Biodiversity? Are you targeting compliance with LETI targets? No use of gas on site? Net Zero carbon? The quality of thinking in terms of urban design and architecture needs to be matched by a similar level of site specific thinking in terms of sustainability. The applicant is therefore advised to explicitly articulate how far you are going beyond the London Plan and Islington's policy minimums.

### **Chair's Summing Up**

The chair thanked the applicant team for their thorough presentation and the work that had gone into the scheme to date. All much appreciated. A lot of work was shared with The Panel but conscious that a lot remained unseen and unresolved and that there is a substantial amount of design development still to come. But The Panel is certainly encouraged by what was presented.

Heritage – The Panel is more confident about how the building is appearing in the near and close up views than in the medium to long views. The latter appear very sketchy – verifying and justifying the approach and design in terms of those medium and longer views is of critical importance given the heritage sensitivities. Views from Bunhill Fields and over the top of the

Wesley Chapel remain unclear. The applicant is advised to investigate in winter when foliage is not on trees and to mitigate accordingly.

Plant – The design of screen - its alignment, its materiality etc will all impact on the quality of the development and the impact it has on the setting of multiple heritage assets. It needs more refinement before The Panel could support it as well as clearer understanding as to how it will be seen in the medium and longer views.

Vision - Initial thoughts and vision within the presentation are welcomed – the ambitions and targets being set for the building are all highly positive. Seeing the design early enables The Panel to express its support of your vision. But while we understand and support the vision, The Panel did not see how a lot of those visionary aspects were materialising, nor therefore how that vision is to be achieved.

Site response and configuration – will be interesting to see how the entrances work both individually and as part of an established movement and spatial hierarchy. The entrance strategy seems to be still in flux... but all must be shown to work comprehensively together.

The cycle entrance is really important and details in this respect, and indeed of this entire edge, were missing. Don't want to always feel that one is arriving to work through the back door as it were. Landscape will inevitably help enrich and reinforce a logical hierarchy of the entrances as well as creating a qualitative response.

Architecture - the warehouse language is an appropriate one. It's a unique and special part of London and the applicant team's respect and understanding of this character is coming through which is supported by The Panel including the emergence of a recognisably 'Shoreditch' building and language. Architecturally this will result in a significant improvement to the site and wider context.

The introduction of setback floors becomes an interesting part of the analysis. There are multiple historic examples where the setback floors are built in the same materials as the bulk of their host building. The proposed setbacks and the approach to them appear to be more homogenous and unified – will that confuse the reading of the development from the longer views? The Panel considers that this unified homogeneous set back floor on upper levels undermines how one reads the façade which is richly embedded in historic reference. This needs more thought. This also relates to how to deal with more successfully accommodating plant on the roof etc.

Bold identity – there remains some further work to bring the extensive analysis work and thinking to the fore in terms how to create these indicative smaller building blocks within an overarching bold manner.

Sustainability - A lot of discussion focused on sustainability including how it's going to be delivered. The Panel were very positive to understand that a retrofit study has been done – but was it done to write the existing building off? The positives of keeping the existing building were not articulated - and should be.

The Panel commends the approach to reuse of materials. This could introduce variety and intrigue in the architecture – how you use vestiges of the past in the designs of the future....

An animated and activated ground floor is really important in this location and appears to be emerging successfully. But a reduction of basement space and concern as to the extent of plant to the roof may encourage the applicant team to explore alternative locations for storage and plant. Perhaps areas around Platina Street edge could be further explored. The Panel



advises the applicant to consider reducing the size of the lower basement or, better still, remove it altogether.

Comments re atrium for natural ventilation – want to see how that develops including use for sustainability.

In conclusion, The Panel likes the direction the scheme is moving in but consider it could go much further – and are confident that the assembled team has the ability to take it much further.

The Panel likes to see schemes early on in their design development and as such does not have an issue that some material is edited out or indeed undeveloped at this stage, until whole story is complete.

The Panel would however welcome a further review of the scheme when the project has been developed in response to these comments and such that any further comments can inform the design development as it is finalised in advance of a planning application.

### **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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**CONFIDENTIAL**

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Our ref: Q2020/1737/MJR  
Date: 31 May 2022

Dear Mr Hall,

**ISLINGTON DESIGN REVIEW PANEL**  
**RE: CASTLE & FITZROY HOUSE (PRE-APPLICATION REF: Q2020/1737/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 24<sup>th</sup> May 2022 for a 2<sup>nd</sup> Review of the scheme. The proposal under consideration is for:

Demolition of the existing B1 office building with B8 data storage centre at basement level and the erection of a part 5, part 6, and part 7 storey office led development, up to 32m in height (to top of plant), to provide circa 30,000sqm (GIA) of B1 office floorspace, a new B8 data storage facility and new ground floor A1 and A3 uses.

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The meeting was held in person at Islington Town Hall.

The scheme was reviewed by Richard Portchmouth (Chair), Thomas Lefevre, Tim Ronalds and Alec Forshaw. Apologies were received from Stuart Piercy. 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 meeting began with a presentation of the scheme by the project architects Morris & Company. A question and answer session between Panel Members and the applicant team then took place followed by a commentary on the scheme provided by each member. The meeting concluded with the Chair's summing up.

These items, commencing with the question and answer session, are recorded below.

## Questions and Answers

**Panel Query:** The panel queried the absence of information in the presentation with regard to the impacts of sunlight and daylight on adjacent properties. The team were reminded that the panel had asked for this at DRP1.

**Answer:** The applicant explained that studies have been undertaken testing the impact on adjacent residential properties, in Clere and Epworth Streets and that setbacks have been designed where it is possible to mitigate.

The Council responses that given the scale of the scheme and its context, and that the adjacent residential is within converted buildings, the indicative degree of impact is, on balance, likely to be acceptable. Initially a mitigating design response had included a 3m setback to Epworth Street frontage. However the Council considered this to be harmful to the character of the streetscape. This has been reduced to a more acceptable and subtle 1.5m

**Panel Query:** Which areas at ground and basement 1 level are publicly accessible?

**Answer:** The central area around the base of the atrium and connecting the main and both secondary entrances is all publicly accessible. A smaller area, focused around the base of the atrium at the basement level, is also publicly accessible. There will be security measures (turnstiles etc) to the lift/stair core delineating the 'private' from the public.

**Panel Query:** The 2-storey basement is very large. The Panel queried need for such a large volume on grounds of sustainable development and questioned whether, for example, the gym could be reduced in size and therefore the basement.

**Answer:** The floorspace required to meet current cycle storage, plus accompanying shower/changing is extensive as is plant take.

Market advice has informed the required scale of the gym for this scale of development.

**Panel Query:** What does a typical floor space look like? Have acoustic materials been considered?

**Answer:** Working to just under 4m floor to floor which equates to 2.8m to underside of the beams. The beams themselves are 680mm deep. The windows are high on floor to ceiling.

Acoustic treatment will come forward at a later stage – still some way off arriving at this level of detailing.

**Panel Query:** Queried how the design team had arrived at the preferred atrium shape.

**Answer:** The properties of the selected curve shape for the atrium were considered to reflect the emerging architecture as well as the curves seen within elements of the context. Seeking a flowing undulating effect. The curved shape was also felt to be very democratic creating sociable spaces and edges – much like a circular table.

**Panel Query:** Windows – the panel queried the properties of the fenestration including whether windows would be openable and, given they're such a big part of the scheme, whether there was sufficient variation.

**Answer:** The windows are fairly consistent throughout but there are single and double bays and in some instances there will be 'Juliet' windows/doors. A repetitive fenestration pattern is very characteristic of the area however refinement is continuing. Windows are however intended to be openable.

**Panel Query:** The panel queried the rationale behind the large double-height primary entrance to Paul Street given it is only a minor road within the broader urban structure. Queried whether there any of a comparable scale in the vicinity.

**Answer:** While there may not be many similar scaled entrances locally, (the old fire station on Paul Street has a double-height arched entrance) the design team seeks to create a civic scaled entrance to help invite people into the complex, and to the public space within. The scale of the development is considered to warrant a gesture of this proportion. The secondary entrances to the side streets are considerably more modest and therefore this primary entrance seeks to differentiate itself as such through scale as well as detail.

**Panel Query:** The panel sought confirmation that no natural gas will be used on site and sought information as to the location of the air handling units.

**Answer:** The applicant confirmed that natural gas will not be used on site – the heating and hot water systems will be all electric and the back-up generator supplied with a biofuel.

Air handling units are located within the basement. While this is not optimal, all the risers are continuous and straight so quite efficient for this arrangement

**Panel Query:** Given the insertion of the atrium into the centre of the scheme, a great and very interesting element, it does come with the loss of lettable floorspace and therefore a considerable 'price tag'. Are there environmental benefits – e.g., a natural chimney – that could be capitalised as a result of its scale and location? The harder it can be made to work the more beneficial it will be.

**Answer:** The atrium will ventilate the foyers and itself. Further investigation can be explored to see if it can also be used to assist more in the overall building ventilation strategy. It will also beneficially bring daylight into the building. It is also supported for its 'WOW' factor – the generosity of space is seen as an attractor and a net beneficial element.

**Panel Query:** The panel sought further assessment and consideration of the Clere Street elevation in terms of how successfully it was accommodating all its servicing needs. The existing trees to Clere Street should encourage some landscape interventions as well to this edge to help soften and counteract its servicing impacts.

**Answer:** The vehicular service entrance is located in the similar location to the existing entrance. It is to be adjoined by four bays which are proposed to accommodate substations (not loading bays). Landscape architects are working on the scheme design and interventions at street level are being, and will continue to be, considered including regard for the wellbeing of the existing Clere Street trees.

### **Panel Commentary**

The Panel consider that the views from Bunhill Fields – Views 26 a & c – are very important. Bunhill Fields and the Wesley's Chapel are of international importance and exceptional interest as reflected in their Grade I designation. It is considered that the scheme does still prominently impinge on the backdrop of the Chapel and therefore its legibility. While there may have been some minor reductions to height and mass, and a suggestion that the plant element, which is now being lowered into the 5<sup>th</sup> floor, is to be set within a perforated enclosure, it is considered that one will still read this as bulk.

To avoid such serious harm there will have to be a reduction in floorspace to the 5<sup>th</sup> floor in this vantage point. It is not considered to have been satisfactorily addressed despite it being raised as an unacceptably harmful impact in DRP1.

While the design concept is enjoyed in regard to the showroom/factory referencing, technically this is not a correct interpretation given the workshops were generally to upper levels and the 'showroom' located to ground floor. That said, the breaking up of the massing of the building through the application of ornamentation as proposed is welcomed.

Panel raised some concern about the double-height entrance to Paul Street which could be read as 'City Creep'. Paul Street is not a major thoroughfare – it is more of a side street within the broader context. The Panel queries whether the development needs such a large gesture to this edge?

The Panel is supportive of the proposed materials and considered that the pre-cast bays with their different colours and patterns will add to the richness of the area.

The panel considered that the scheme was well judged and sits well in its context. The warehouse/factory conceptual approach, notwithstanding the Panel's earlier comment on historical interpretation, as an end result is very positive. It was noted that all the streets around are essays in how to design with a load bearing façade. This scheme is not going to have load bearing facades so will never achieve the tautness of the historic facades and this needs to be fully and carefully considered in the continued design development of the facades.

This is a very deep block and this makes the atrium a very important element. The selected curved form is reminiscent of a theatre space which may or may not counteract the claustrophobia one might experience or associate with such a deep plan. Would perhaps the balustrades benefit from another design treatment?

With regard to the internal office space, some on the Panel considered that the castellated beams appeared rather a crude response when compared to the care and attention that has been applied to the external facades. Concern was expressed that it might appear as too crude an element in such an emerging fine design. It was noted by the applicant team that they have been balancing aesthetics with carbon impacts and that this was an efficient response which they will continue to refine.

However, some on the Panel considered that the structural solutions were working well, particularly from an environmental point of view.

The Panel noted that the design team promote the development as best in class and highly efficient and sustainable, but these assertions must be accompanied by factual evidence, and this remains a missing yet critically important element. In particular, the targeted level of energy use (EUI in kWh/m<sup>2</sup>/yr), renewable energy generation (in kWh/m<sup>2</sup>/yr) and upfront embodied carbon (in kgCO<sub>2</sub>/m<sup>2</sup>/yr) should be declared.

The double basement represents a very significant proportion of the building's upfront embodied carbon and efforts to minimise it as much as possible would be very beneficial from an environmental point of view.

The thermal performance of the façade needs to be demonstrated given the challenges associated with tying the structure to the façade and the varying thickness which could reduce insulation significantly in places.

The Panel stressed the importance of not only designing buildings that use less energy but also to design in means to generate renewable energy (e.g. roof mounted PVs). The current use of the roof space, primarily as a roof terrace, is not considered satisfactory or 'best in class' from this point of view.

The Panel queried whether the articulation of the corner balconies was working well enough in design terms whereby their delicate treatment differs so significantly from the robustness of the other façade elements.

And while the Panel enjoyed the historic referencing and analogies, the design team must be careful to create a building that reflects its Shoreditch setting and not a City/Moorgate context.

The Clere Street 'bays' are a significant part of the elevation to this edge and the Panel encourages innovative thinking in their treatment given their potential impact on the streetscape.

The Paul Street entrance, in addition to the earlier commentary around its proportions, the Panel considered that the column bays on either side of the portal appear fragile and could be adjusted to give a more robust and assertive appearance.

The Panel advised the applicant to consider the potential for urban greening at street level, creating better street environments. This in turn may improve the Urban Greening Factor thereby freeing up some roof space for the provision of renewable energy facilities.

### **Chair's Summing Up**

The Chair thanked the applicant team for their clear and thorough presentation. The Panel remains encouraged by what was presented and overall felt that a very positive response has been offered. There was an acknowledgement that the scheme has developed positively in design terms, since the first review in November 2021. It is altogether a more confident, robust, and concise piece of architectural thinking. The Panel compliments the applicant on the narrative that it has begun to introduce and to capture within the building, including a reflection and acknowledgement of the area's past.

The most critical point that Panel has made relates to the impact of the scheme on the setting of the Wesley's Chapel and Bunhill Fields. The Panel advises the design team to seriously think about addressing the form of the building in order to lessen the impact on these critically important heritage assets. This is considered the priority of the Panel.

The Panel consider that the design team may wish to further consider its approach to the main entrance and its relationship to the broader morphology and Paul Street itself and that more design development is required in this location.

A further challenge is the need to look at the atrium's form and impact on the quality of the internal environment with regard to the introduction of light, air and amenity for the office users. There may currently be too much internal focus rather than exploring the potential for a wider contribution to the overall form and function of the building.

With regard to the debate about the castellated beams, while complimenting the sustainability undertaken in the designs, it is equally important that the character and spatial generosity of contextual historic industrial buildings is also captured. There is something rather wonderful about the structure within the factories and showrooms of Shoreditch – including the way it contributes to the robust and utilitarian architecture. Therefore, there is a challenge whereby the joy of the interiors needs to be captured as well as embedding sustainable design requirements.

Some concern about the extent of the double basement remains and the applicant is advised to consider whether it could be reduced.

Much more detail is needed with regard to energy – efficiencies and generation, sustainability, and the circular economy going forward in order to match the positive rhetoric.

The success of the building will undoubtedly be in its detail. The design team were commended for approaching the site, and scheme design, in a very responsible, tactile and sympathetic way. The Panel considers it important that the architects be retained to RIBA Stage 4 and beyond in order to ensure that the building delivers on its promise.

The Panel would welcome a final review of the scheme in advance of its submission.

### **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



# Castle and Fitzroy House

Local Planning Authority: Islington

Local Planning Authority reference: P2022/2893/FUL

## Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

## The proposal

Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising office floorspace, including the provision of affordable workspace, alongside Class E retail; food and drink; and gym/leisure uses at ground, lower ground, and basement levels. The proposals also include a dedicated off-street servicing yard and cycle parking; landscaped roof terraces; wider public realm works at grade; and all associated and ancillary works.

## The applicant

The applicant is Lion Portfolio Ltd and the architect is Morris + Company Ltd.

## Strategic issues summary

**Land use principles:** The proposed redevelopment for an office with affordable workspace and ancillary retail and gym uses within the CAZ and City Fringe Opportunity Area is supported in land use terms (paragraphs 16 to 30).

**Urban Design:** Additional information is required relating to the functional and cumulative impact assessment of the proposed tall building (paragraphs 33 to 54).

**Heritage:** The proposed development would not harm the significance of the adjacent conservation areas or Wesley buildings. Additional information is required to establish the harm to the St Michaels buildings (paragraphs 55 to 60).

Other issues on **equality; fire safety; transport; sustainable development; and environmental issues** also require resolution prior to the Mayor's decision making stage.

## Recommendation

That Islington Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 115. Possible remedies set out in this report could address these deficiencies. The Mayor does not need to be consulted again if the borough decides to refuse the application.

## Context

1. On 19 October 2022 the Mayor of London received documents from Islington Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following Category/categories of the Schedule to the Order 2008:
  - 1Bb *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres”*; and
  - 1Cc *“Development which comprises or includes the erection of a building of more than 30 metres high outside the City of London”*.
3. Once Islington Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.
4. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planning.london.gov.uk/pr/s/>

## Site description

5. The site comprises two 1960/1970's commercial office buildings and basement level data storage centre which fronts Paul Street, Epworth Street and Clere Street. The site is located in the London Borough of Islington and is located close to the administrative boundary of the London Borough of Hackney.
6. The site is located within the Central Activities Zone (CAZ). The Islington Core Strategy identifies the site as part of the Bunhill and Clerkenwell key area and is covered by the Bunhill and Clerkenwell Area Action Plan (AAP) (2019). The Core Strategy identifies this area as Islington's most important employment location which may need to accommodate an additional 14,000 B-use jobs by 2025. The site is within an Employment Priority Area (General) pursuant to the Islington Local Plan, which seeks to ensure there is no net loss of business floor space unless exceptional circumstances can be demonstrated, and to ensure a mix of business-type uses.
7. The site is located within the City Fringe Opportunity Area, which is identified by the London Plan to provide 15,500 new homes and 50,500 new jobs.

8. The A501 (City Road) is the closest part of the Strategic Road Network and is approximately 100m west of the site. The nearest section of the Transport for London Road Network is the A1202 (Great Eastern Street), approximately 300m east of the site.
9. The site has a very high public transport access level (PTAL) of 6b, on a scale of 0 to 6b with 6b being the highest. The site is within 350m of Old Street Station which provides access to Northern Line and National Rail Services. Liverpool Street and Moorgate Stations are approximately 600m south of the site and provide access to further London Underground and National Rail services, as well as Elizabeth Line services from Liverpool Street. Shoreditch High Street Station, which is served by London Overground Services, is approximately 800m east of the site. The nearest bus stops to the site are located on the A501 approximately 150m north west of the site.
10. Cycleway 1 runs along Paul Street directly east of the site as a contraflow to general traffic. The area is also served by TfL Cycle Hire with docking stations located at St Leonard Circus and Clifton Street with 43 and 24 docking points respectively.

## **Details of this proposal**

11. The application is for the demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising office floorspace, including the provision of affordable workspace, alongside Class E retail; food and drink; and gym/leisure uses at ground, lower ground, and basement levels. The proposals also include a dedicated off-street servicing yard and cycle parking; landscaped roof terraces; wider public realm works at grade; and all associated and ancillary works.

## **Case history**

12. There have been 7 formal pre-application meetings with the Council. There was also an initial pre-application meeting with GLA officers ref: 2020/5545/P2i on 15 July 2020 and a follow up pre-application meeting ref: 2022/0446/P2F on 30 June 2022.

## **Strategic planning issues and relevant policies and guidance**

13. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises Islington's Core Strategy (2011); Islington's Local Plan Development Management Policies (2013); Finsbury Local Plan Area Action Plan for Bunhill & Clerkenwell; and the London Plan 2021.
14. The following are also relevant material considerations:
  - The National Planning Policy Framework and National Planning Practice Guidance;

- Islington Environmental Design Planning Guidance;
- Islington Urban Design Guide Supplementary Planning Document (2017);
- Islington Planning Obligations (Section 106) Supplementary Planning Document (2016);
- Inclusive Design in Islington Supplementary Planning Document (2014);
- Islington Local Plan Strategic and development management policies (Regulation 19 draft); and
- Islington Local Plan Bunhill and Clerkenwell area action plan (Regulation 19 draft).

15. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:

- Good Growth - London Plan;
- World City role - London Plan;
- Economic development - London Plan; the Mayor's Economic Development Strategy; Employment Action Plan;
- Central Activities Zone - London Plan;
- Opportunity Area - London Plan;
- Non-strategic Industrial land - London Plan;
- Retail - London Plan;
- Urban design - London Plan; Character and Context SPG; Public London Charter LPG; Characterisation and Growth Strategy draft LPG; Optimising Site Capacity: A Design-Led Approach draft LPG;
- Fire Safety – London Plan; Fire Safety draft LPG;
- Heritage - London Plan; World Heritage Sites SPG;
- Inclusive access - London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG
- Sustainable development - London Plan; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; 'Be Seen' Energy Monitoring Guidance LPG; Energy Planning Guidance; Mayor's Environment Strategy;

- Air quality - London Plan; the Mayor's Environment Strategy; Control of dust and emissions during construction and demolition SPG; Air quality positive draft LPG; Air quality neutral draft LPG;
- Transport and parking - London Plan; the Mayor's Transport Strategy;
- Equality - London Plan; the Mayor's Strategy for Equality, Diversity and Inclusion; Planning for Equality and Diversity in London SPG; and,
- Green Infrastructure - London Plan; the Mayor's Environment Strategy; Preparing Borough Tree and Woodland Strategies SPG; All London Green Grid SPG; Urban Greening Factor draft LPG.

## **Land use principles**

### Proposed office

16. London Plan Policy SD5 seeks to ensure the provision of office space over residential development in the CAZ and states that mixed-use development proposals should not lead to a net loss of floor space in any part of the CAZ.
17. London Plan Policy E1 seeks to facilitate improvements to office spaces of different sizes through supporting new office provision, refurbishment and mixed-use development and increasing current office stock in specific locations, including the CAZ. This should be supported by improvements to walking, cycling and public transport connectivity and capacity.
18. The scheme proposes an office-led redevelopment of the site comprising 24,433 sq.m. of market office floorspace as well as 2,008 sq.m. of affordable workspace (see below). The proposed office use is consistent with the existing use of the site, and the scheme would provide an uplift in office floorspace of 15,008 sq.m. from what is existing.
19. The proposed office use is consistent with Policies SD5 and E1, and accords with the CAZ designation and the site allocation pursuant to the Islington Local Plan and Finsbury Area Action Plan. Further, the scheme would provide an uplift in employment floorspace which is consistent with the objectives of the City Fringe Opportunity Area. It is also noted that the site is allocated in the Islington Local Plan Bunhill and Clerkenwell Area Action Plan Regulation 19 Draft which is currently under examination. The site allocation (ref: BC48) is for "intensification of office use". The proposed development involves optimisation of the existing office use, providing an uplift in office floorspace, and is therefore consistent with this draft allocation. As such, the proposed office use is supported in principle in land use terms.

### Loss of industrial floor space

20. London Plan Policy E7 states that development proposals should be proactive and encourage the intensification of business uses, including those in Class B8 (storage and distribution) occupying all categories of industrial land. London Plan

Policy E7 also states that mixed-use proposals on non-designated industrial sites should only be supported where:

- 1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of London Plan Policy E4 (which includes Use Class B8);
- 2) it has been allocated in an adopted Local Development Plan Document for residential or mixed-use development; or
- 3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification.

21. London Plan Policy E4 states that the retention, enhancement and provision of additional industrial capacity across all categories of industrial land, including non-designated industrial sites, should be planned, monitored and managed. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives should be facilitated through the processes of industrial intensification, co-location and substitution.

22. As existing, approximately 645 sq.m. of data storage centre space (Use Class B8) is provided at basement level. The initial GLA pre-application scheme (2020/5545/P2i) included the re-provision of B8 data storage floor space at basement level. However, the current scheme does not propose retention or re-provision of this space.

23. Following discussion with the applicant on this issue it is noted that the existing data centre use only takes up a small part of the existing building and is no longer a viable use for the site. The applicant has stated that the previous data centre operator ceased operations in January 2021 and this floor space has been vacant since. The site is located in the CAZ and the City Fringe Opportunity Area, identified in the local plan as one of Islington's most important employment location and is within a locally designated Employment Priority Area (General). It is further noted that the Regulation 19 draft Islington Local Plan Bunhill and Clerkenwell Area Action Plan allocates this site for "intensification of office space" and does not seek re-provision of any B8 data storage or equivalent use.

24. Paragraph 9.6.7 of the London Plan notes that data centres depend on reliable connectivity and electricity infrastructure, with specific requirement for communications access and security. The surrounding area is not characterised by data centre uses, which in the modern standard often requires more space and connectivity than this site and its context would allow.

25. The proposed office is located in an area identified for employment generating uses and GLA officers therefore consider the proposals an appropriate use of the site in line with the emerging local plan site allocation. Moreover, the proposal includes a good affordable workspace offer (see below). As such, where the affordable workspace provision is appropriately secured, it is considered that the loss of non-designated industrial floor space in this instance would be acceptable on balance.

### Affordable workspace

26. London Plan Policy E1 states that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace. London Plan Policy E3 seeks to ensure affordable workspace at rents maintained below market rent for a specific social, cultural or economic development purpose. Policy E3 specifies that consideration should be given to the need for affordable workspace in areas such as the City Fringe around the CAZ.
27. The scheme proposes 2,008 sq.m. of affordable workspace which equates to 13.38% of the total floorspace proposed. The applicant proposes the affordable workspace provision for a period of 15 years. The proposal was supported by an Affordable Workspace Strategy which states that the affordable workspace would look the same as the market workspace and tenants will have access to the same amenities. The affordable workspaces would be leased to the Council, who would then lease the workspace(s) out.
28. The proposed 15 year time frame is consistent with Paragraph 6.3.2 of the London Plan which states that affordable workspace should be secured in perpetuity or for a period of at least 15 years by planning or other agreements. Prior to Stage 2, the Council should confirm whether it is satisfied with the proposed affordable workspace offer. The Council should ensure that the affordable workspace offer is robustly secured through a s106 agreement, and that the affordable workspace offer is in accordance with the definition set out in Paragraph 6.3.2 of the London Plan.

### Proposed retail and gym use

29. London Plan Policy E9 promotes sustainable access to goods and services for all Londoners in line with the wider objectives of the Plan and Policy SD4 seeks to promote a rich mix of strategic and local uses within the CAZ.
30. The proposed retail and gym uses would provide ancillary amenities and services for the proposed office use and surrounding area. This would be in accordance with London Plan Policies E9 and SD4 and this proposed land use is supported in principle.

## **Equality**

31. Objective GG1 (H) of the London Plan seeks to support and promote the creation of an inclusive city to address inequality. More generally, the Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall, amongst other duties, have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief,

sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

32. The National Deaf Children's Society currently occupies floorspace within the existing Castle House building. It is noted that the Affordable Workspace Strategy states that the National Deaf Children's Society is currently undertaking a national review of its operations which involves downsizing, with the potential to exit its existing lease to 2025 at Castle House early. Clearly GLA officers seek to avoid a situation where the National Deaf Children's Society would be displaced before it is ready to move – particularly where this may result on impacts to individuals with protected characteristics. Accordingly, further information is sought in relation to the National Deaf Children's Society relocation programme. This information should be provided prior to Stage 2, to confirm the National Deaf Children's Society would not be unfairly disadvantaged by the proposals.

## **Urban design**

33. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.
34. Policy D4 sets out that development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made or demonstrate that they have undergone a local borough process of design scrutiny. The scheme has undergone two Design Review Panel meetings, the recommendations of which have been outlined in the Design and Access Statement (DAS) which provided broad in principle support but sought improvements relating to screen planting; entrances hierarchy; sustainability; and development of medium and long term views. The scheme has since been revised by the applicant team. A GLA urban design assessment is set out below having regard to the recommendations of the DRP and the design changes that the applicant team has made since.

## Tall buildings

35. London Plan Policy D9 seeks to manage the development and design of tall buildings within London. Policy D9 (Part B3) states that tall buildings should only be developed in locations that are identified as suitable in development plans.
36. The Finsbury Local Plan AAP for Bunhill and Clerkenwell (2013) defines tall buildings as those that are substantially taller than their neighbours and/or which significantly change the skyline. The AAP goes on to specify that buildings with a height of 30m or more may be appropriate only within the areas indicated on Figure 17 of the AAP, which does not include the application site. The proposed



building height would exceed 30m at some points (e.g. core, lift overruns). As such, the proposed development is classified as a tall building.

#### *Visual impacts*

37. In terms of visual impacts, the proposed development is of a scale that would be in keeping with the neighbouring development and the surrounding area. In the longer range views illustrated in the TVHIA, the development would not be in view. Where the proposed building would be in view in the mid and shorter range views, the TVHIA illustrates that the building would be in keeping with the scale of the existing nearby development. Further, the THVIA assesses the cumulative impacts, taking consented but not-yet-constructed schemes into consideration. In these cumulative views, the scale would not exceed that of other consented schemes. The proposed materials and colours have been selected following a review of the local context and this is supported. GLA officers consider that the development is acceptable in terms of visual impacts.

#### *Functional impacts*

38. The development would provide an intensification of an existing office use within the CAZ and City Fringe Opportunity Area and is therefore considered to be an appropriate land use. Some concerns have been raised regarding Healthy Streets and Active Travel Zone assessment; cycling; cycle parking; trip generation; deliveries and servicing; and travel planning, which should be resolved prior to Stage 2. Further information is also required on fire safety before the functional impacts can be considered addressed.

#### *Environmental impacts*

39. In terms of environmental impacts, the applicant's technical information will be assessed in detail by the Council, including whether mitigation measures and conditions are necessary to make the application acceptable. An update will be provided to the Mayor on these matters at his decision-making stage.

#### *Cumulative impacts*

40. The buildings would not appear out of keeping with the taller buildings in the vicinity of the site and would not significantly impact the established building heights in the area. The Council should clarify the environmental impacts cumulatively with other tall buildings in the surrounding area.

#### *Tall buildings conclusion*

41. The tall building would not be located within an area which is identified as suitable for tall buildings. GLA officers consider that the visual impacts are acceptable and that functional impacts of the proposal could be broadly acceptable, subject to further assessment of transport and fire safety matters. Furthermore, the environmental and cumulative impacts of the proposal will need to be finalised at Stage 2 following review of the Council's detailed assessment. GLA officers will consider the acceptability of the proposed tall buildings on balance at Stage 2.

### Built form, height and massing

42. The proposed scheme appears to have been developed through a rigorous and logical design process. As a result, the key design elements – namely the layout; massing; architectural approach; and façade design – are generally well-considered.
43. Notwithstanding, the further assessment against London Plan Policy D9 as discussed above, the building height and massing seem to respond well to the existing surrounding context. The proposal respects the existing streetscape and sits well within the wider townscape.

### Materiality and façade expression

44. Façade treatment and architectural details appear to have been developed through a rigorous analysis of the surrounding warehouses. Vertical and horizontal articulation of the façade are in line with the surrounding buildings. This is supported.
45. The proposed materials appear to be a sensible selection which follows through the design process and the analysis of the existing context. The variation in tones/materiality is such that it supports legibility and enhances the street experience.
46. The detail on how the tonal value recedes from base to crown is welcomed. Similarly, the roughness in texture gradually increases from base to crown, with the material being smoother at ground floor level. This is supported.

### Fire safety

47. Policy D12 of the London Plan requires a fire safety statement to be submitted which has been prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.
48. Policy D5 of the London Plan seeks to ensure that developments 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.
49. A fire statement has been submitted which was prepared by a qualified third-party assessor (Hoare Lee) with listed qualifications. The fire statement provides details relating to construction methods; materials; means of escape; features to reduce the risk to life; access for fire services personnel and equipment; fire appliance access; and protection of the base build in the context of future modifications.

50. While GLA officers are satisfied that the fire statement has been prepared by a suitably qualified third-party assessor, the fire statement lacks details relating to where building occupants could evacuate to, the ongoing maintenance and monitoring of fire access for fire service personnel and equipment. This should be provided prior to Stage 2.
51. In line with Policy D5 of the London Plan, the fire statement states that evacuation lifts and a firefighting lift is to be provided. These lifts should be clearly identified/labelled on a floor plan within the fire statement prior to Stage 2. This lift provision should be secured by condition by the Council in accordance with Policy D5 of the London Plan.

### Inclusive access

52. London Plan Policy D5 seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum). The future application must ensure that the development can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and provides independent access without additional undue effort, separation or special treatment.
53. The DAS states that the proposal is designed to incorporate the highest levels of inclusive and accessible design, adopting the key principles set out within London Plan Policy D5, and seeks to reach beyond the minimum standards and incorporate best practice guidance. The DAS specifies that the design includes step-free access into all entrances and to all levels; level access to all external terraces; at least one fire evacuation lift; inclusive cycle parking for non-standard cycles and a suitably sized lift; WC's designed to BS8300-2 and at least one ambulant facility where self-contained WC's are provided.
54. Prior to Stage 2, the applicant should ensure that all opportunities to maximise inclusive design principles have been taken to ensure the highest standards of accessible and inclusive design in accordance with London Plan Policy D5. The Council should secure inclusive access design principles by planning condition.

### **Heritage**

55. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "*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*". In relation to conservation areas "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
56. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of

the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

57. London Plan Policy HC1 states that proposals affecting heritage assets, and their settings should conserve their significance, avoid harm, and identify enhancement opportunities. The NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The NPPF states that in weighing applications that affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site is not within a Conservation Area and does not comprise a Listed building. However, the site is located adjacent to the Bunhill Fields and Finsbury Square conservation area to the west and the South Shoreditch Conservation Area to the east. The site is within close proximity to a number of listed buildings including Wesley's Chapel (Grade I); John Wesley's House and attached railings (Grade I); Church of St Michael (Grade I); Bunhill Fields Burial Ground (Grade II\*); several buildings associated with Wesley's Chapel (see below for specific details); House to the west of the Church of St Michael (Grade II\*); and several Grade II buildings. The site is also within close proximity to one registered park and garden, being Bunhill Fields Burial Ground (Grade I), located approximately 250m to the west.

58. The application was supported by a Townscape, Heritage and Visual Impact Assessment (THVIA) which considers the potential impacts of the development on the adjacent conservation areas and the nearby Listed buildings. The THVIA concludes that the proposals would have no harm on the heritage significance of these heritage assets, and that the scheme would lead to an improvement in setting for the nearby listed buildings and non-designated heritage assets; and would enhance the character and appearance of the adjacent conservation areas.

59. On review of the views provided in the THVIA, GLA officers, having had regard to the statutory duties and the policies, agree with the findings of the THVIA that the proposed development would not harm the significance or the setting of the adjacent conservation areas and the adjacent Wesley buildings (John Wesley's House and attached railings [Grade I]; Wesley's Chapel [Grade I]; Benson Building [Grade II]; Chapel Keeper's House [Grade II]; The Manse [Grade II]; Statue of John Wesley in the Forecourt of Wesley's Chapel [Grade II]; Gates to John Wesley's House [Grade II]; Entrance Gates to Wesley's Chapel [Grade II]; Wesley's Chapel Memorial to Susannah Wesley in the Forecourt [Grade II]; and Tomb of John Wesley in the burial ground of Wesley's Chapel [Grade II\*]). However, in terms of the Church of St Michael (Grade I), Clergy House to west of

Church of St Michael (Grade II\*) and St Michael's Church School (Grade II\*), the THVIA does not clearly depict the impact of the proposed development on these buildings. The views shown in the THVIA do not clearly depict the proposals in the backdrop of these buildings, even if to show the proposed development would not be visible.

60. Prior to Stage 2, the applicant should submit an additional view(s) to show the proposed building in the background of the Church of St Michael; Clergy House to west of Church of St Michael; and St Michael's Church School to enable officers to fully understand the impact of the proposals on the setting of these listed buildings. In line with the NPPF, this harm, if any, will be weighed against the public benefits of the proposal at the Mayor's decision making stage.

## **Transport**

### Transport assessment

61. The Mayor's Healthy Streets (HS) Approach is central to delivering good growth in London and enabling people to travel by walking, cycling and public transport. TfL expects all streets and public realm within and around the site to be designed in line with the HS Approach to help achieve the outcomes of the Mayor's Transport Strategy (MTS) relating to healthy streets and healthy people, a good public transport experience, and delivery of good growth.
62. The proposal is supported by an Active Travel Zone (ATZ) Assessment. To ensure compliance with London Plan Policies T2 and T4, the design of local highway and public realm that will serve the development should reduce vehicle dominance and improve safety for pedestrians and cyclists.
63. As recommended in the ATZ Assessment, dropped kerbs and tactile paving should be introduced to the crossing across Worship Street from Paul Street to Wilson Street. It also notes that the pedestrian crossing at the junction between Clere Street and Paul Street is poor with no crossing from the southern Clere Street footway, a constrained and narrow northern footway and poor pedestrian and driver visibility due to adjacent buildings. These should be funded and delivered by the applicant through section 106 or 278 agreement as appropriate.
64. Discouragement through design limiting on-site capacity for vehicles, and progressive reduction through ongoing management of motor vehicle delivery and servicing trips to and from the site, and facilities for cargo bikes, should be secured with this development to help mitigate local air quality issues identified in the TA.
65. At pre application stage, the applicant was urged to assess road traffic collision data (KSI) and take a proactive approach to KSI prevention in line with the Mayor's Vision Zero initiative. The ATZ should therefore be updated to include the most recent collision data available, extend the scope of the area to include Finsbury Square and a minimum three year period should be reviewed. The 2018-2020 data already indicates that highway safety improvements should be proposed, funded and implemented by the development proposal between the

site and Moorgate. TfL welcomes further discussion about this matter – any necessary highway safety improvements in this area should also be secured for delivery by the Council through the section 106 or 278 agreement as appropriate.

### Travel plan

66. An outline workplace Travel Plan has been submitted. It should contain robust target to encourage active travel. Funding for the implementation and monitoring of a full Travel Plan should be secured in line with London Plan Policies T1 and T4 part B which states that travel plans should be submitted with development proposals and supported by planning decision makers to ensure that impacts on capacity on London's transport network are fully assessed and mitigated.

### Cycling

67. At the pre application stage, proposals for cycling access via Plantina Street raised concerns about potential for conflict with servicing vehicles and because it does not represent the best opportunity for convenient and direct access from cycleway 1. The applicant is still urged to reconsider the layout as it raises potential for conflict and highway safety risk, potentially failing to prioritise and promote active travel to the site in line with London Plan Policies T1 and T2.

68. A TfL Cycle Route Quality Criteria check of Cycleway 1 and Wilson Street has identified poor carriageway surfacing at this location as a problem for cycling which requires improvement to enable cyclists to use the route comfortably and safely. A contribution towards upgrading this route to compliment that secured from other nearby development should be secured.

### Cycle parking

69. The proposed amount of long stay cycle parking complies with London Plan Policy T5 part B. A shortfall of 42 retail short stay spaces should be addressed and space within the proposed public realm could be identified. If not feasible, spaces on the adjacent public carriageway facilitated by removal of on-street car parking should be explored with Islington Council.

70. The office short stay cycle parking should also be separate from the long stay cycle parking and located in the public realm. The current proposal to locate this in the basement should be reviewed.

71. All cycle parking, in line with London Cycle Design Standards (LCDS), should be located in easily accessible and safe locations. 5% of spaces should be Sheffield stands with sufficient access space to accommodate adapted bikes for inclusive cycles, cargo cycles, and tricycles. This should be demonstrated prior to determination with scaled drawings.

### Trip generation

72. The trip assessment forecasts a considerable uplift in peak hour trips on the underground. Whilst TfL notes that the area is well served by various stations,

those trips should be assigned accordingly to those stations to understand any impacts. Pending any outcome, further analysis could be necessary for particular stations, platforms, and lines where those will actually occur.

73. Whilst the expected trip generation impacts on the local bus network should not be described as negligible, they are unlikely to require specific mitigation.
74. The methodology and assumptions used to project expected delivery and servicing trips to and from the site make no allowance for the use of cargo bikes, which should be strongly encouraged adjacent to a Cycleway.
75. The forecast of vehicle trips including servicing is based on London wide data. Given the location in the City Fringe, there is an opportunity to proactively plan for fewer private motor vehicle visits.
76. Currently 37 vehicles per day are expected to access the site to serve the office use should be reduced. Similarly, the proposed gym, would receive 8 vehicle visits per day in the final arrangement. This is considered with the DSP and travel plan below.

#### Deliveries and servicing

77. The MTS aims to reduce freight traffic in the central London morning peak by 10% by 2026, and total London traffic by 15% by 2041. All deliveries and servicing arrangements and management measures proposed should also seek to limit overall vehicle activity, consolidate loads and the processing of arriving and departing goods and services as far as possible, and prevent conflicts with pedestrians and cyclists as required by London Plan Policy T7.
78. A Delivery and Servicing Plan (DSP) has been provided which refers vaguely to these requirements in principle. However as mentioned the cycle parking access should ideally not be shared with servicing vehicles to support Vision Zero and London Plan Policy T4. The DSP commits to set specific numerical targets to reduce and consolidate deliveries in future once specific occupiers are identified. This should be secured by condition and monitored by the Council if possible.
79. It also states occupiers will be encouraged to schedule deliveries outside of the morning peak period (07:00-10:00) and afternoon peak period (15:00-19:00).
80. Given the close proximity of Cycleway 1, the DSP should include measures to restrict all deliveries except on foot or by cargo bike would also be strongly supported during cycling traffic peaks. This should be considered by the Council for 07:30 to 09:30 and 16:30 to 19:30 on weekdays.

#### Construction logistics

81. An outline Construction Logistics Plan (CLP) has been provided. A full CLP should be secured by condition in line with London Plan Policy T7 and discharged in consultation with TfL prior to commencement. The full CLP should detail all logistics and construction proposals to ensure that pedestrian and cyclist

movement and safety and bus operations are maintained throughout construction.

82. This will support sustainable travel in line with London Plan policies and the Mayor's Vision Zero goal to eliminate deaths and serious injuries from London's transport networks by 2041 and ensure compliance with London Plan Policy T4 part F, which states development proposals should not increase road danger.

## **Sustainable development**

### Energy strategy

83. London Plan Policy SI 2 requires development proposals to reduce carbon dioxide emissions in accordance with the energy hierarchy. Reductions in carbon emissions beyond Part L of the 2013 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site a contribution to a carbon offset fund or reductions provided off site can be considered.
84. Energy comments have been provided to the applicant and the Council in full under a separate cover. The applicant should respond to this detailed note to address outstanding issues to ensure compliance with the London Plan in advance of the borough planning committee to ensure that any conditions can be appropriately secured.
85. Conditions should be appropriately secured to ensure the development meets London Plan standards, particularly in respect to energy performance including PV installation maximised pre-occupation. Carbon offset payments and a commitment to 'Be Seen' energy monitoring should be appropriately secured by a s106 agreement.

### *Energy strategy compliance*

86. An energy statement has been submitted with the application. The energy statement does not yet comply with London Plan Policies [SI2, SI3 and SI4]. The applicant is required to further refine the energy strategy and submit further information to fully comply with London Plan requirements. Full details have been provided to the Council and applicant in a technical memo that should be responded to in full; however outstanding policy requirements include:
- Be Lean – supporting modelling;
  - Managing heat risk – further details to demonstrate the cooling hierarchy has been followed.
  - Be Clean – further exploration of DHN potential with network operator and energy borough and energy strategy to be futureproofed for connection to future DHN;



- Be Green – demonstration that renewable energy has been maximised, including roof layouts showing the extent of PV provision and details of the proposed air source heat pumps;
- Be Seen – confirmation of planning submission, with compliance to be secured within the S106 agreement;
- Energy infrastructure – further details and justification of the heating strategy and on the design of future district heating network connection is required, the future connection to the DHN must be secured by condition or obligation.

### *Carbon savings*

87. For the non-domestic, the development is estimated to achieve a 49% reduction in CO2 emissions compared to 2013 Building Regulations.
88. The development falls short of the net zero-carbon target in London Plan Policy SI 2, although it meets the minimum 35% reduction on site required by policy. As such, a carbon offset payment is required to be secured. This should be calculated based on a net-zero carbon target using the GLA's recommended carbon offset price (£95/tonne) or, where a local price has been set, the borough's carbon offset price. The draft s106 agreement should be submitted when available to evidence the agreement with the borough.

### Whole Life-cycle Carbon

89. In accordance with London Plan Policy SI 2 the applicant is required to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint.
90. The applicant has submitted a whole life-cycle carbon assessment. The WLC assessment does not yet comply with London Plan Policy SI 2. Further information is required on whole building energy assessment methodology; cost plan evidence; quality assurance of the assessment; clarification regarding Build Environment Carbon Database submission; estimated WLC emissions; demolition; WLC emissions reductions; material quantity and end-of-life; and C1 demolition emissions.
91. A condition should be secured requiring the applicant to submit a post-construction assessment to report on the development's actual WLC emissions. The template and suggested condition wording are available on the GLA [website](#)<sup>1</sup>.

### Circular Economy

92. London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process. London Plan Policy SI 7

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<sup>1</sup> <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/whole-life-cycle-carbon-assessments-guidance>

requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, following the Circular Economy Statements LPG.

93. The applicant has submitted a Circular Economy (CE) Statement; however this reporting is with reference to the previous guidance version (Draft for Consultation, October 2020). The London Plan Guidance for CE Statements was updated in March 2022. The Applicant should follow this guidance to produce an updated written CE Statement and populate the template. A pre-redevelopment audit; pre-demolition audit; and an operational waste management plan should also be submitted for this type and scale of development. This detailing should be submitted prior to Stage 2.
94. A condition should be secured requiring the applicant to submit a post-construction report. The template and suggested condition wording are available on the GLA [website](#)<sup>2</sup>.

### Digital connectivity

95. A planning condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development in line with London Plan Policy SI 6.

## **Environmental issues**

### Urban greening

96. The proposed development presents a well-considered approach to integrating green infrastructure and urban greening. This includes the incorporation of green roofing which supports multifunctionality, in accordance with London Plan Policy G1. The opportunity for the provision of biosolar roofing should be explored. Biosolar roofing is pictured in the DAS but it is unclear as to whether it is included in the design.
97. The applicant does not appear to evidence linking to the wider green infrastructure network through green links and species selection. This should be explored.
98. The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.3, which meets the target set by London Plan Policy G5. This should be treated as a minimum with any enhancements made to the quality and quantity of urban greening where possible.
99. London Plan Guidance on Fire Safety restricts the use of combustible materials, limiting the use of green walls where they form part of the external wall of a building. The proposed urban greening should therefore be reviewed against this

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<sup>2</sup> <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/circular-economy-statement-guidance>

guidance and updated as appropriate. Where this review finds it necessary to remove a green wall, opportunities should be sought to make up any reduction in the UGF by improving the quality or quantity of greening across the wider masterplan. Further information on combustible materials can be found [here](#)<sup>3</sup>.

#### Sustainable drainage and flood risk

100. London Plan Policy SI 12 requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
101. The application was supported by a flood risk assessment and SUDS strategy report. This is being reviewed in detail and detailed comments will be provided to the Council and the Applicant in full under separate cover.

#### Air quality

102. Construction dust risk assessment carried out and 'high risk' site mitigation recommended, based on highly sensitive local receptor. Given the location of the proposed development in proximity to a number of human health receptors, construction works mitigation relevant to a *high risk* site, along with requirements for NRMM to comply with Low Emission Zone standards for the Opportunity Areas, should be secured by condition, in line with London Plan Policy SI 1(D).
103. A detailed assessment of the impacts associated with emissions from construction traffic was not carried out. Based on the scale of the development and the trackout peak outward HGV trips falling in the 10-50 category, there is potential for the EPUK/IAQM screening criteria to be exceeded; thus, further assessment of the impacts of construction traffic emissions on air quality is required, unless it can be demonstrated that traffic will be managed to prevent a sustained exceedance of the EPUK/IAQM criteria on any roads links.
104. No on-site energy plant is proposed, and the development will have a negligible impact on air quality at existing sensitive receptors as a result of additional road traffic emissions. This demonstrated that all impacts are considered to be not significant – compliant with London Plan Policy SI 1(B)(1a-b).
105. No discussion of whether the proposed development will include a backup diesel generator, even if to say there will be no generator. It should be explicitly stated whether there will be any backup generators and, if relevant, an assessment of the impacts of emissions should be undertaken.
106. Exposure of future users of the development assessed and conditions found to be acceptable for the proposed land uses, with concentrations well below the relevant short-term objectives – compliant with London Plan Policy SI 1(B)(1c).
107. An Air Quality Neutral assessment was carried out and the development was found to meet the building and transport benchmarks, as it will not include any

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<sup>3</sup> <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance/fire-safety-lpg>

centralised combustion plant and will be 'car-free' – compliant with London Plan Policy SI 1(B)(2a).

### Biodiversity

108. London Plan Policy G6 states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Policy G6 further states that development proposals should aim to secure net biodiversity gain.
109. The applicant has provided a Biodiversity Impact Assessment. As the baseline is 0 the report states that it is not possible to calculate a % increase, however, also states that the proposals will deliver 1.37 biodiversity units. No further information is required and recommendations in the report should be adhered to.

### Trees

110. The applicant has provided a Tree Survey and Arboricultural Impact Assessment (AIA) (AIA). The Tree Survey states that there are five existing Category B trees within the site. The AIA states that no trees are to be removed to facilitate the proposed development. Recommendations within the Tree Survey and AIA should be adhered to.
111. The applicant appears to demonstrate a consideration of a diverse range of proposed tree species, which is positive in terms of biosecurity and should be brought to fruition. The applicant should also consider large-canopied trees to target urban heat island (UHI) effects as the site is identified within the London Green Infrastructure Focus Map as within an area of medium to high-risk areas for UHI. Further information can be found [here](#)<sup>4</sup>.

## **Local planning authority's position**

112. Islington Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

## **Legal considerations**

113. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he

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<sup>4</sup> <https://data.london.gov.uk/dataset/green-infrastructure-focus-map>

is to act as the local planning authority for the purpose of determining the application (and any connected application). There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

114. There are no financial considerations at this stage.

## Conclusion

115. London Plan policies on non-designated industrial floorspace; affordable workspace; equalities impact; urban design and tall buildings; fire safety; inclusive design; heritage; transport; sustainable development; and environmental issues are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- **Land Use Principles:** The proposed redevelopment for an office with affordable workspace and ancillary retail and gym uses within the CAZ and City Fringe Opportunity Area is supported in land use terms.
- **Equality:** Additional information is required prior to Stage 2 to confirm the National Deaf Children's Society would not be unfairly disadvantaged by the proposals.
- **Urban design:** Additional information is required relating to fire safety; and the functional impact assessment for tall buildings.
- **Heritage:** The proposed development would not harm the significance of the adjacent conservation areas or Wesley buildings. Additional information is required to establish the harm to the St Michaels buildings.
- **Transport:** Additional information is required regarding Healthy Streets and Active Travel Zone assessment; travel planning; cycling infrastructure; cycle parking; trip generation; and deliveries and servicing.
- **Sustainable development:** Further information is required regarding the energy strategy; whole life-cycle carbon; and circular economy.
- **Environment:** Further information is required regarding urban greening; air quality; and clarification on whether proposed planting would comprise a green wall.

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For further information, contact GLA Planning Unit (Development Management Team):

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.

**PLANNING COMMITTEE REPORT**

 Development Management Services  
 Planning and Development Division  
 Community Wealth Buildings

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>	<b>B2</b>
<b>Date:</b>	12 <sup>th</sup> October 2023	<b>NON-EXEMPT</b>	

Application number	P2023/2279/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	Bunhill Ward
Listed building	Main School Building (Cowper Street) Grade II listed; County Court Building (Leonard Street) Grade II listed.
Conservation area	Bunhill Fields and Finsbury Square Conservation Area (CA22)
Development Plan Context	Central Activities Zone (CAZ) City Fringe Opportunity Area.
Licensing Implications	N/A
Site Address	Central Foundation School 15 Cowper Street London EC2A 4SH
Proposal	Application to vary Conditions 2 (Approved drawings), 4 (Details and Samples), 13 (Energy Strategy - School Site), 14 (Energy Strategy - Commercial Site), 16 (PV Panels), and 19 (Cycle Parking) of planning application ref: P2022/1001/S73, dated 23/12/2022 (Application to vary condition 2 (Approved drawings) of planning application ref: P2019/3572/S73 dated 28 July 2020 for: (Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works.). The applicant seeks to vary these conditions to allow for revisions to the commercial element of the development, comprising new design, materiality and layouts as well as an updated energy strategy and amendments to the end of journey facilities.

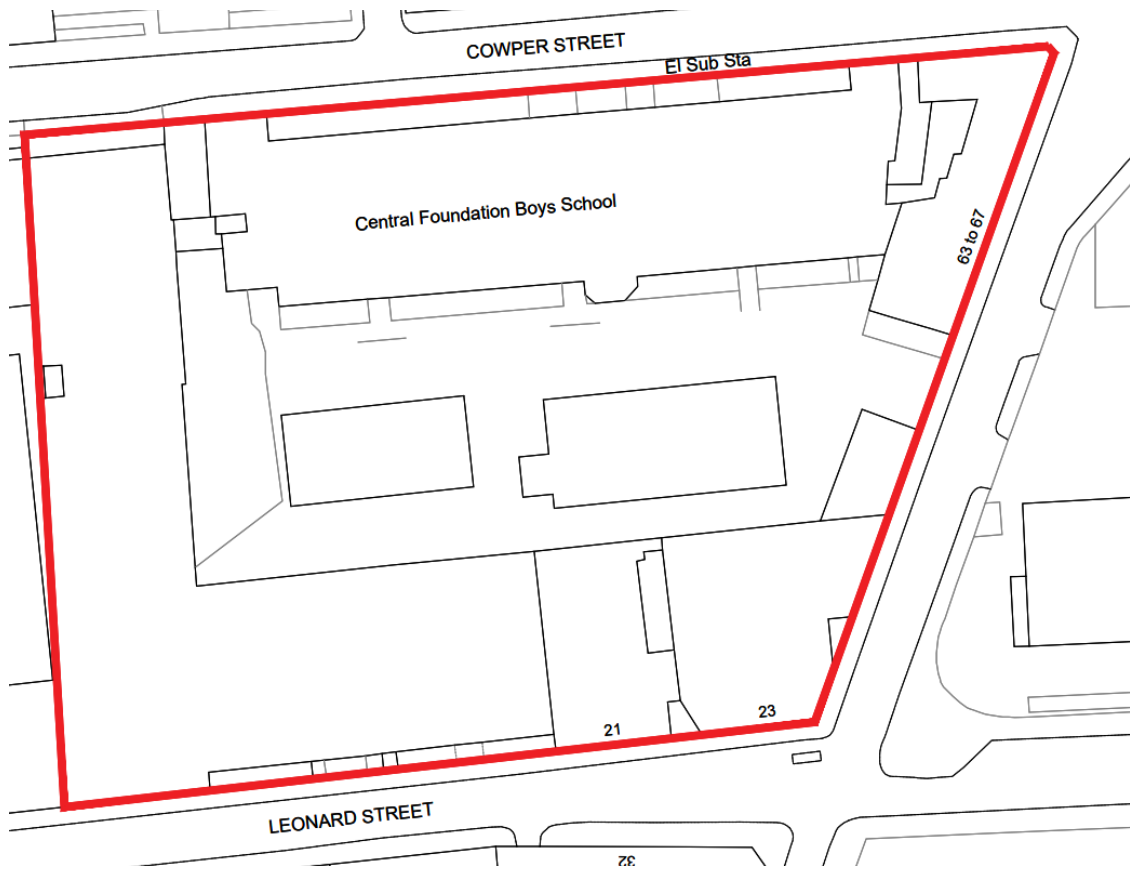
Case Officer	Joseph Hennessy
Applicant	65TS Limited
Agent	Iceni Projects Ltd

**1. RECOMMENDATION**

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

1. subject to the conditions set out in Appendix 1;
2. conditional on the prior completion of a Deed of Variation to the original section 106 (of the Town and Country Planning Act 1990) securing the obligations as set out in Appendix 1.

2. SITE PLAN



*Image 1 - Site Plan*



3. PHOTOS OF SITE/STREET



Image 2 - Aerial view from north



*Image 3– View looking south along Tabernacle Street (former sixth form centre seen in centre to be demolished)*



*Image 4 - View looking north along Tabernacle Street*



*Image 5– View looking in to site from Tabernacle Street*



*Image 6– View to site on corner of Tabernacle Street and Cowper Street*

#### **4. SUMMARY**

- 4.1 The application is for a material amendment (under section 73) to the previous planning permission P2017/1046/FUL, as amended by P2019/3572/S73 and P2022/1001/S73.
- 4.2 The application seeks a number of amendments to the consented commercial development located at the eastern end of the site, along Tabernacle Street. In addition to a revised design approach which amends the façade design and slightly increases the height and massing, the applicant proposes to enhance the amenity offer of the building by introducing a roof terrace and improved end-of-journey facilities. The applicant also proposes a new approach to landscaping, energy, and sustainability, which represent an improvement compared to the consented scheme.
- 4.3 The proposals are broadly consistent with the approved scheme in terms of land use and would result in the intensification of office use within the CAZ and the Bunhill and Clerkenwell AAP area. Furthermore, it is considered that the enhanced amenity provision and increase in office floorspace would result in a more attractive office development which would make a positive contribution to the available office space in the borough.
- 4.4 The consented scheme was considered to result in less than substantial harm to the conservation area and neighbouring listed buildings. The proposed design revisions would result in a slightly increased height and massing but would introduce a façade design which is considered to be more in line with the surrounding buildings and the conservation area design guidelines. It is therefore considered that the proposals would result in no additional harm to the conservation area and neighbouring listed buildings.
- 4.5 The application proposes a number of energy efficiency measures and a reduction in carbon emissions which, whilst not fully compliant with the latest policy requirements, represent a considerable improvement to the consented scheme.
- 4.6 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a deed of variation to the S106 agreement to secure suitable planning obligations and financial contributions in order to mitigate the impacts of the development.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The approximately 0.67 ha site is bounded to the north by Cowper Street, to the south by Leonard Street, to the east by Tabernacle Street and to the west by the rear of the Bezier Buildings which front Old Street roundabout.
- 5.2 There are a wide variety of uses in the surrounding area including retail, restaurant, offices and residential. The surrounding area is mixed in character comprises a variety of architectural styles and building heights ranging from 3 and 4 storey historic buildings located on side streets to the large scale, modern commercial and residential buildings around Old Street roundabout.
- 5.3 The original main school building and the County Court Building fronting Leonard Street are both Grade II statutory listed and the site lies within the Bunhill Fields and Finsbury Square Conservation Area (CA22). The site is also located within an Archaeological Priority Area.
- 5.4 The site is also located in the Central Activities Zone (CAZ) and within the 'Inner Core' of the City Fringe Opportunity Area.
- 5.5 The site has a Public Transport Accessibility Level (PTAL) of 6a, indicating an excellent level of access to public transport, with Old Street Station within walking distance.

Commercial Development Site

5.6 The site of the approved office building currently contains the former sixth form block for the school and an area of hardstanding. It is located on the eastern side of the site. This element is no longer under the ownership of the school, having since been acquired by the Applicant.

5.7 The office development site is adjoined by the Tabernacle Building to the south-west of the site and the Grade II Listed School Block A to the west. To the rear of the site is the courtyard area which also provides the playground for the pupils of the school.

## 6. PROPOSAL (IN DETAIL)

6.1 This S73 scheme seeks to amend the approved scheme originally granted under ref. P2017/1046/FUL (dated 27 April 2018) and later varied by S73 under P2019/3572/S73 (dated 28 July 2020) and P2022/1001/S73 (dated 23/12/2022) to allow for revisions to the approved commercial office development, comprising new design, external materiality, internal layout and roof layout. Amendments to the cycle parking, end-of-journey facilities, and sustainability measures are also proposed.

6.2 Detailed information is also submitted with this application pursuant to demolition and construction environmental management plan, demolition and construction logistic plan, energy, and sustainability conditions on the original planning permission.

## 7. RELEVANT PLANNING HISTORY:

7.1 The applications relevant to the application site are as follows:

7.2 **P2017/1046/FUL** – Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works. [Listed Building Consent application ref: P2017/1049/LBC also submitted]. – *Approved 27/04/2018.*

7.3 **P2019/3572/S73** – Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works. – *Approved 28/07/2020.*

7.4 **P2022/1001/S73** – Application to vary condition 2 (Approved drawings) of planning application ref: P2019/3572/S73 dated 28 July 2020 for: (Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works.); In order to introduce a secondary external fire escape. – *Approved 23/12/2022.*

## 8. PRE-APPLICATION ADVICE

- 8.1 Pre-Application engagement between the Applicant and the Council was undertaken (reference: Q2023/0947/MJR) prior to the submission of the planning application. It was advised that the proposed changes could be supported in land use terms.
- 8.2 In terms of the design, the redesigned façade and layouts would be acceptable, subject to consideration of the surrounding conservation area and consideration of impact on neighbouring listed buildings. The addition of a roof terrace would be acceptable, subject to further details regarding the management of the space to ensure any impact on neighbouring amenity was limited.
- 8.3 The application has developed in response to the pre-application advice and comments from the Council's Design and Conservation Officer over the history of the scheme with further refinement to the building's elevations and massing.
- 8.4 In terms of energy and sustainability, it was confirmed that improvements to the scheme's approved sustainability measures would be welcomed and they should be as close to compliant with latest policy requirements as possible. Acknowledging that this scheme was originally approved before the adoption of the London Plan 2021 and Islington's Local Plan 2023, it was confirmed the scheme would not be required to meet policy requirements where it is suitably demonstrated it would not be possible.

## **9. CONSULTATION**

### **Public Consultation**

- 9.1 Letters were sent to occupants of 139 adjoining and nearby properties on 9<sup>th</sup> August 2023. A site notice and press advert were displayed on 17<sup>th</sup> August 2023. The public consultation of the application therefore expired on 10<sup>th</sup> September 2023; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 9.2 At the time of the writing of this report no responses have been received from the public in response to the consultation on this planning application.
- 9.3 The issues raised can be summarised as follows (*with the paragraphs in brackets indicating where in the report the respective points have been addressed*):

### **Central Foundation Boys School**

- 9.4 The applicant has provided a letter from the Headmaster of Central Foundation Boys School. This letter supports the S73 application. The letter notes that the rear windows are welcome as they would allow pupils to aspire to working in a similar building. The letter also welcomes the revised design.
- 9.5 A second letter was received from the school, signed by the school's project manager for the redevelopment, which confirms support for the submitted Demolition and Construction Environmental Management Plan and Demolition and Construction Logistics Plan. The letter confirms that the proposed demolition and construction activities associated with the commercial building can occur without causing any unreasonable disturbance to the school.

### **External Consultees**

- 9.6 **Greater London Authority:** Confirmed that that the amendments do not give rise to any new strategic planning issues.

- 9.7 **Health and Safety Executive (HSE):** No comments.
- 9.8 **London Fire Brigade:** No concerns.
- 9.9 **London Borough of Hackney:** No objections.
- 9.10 **Secure by Design - Metropolitan Police:** No objections.
- 9.11 **Thames Water:** No further comments.

**Internal Consultees**

- 9.12 **Building Control:** Reviewed the submitted Fire Strategy Report and made a number of comments relating to matters which they confirmed would be subject to Building Regulations approval. No concerns were raised which relate to the report's compliance with London Plan Policy D12.
- 9.13 **Ecology Officer:** Reviewed the proposals and confirmed that they raised no objections. Requested that details of a sensitive lighting scheme and the addition of bird boxes be conditioned and that the recommendations of the submitted Ecological Appraisal are followed in full.  
*(Officer response: See conditions 11, 12, 28, and 31)*
- 9.14 **Energy Officer:** Reviewed the proposals and confirmed that they are in line with what was presented and agreed to at pre-app stage. Confirmed that the applicant's justification for not connecting to a heat network at this stage was justified and that there are not currently opportunities for the development to connect to a shared heat network.
- 9.15 **EPPP Officer:** The submitted demolition and construction logistics plan and demolition construction environmental management plan were reviewed by the Council's EPPP Officer who raised no objections to the approval of the documents for the demolition phase only subject to additional details being submitted which confirm locations of all noise and vibration monitoring equipment. Recommended that further details of the piling phase and construction phase be secured via condition.  
*(Officer response: See conditions 6, 10, and 25)*
- 9.16 **Highways and Traffic:** Details of the submitted demolition and construction logistics plan, demolition and construction environmental management plan, and transport strategy, including swept path drawings and construction routes, were presented to the Council's Highways Officer. The Officer confirmed they had no objections subject to a S278 agreement being secured via the deed of variation.
- 9.17 **Inclusive Design Officer:** Reviewed the proposals and initially raised concern with the proposed cycle parking and end-of-journey facilities layout. The applicant provided update basement and ground floor plans which incorporated the Inclusive Design Officer's comments and reinstated the mobility scooter charging space. The Officer reviewed these updates and confirmed that they had no objections subject to a condition securing details of how the development has incorporated the requirements of Islington's Inclusive Design SPD.  
*(Officer response: See condition 30)*
- 9.18 **Planning Policy:** Reviewed the proposals and confirmed that the revised layout provides good quality and flexible business floorspace in line with Local Plan policy B2. Welcomed the updated

approach to cycle parking. Confirmed that this application would not be required to contribute affordable workspace.

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

9.20 **Sustainability:** Reviewed the proposals and confirmed that they are in line with what was presented and agreed to at the pre-app stage. Initially raised queries regarding the sustainable design accreditation and thermal performance. The applicant provided further details on these matters, including a detailed response on how the scheme has been designed in accordance with the colling hierarchy contained within policy S6 of the Local Plan. The Officer confirmed that this response was acceptable and raised no further objections.

9.21 **Trees Preservation Officer:** Reviewed the submitted Arboricultural Impact Assessment and raised concerns that the document did not suitably outline how the street tree would be protected. The applicant provided an updated report which confirmed that the tree stem would be boxed in and that the tree would be fenced off. The Officer advised that this was an acceptable approach to protecting the tree and raised no further objections.

9.22 **Urban Design & Conservation Officer:** Reviewed the proposals and advised that although the revised design approach would result in a slightly increased height and massing, the proposed design represents an improvement compared with the consented design in terms of appearance and its relationship with the public realm. Confirmed that, overall, the proposed amendments would not cause any additional harm to visual amenity and the setting of heritage assets, and therefore would not result in any additional harm to the special architectural or historic interest of the listed building or to the character and appearance of the conservation area.

## 10. RELEVANT POLICIES

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

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

10.2 National Planning Policy Framework 2023 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

10.3 The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals

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



- 10.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 10.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 10.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 10.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 10.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

### **Development Plan**

- 10.11 The Development Plan is comprised of the London Plan 2021, Islington's Local Plan: strategic and development management policies 2023, Bunhill and Clerkenwell Area Action Plan 2023, and Site Allocations 2023. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

## **Designations**

10.12 The site has the following designations under the London Plan 2021, Islington's Local Plan: strategic and development management policies 2023, Bunhill and Clerkenwell Area Action Plan 2023, and Site Allocations 2023.:

- Local Cycle Routes
- Major Cycle Routes
- Site within 100m of an SRN Road
- Central Activities Zone
- City Fringe Opportunity Area
- Site within Conservation Area (Bunhill Fields and Finsbury Square)
- Moorfields Archaeology Priority Area
- Article 4 Direction – Class MA
- Grade II Listed Building
- Bunhill and Clerkenwell Area Action Plan Area

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

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

## **11. ASSESSMENT**

11.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation & Heritage Considerations
- Biodiversity, Landscaping and Trees
- Accessibility & Inclusive Design
- Basement Excavation and Archaeology
- Neighbouring Amenity
- Transport and Highways
- Energy and Sustainability
- Waste Management
- Fire Safety
- Flood Risk and Sustainable Drainage
- Planning Obligations.

11.2 In response to the provisions of Section 73 Town and Country Planning Act 1990, the application is to be assessed to consider the question of the conditions subject to which planning permission should be granted. S.73 States:

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
  - (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 11.3 Specifically, s.73 does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun. Further to this, s.73 does not permit a change to a condition subject to which a previous planning permission was granted by extending the time within which the development must be started or an application of reserved matters to be received.
- 11.4 The National Planning Practice Guidance directs the Local Planning Authority to consider the application against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004 (determination shall be made in accordance with the plan unless material consideration indicates otherwise), and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

### **Land-Use**

- 11.5 The site is located in the Central Activities Zone ('CAZ') as set out within the 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.
- 11.6 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.
- 11.7 The supporting text for Islington's Local Plan policy SP1 'Bunhill and Clerkenwell' highlights that the area is the most significant location for commercial growth in Islington, particularly office floorspace, and is the area in the borough expected to see the most significant levels of growth, particularly business floorspace. Cultural, entertainment and leisure uses, which have historically contributed significantly to the area, will be supported and encouraged.
- 11.8 Local Plan policy B1 'delivering business floorspace' seeks to encourage and secure employment space for businesses within the Borough. Part B of policy B1 encourages employment floorspace, in particular business floorspace, to locate in the CAZ, the Bunhill and Clerkenwell AAP area, Priority Employment Locations, and Locally Significant Industrial Sites. Policy B1 also seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals.
- 11.9 Local Plan policy B2 '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. The policy states that all proposals must maximise the provision of business floorspace and that proposals which are not considered to maximise business floorspace will not be permitted. Policy B2 states that office uses are the clear priority within the CAZ.
- 11.10 Part G of policy B2 requires development proposals for non-industrial business floorspace to have regard to the following:

- i) Business floorspace must allow for future flexibility for a range of occupiers;
  - ii) Provision of a good level of amenity for occupiers;
  - iii) The development of new business floorspace must incorporate the highest inclusive design standards achievable;
  - iv) Applicants must clearly demonstrate how the design of proposals individually and cumulatively contribute to providing the range of spaces required to support the primary function/sector of the particular area in which it is located.
- 11.11 The proposal is considered to be in accordance with Local Plan policy B2(G) with regards to allowing for flexibility for a range of occupiers, amenity for occupiers (including end of journey facilities and roof terrace), incorporates a good level of inclusive design standards and demonstrates provision of spaces relevant to the primary function/sector of the particular area (in this instance being within the CAZ).
- 11.12 The Bunhill and Clerkenwell Area Action Plan sets out area-wide policies focused on prioritising and supporting the office function of the area, as well as consolidating and enhancing the area's cultural, retail and leisure role.
- 11.13 Bunhill and Clerkenwell AAP policy BC1 'Prioritising office use' is an area wide policy. It highlights that, given the significant evidenced need to provide office floorspace to cater for projected jobs increases and secure inclusive economic growth, office floorspace is the clear priority land use across the entire Bunhill and Clerkenwell AAP area. Office floorspace must be maximised where possible.
- 11.14 Bunhill and Clerkenwell AAP policy BC3 'City Fringe Opportunity Area' highlights that development proposals must maximise business floorspace provision, specifically office floorspace, as far as possible.
- 11.15 The proposed alterations to the consented scheme would present a minor uplift (241sqm) in commercial floorspace to 3,985sqm through optimisation of layouts, whilst offering an enhancement to the quality of floorspace, facilities and overall design. The proposals are therefore considered to be consistent with policies BC1 and BC3.
- 11.16 Local Plan Policy B4 states that major development proposals involving 1,000sqm or more gross net additional B1(a) office floorspace must incorporate at least 10% affordable workspace to be leased to the Council at a peppercorn rent rate for a period of at least 20 years. Because the office development was approved as an enabling development, it was accepted that no affordable workspace would be provided as part of this scheme at the time of the original application. Given the minor uplift in office floorspace proposed under this application, it is not considered that 10% of this space would result in any useable affordable workspace. It is therefore not considered that affordable workspace would be required on the uplift in this instance.
- 11.17 The proposals are broadly consistent with the approved scheme in terms of land use and would result in the intensification of office use within the CAZ and the Bunhill and Clerkenwell AAP area thereby enhancing the area's role in supporting London's strategic business role. It is therefore considered that the proposals would be in accordance with the London Plan and the local development plan.

## **Design, Conservation and Heritage Considerations**

### Policy Context

- 11.18 Quality of design lies at the heart of the planning system and is stressed at Chapter 12 of the NPPF (Achieving well-designed places). It states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF requires that developments are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Further it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11.19 The London Plan, throughout Chapter 3 (Design) sets out its support for high quality architecture and public realm, which responds to local context by delivering buildings that are positioned and of a scale, appearance, and form that response to the identity and character of the locality.
- 11.20 London Plan Policy D3 sets out the design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. 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. Where these locations have existing areas of high-density buildings, expansion of the areas should be positively considered by Boroughs where appropriate.
- 11.21 London Plan Policy D3 also sets out criteria relating to appropriate form, layout, experience, quality, and character which will be addressed in this section.
- 11.22 At the local level, Local Plan Policy PLAN1 states that all forms of development are required to be of a high quality and make a positive contribution to local character, legibility, and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. This policy outlines the high-quality design expectations which proposals need to meet.
- 11.23 Local Plan Policy DH1 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.
- 11.24 Local Plan Policy DH2 notes that proposals that harm the significance of listed buildings or conservation areas must provide clear and convincing justification for the harm. Substantial harm to, or loss of, a listed building will be strongly resisted.
- 11.25 Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g., how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages. Of particular significance is paragraph 5.67 which states that 'new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses'. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The

Setting of Heritage Assets), the council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of this application

#### Site Context

- 11.26 The site is part of the grounds of the Central Foundation School, which contains two buildings/groups of buildings under two different list entries. The Central Foundation Boys School building to the north of the site was built c. 1866-67 and extended in 1894 and is listed as a good example of a mid-nineteenth century charitable school building of considerable scale and gravitas, which combines a distinguished façade with interiors of interest. The Shoreditch County Court building, formerly Finsbury Technical College built in c.1881 and designed by Edward Clifton, is on the south side of the site. It is listed for its significance as the first technical college in England. Adjoining the Shoreditch County Court building are the Sunday School and Tabernacle buildings which are not statutorily listed but make an important contribution to the significance of the site and the conservation area, and to the setting of the listed buildings.
- 11.27 The site is in the Bunhill Fields and Finsbury Square Conservation Area, which contains a number of very significant historic sites and open spaces (Bunhill Fields, Wesley's Chapel, Finsbury Square, the grounds of the Honourable Artillery Company) surrounded by 19th and 20th century urban development. City Road and Tabernacle Street have good examples of late-Victorian and Edwardian commercial buildings contributing to a cohesive character and scale (although interspersed with some later development).
- 11.28 The area of the site that this application relates to does not contain any listed buildings, but there is an existing 19th century school building which makes a positive contribution to the CA and to the setting of the listed school. 22-24 Cowper Street (immediately opposite the site) is locally listed.

#### Approved Scheme and Commercial Development

- 11.29 The existing planning permission covering the wider school site includes extensions and alterations to school buildings, demolition of the existing school building on Tabernacle Street, and erection of a new commercial building. Both the consented demolition and the consented new commercial building were considered to cause less than substantial harm to heritage significance. In the case of the commercial building, the height and massing was considered to be excessive, resulting in harmful impacts. The proposal was approved on the basis that the harm would be clearly and convincingly justified and outweighed by the public benefits of the wider scheme.



*Image 7 – Former Sixth Form Building, the demolition of which was consented via P2017/1046/FUL*



*Image 8 – Approved Commercial Development – Tabernacle Street elevation*



*Image 9 – Approved Commercial Development – Rear elevation (as amended via P2022/1001/S73)*

## Assessment

### Height and Massing

11.30 The approved commercial development is eight storeys and 33.58 meters high (as measured from ground to the top of the flue casings). No additional storeys of accommodation are proposed and floor and ceiling heights would remain the same as previously consented. However, there would be a slight increase to the commercial building’s height and bulk associated with the provision of the roof terrace.



*Images 10 and 11 – Approved (left) and Proposed (right) Tabernacle Street elevation*

11.31 The introduction of a roof terrace requires the installation of new balustrading. To ensure that this is not visible from street level, the applicant proposes to raise the main parapet height by 400mm. The drawings and CGIs submitted as part of this application confirm that this minor increase in height would not result in a noticeably taller or more imposing building in street views compared



with the consented proposal, and it would conceal balustrading and some plant equipment avoiding visible clutter at roof level and achieving a more consistent and clean parapet line, in keeping with the established characteristics of the area.

- 11.32 On the rear elevation, the increase in height and bulk would be more visible because the main stair core and the external fire escape stair would both continue up an additional storey to roof level to provide access to the proposed roof terrace.
- 11.33 This elevation would primarily be viewed from within the Central Foundation Boys School and it is considered that the increased massing would be noticeable when viewed from the school's courtyard and would result in a slightly more cluttered roofline compared with the consented design. However, Officers consider that the impact of this increased bulk has been minimised as far as possible by setting the main stair core back from the rear façade. Furthermore, the roof access would not be visible from any of the public street views, and the proposed roof top plant enclosure would be similarly visible to the consented roof top plant enclosure.



*Images 12 and 13– Approved (left) and Proposed (right) rear elevation (as amended via P2022/1001/S73)*

- 11.34 The consented commercial development was considered to cause less than substantial harm to the significance of heritage assets because of its height and massing. It is therefore important to consider the potential for additional harm as a result of the proposed slight increase in height and massing.
- 11.35 Given that the additional impact caused by the proposals would be limited to some of the internal courtyard views and would not affect the street scene or wider townscape, it is considered that they are acceptable in the planning balance. The Council's Design and Conservation Officer has reviewed the proposals and confirmed that the amended height and massing would not be worse than the consented in terms of its overall impact on heritage assets when considered alongside the amendments to the façade design.
- 11.36 Whilst no objections are raised in relation to the proposed rooftop structures, Condition 37 is recommended to secure details of all plant equipment, screening, terrace furniture, balustrading and lighting to ensure that the amendments at roof level do not have an undue impact on the public realm or neighbouring listed buildings.

#### Appearance

- 11.37 The approved commercial development was considered to have datum lines which responded to neighbouring buildings and a detailed architectural design of a good standard. The applicant proposes to revise the approved facade treatment, detailing and materiality. The proposed design amendments are considered to be of good quality and represent a creative and successful response to the context. The design has been refined with input from Officers through the pre-

application process and it was reviewed by Islington's Design Review Panel who were generally supportive, with refinements being made since the review successfully addressing concerns raised by the panel.

- 11.38 The proposed design is considered to be an improvement compared with the consented design. The façade proportions are more in keeping with the established street context and the ground floor frontage and entrances have been given a more robust and distinctive treatment. The proposed treatment for the upper storeys responds to the architectural character of the street and immediate surrounds and introduces greater depth and richness. It is therefore considered to be more in line with the Bunhill Fields and Finsbury Square Conservation Area Design Guidelines and would appear more comfortable and appropriate in the context.
- 11.39 The treatment at the rear of the building has also been considered and refined during pre-application. This will be less widely visible than the street-facing facades but will be visible from the courtyard of the Central Foundation school and will form part of the setting of the historic buildings. The design response is considered to be generally successful considering the constraints: fire safety regulations require a separate external staircase to be provided at the rear (already consented via permission ref: P2022/1001/S73) and also limit the amount of glazing that can be provided on the rear elevation.
- 11.40 The submitted Design and Access Statement provides design references for the external staircase which show a perforated metal enclosure; however no details of the proposed materials are confirmed. It is therefore recommended that Condition 36 be restated.



*Image 14– Proposed Commercial Development– Tabernacle Street elevation*



*Image 15– Proposed Commercial Development– Rear elevation*

11.41 A good level of detail has been provided on façade and roof treatment including indicative material samples and indicative large-scale details showing window reveal and entrance detailing, brick bonds, etc. demonstrate a well-considered level of design. It is recommended that Condition 4 be amended to secure full details of the materials, doors and windows, brickwork and cladding proposed through this revised design.

Layout, quality of accommodation and amenity

11.42 The Mayor of London’s City Fringe Opportunity Area Planning Framework (2015) highlights that commercial developments which fail to respond adequately to demand are not marketable. This can lead to space being unoccupied and being vulnerable to conversion to other non-work related uses later. Whilst this document does not form part of the development plan, it should be seen as a material planning consideration.

11.43 The revised proposal would result in optimised floorplates with more flexible layouts, increasing the amount of useable floorspace without increasing the building footprint. The proposals also improve on the quality of accommodation in the consented scheme through providing better cycle storage and end-of-trip facilities and a roof terrace to provide shared amenity for future office users. This is in line with objectives set out in Local Plan policy B2 (H). The proposal also improves upon the consented design in terms of sustainable design and construction, landscaping, biodiversity, and urban greening factor.

11.44 The proposed roof terrace requires that the approved secondary staircase and lift overrun be increased by an additional storey in height thereby increasing the building's massing. Whilst this is regrettable, it is considered acceptable because it would provide an important amenity for future occupiers resulting in improved quality of accommodation.

#### Tall Buildings Policy

11.45 Due to the plant equipment being higher than 30m, the consented commercial development was deemed contrary to local and London Plan policy relating to tall buildings at the time. The committee report for application ref: P2017/1046/FUL notes that the commercial development was referred to the GLA for this reason and that no objections were raised.

11.46 The GLA were re-consulted as part of this application and it was confirmed that they raised no further comments.

11.47 The proposed amendments to the height and massing would result in the main parapet slightly exceeding 30m and a small increase in the height of the plant equipment. Whilst this increase in height is regrettable and is contrary to Local Policy DH3, it is considered that the increase in height is necessary to provide the sustainability and amenity improvements associated with this application. Furthermore, as noted in previous sections, it is not considered that the increase in height would be noticeable from street level and would be no more harmful on the character and appearance of the conservation area and the setting of the listed school buildings than the approved development.

#### Assessment of Significance to the adjacent Listed Buildings and Bunhill Fields and Finsbury Square Conservation Area

11.48 The application site sits within the Bunhill Fields and Finsbury Square Conservation Area. Paragraphs 22.14-22.15 of the Conservation Area Design Guidelines note that around Tabernacle Street, the established character of the area is commercial with a mixture of workshops, small offices and live/work units. For new development within the conservation area, buildings should maintain a clear 4/5 storey parapet line and be built in brick, with punched window openings, and with a vertical emphasis.

11.49 Historic England's guidance on the Setting of Heritage Assets notes that setting may include:

*Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas..... the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.*

11.50 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.

11.51 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

11.52 The committee report for the original planning application, ref: P2017/1046/FUL, states that:

*“The former sixth form block is considered to make a positive contribution to the character and appearance of the conservation area and to the setting of the Grade II listed Block A. Its demolition is considered to result in less than substantial harm to the significance of the Conservation Area and the setting of the Grade II listed Block A.”*

11.53 The report continues to state that, in regard to the commercial building:

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

11.54 Overall, the original committee report concludes that the less than substantial harm caused by the commercial development design was acceptable in light of the significant public benefit it would enable.

11.55 As noted in the above sections, the proposed amendments to the commercial development would result in a slightly increased massing, but other aspects of the proposed design would be a considerable improvement compared with the consented design. As such, it is considered that the proposed amendments would not cause any additional harm to the visual amenity or the setting of heritage assets, and therefore would not result in any additional harm to the special architectural and historic interest of the listed building or to the character and appearance of the conservation area.

#### Conclusion

11.56 The application proposes a slightly increased height and massing, but other aspects of the proposed design would be a considerable improvement compared with the consented design. The revised design is considered to respond more successfully to the architecture of the neighbouring listed buildings and conservation area than the consented scheme. Through revisions at ground floor, the proposed scheme is also considered to make a more positive contribution to the townscape and public realm. Although the scheme is still considered to cause some level of harm to the neighbouring heritage assets, it is not considered that this harm would be any worse than that caused by the consented scheme.

11.57 Therefore, in terms of design and appearance, heritage and conservation, the proposal is considered to be in accordance with London Plan Policies D1, D2, D3, D4 and HC1, Islington Local Plan policies PLAN1, DH1, and DH2 as well as Islington’s Urban Design Guide (2017) and Historic England advice GPA3 (The Setting of Heritage Assets).

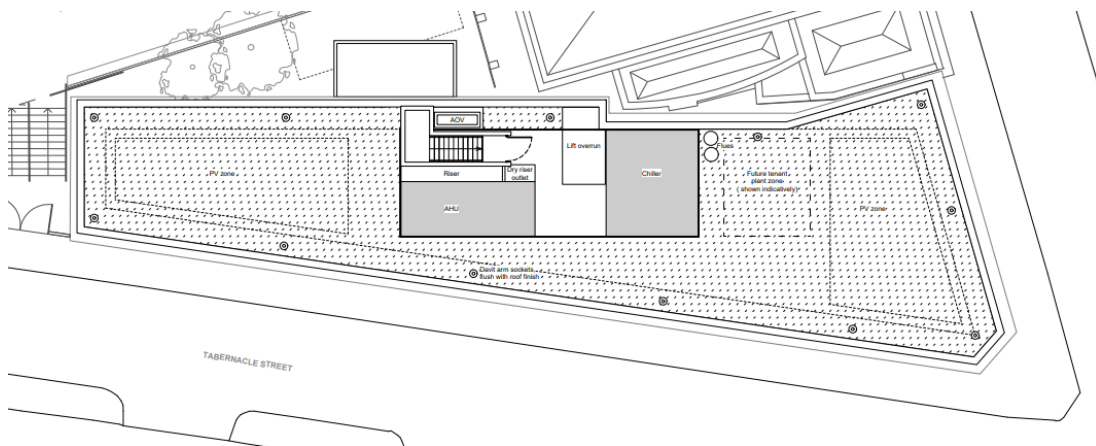
#### **Biodiversity, Landscaping, and Trees**

11.58 London Plan 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.

11.59 Islington’s Local Plan policy G1 states that development proposals must preserve and enhance existing green infrastructure and explore opportunities to provide new green infrastructure. Local Plan policy G4 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas.

Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. Furthermore, developments are required to minimise any impacts on trees, shrubs and other significant vegetation. At the same time 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.

- 11.60 The proposal seeks to increase the level of landscaping at roof level. The approved office development included a green roof at roof level, however details of this had not been submitted.
- 11.61 The applicant proposes to re-provide some of this green roof, whilst also introducing a high-quality landscaping and planting strategy which uses native species and plants identified as pollinators by the Royal Horticultural Society. The proposed perimeter planting would successfully hide the proposed roof terrace and additional plant equipment from public view and help minimise impacts on design and neighbouring amenity. Final details of landscaping would be secured via recommended Condition 38.



*Image 16: 65 Tabernacle Street – Consented roof plan (Ref: P2023/1001/S73)*



*Image 17: 65 Tabernacle Street – Proposed roof plan demonstrating the landscaping strategy*

## Ecology

- 11.62 Chapter 15 of the NPPF states opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 11.63 London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- 11.64 Local Plan policy G4 states that all developments must protect, enhance and contribute to the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting and enhancing connectivity between habitats. The policy outlines the requirement to protect and enhance biodiversity across the borough and address deficiencies in access to nature. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 11.65 To support the proposals, the applicant has provided a Preliminary Ecological Appraisal, prepared by LUC dated July 2023, and a Biodiversity Net Gain Assessment, prepared by LUC dated July 2023. The submitted Preliminary Ecological Appraisal notes that the site presently is of a low ecological value and there is little/no mitigation required as a result of the proposed development.
- 11.66 The site is located within an urbanised landscape and the submitted Ecological Appraisal that the site is comprised entirely of hardstanding and buildings of negligible ecological value. The submitted Biodiversity Net Gain Assessment notes that there are zero baseline habitat units on the site. Through the landscaping and ecology proposals, the proposed development stands to result in a net gain of 0.159 area-based biodiversity units.
- 11.67 The Biodiversity Net Gain Assessment states that biodiversity net-gain will be achieved primarily through the use of green roofs which will provide habitat of value for invertebrates, birds and bats. Ground level planting would also help to promote biodiversity on the site.
- 11.68 The submitted reports were reviewed by Islington's Ecology Officer who agreed with their recommendations for biodiversity enhancements but requested bird boxes (including swift bricks) be included within the proposals. The Officer also requested a lighting scheme that is sensitive to ecology is also put in place and highlighted that the submitted Ecological Appraisal recommends that a pre-demolition bird nesting survey and a bat emergence survey be carried out before works take place.
- 11.69 Recommended landscaping condition 38 would secure the uplift of 0.159 area-based biodiversity units whilst existing conditions 28 and 29 would be restated to ensure birds and bats are protected throughout development works. Furthermore, details of bird boxes/swift bricks would be secured by the restated Condition 31 and details of the lighting scheme would be secured by the restated Condition 12.
- 11.70 Islington's Sustainability team stated that the green roofs should be wildflower based with no more than a maximum of 25% sedum.
- 11.71 It is recommended that Condition 8 be amended to secure details of the revised green roof alongside a maintenance plan. This is to ensure that the green roof will be of good quality, will make a meaningful contribution to on-site biodiversity and greening and will be maintained in the future.

## Trees

- 11.72 Local Plan Policy G4 states any loss of or damage to trees or other significant planting, or adverse effects on their growing conditions or survival, will only be permitted where it is demonstrably unavoidable in order to meet other relevant Local Plan policy requirements (as agreed with the Council). In such circumstances, suitable high-quality re-provision of equal value must be provided on-site. Where on-site re-provision is demonstrably not possible (as agreed with the Council), a financial contribution of the full cost of appropriate re-provision will be required.
- 11.73 Whilst there are no trees on the development site, there is a street tree located directly outside the site on Tabernacle Street. No details were submitted at the time of the original application with regards to the protection of this tree and therefore Officers requested details of a tree protection plan as part of this application.
- 11.74 The Arboricultural Impact Assessment, including full Arboricultural Method Statement, submitted by the applicant confirms the actions that would be undertaken during demolition and construction works to ensure the tree is protected. The submitted report was reviewed by the Council's Tree Officer who confirmed that the proposed protection methods were suitable. In order to ensure the retention and protection of the street tree, a condition (39) will be added to secure compliance with the submitted Arboricultural Method Statement.

## Urban Greening Factor

- 11.75 London Plan Policy G5 sets out the expectation for major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments.
- 11.76 The UGF should be based on the factors set out in Table 8.2 of the London Plan but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).
- 11.77 Local Plan Policy G1 requires that Islington major developments are required to conduct an Urban Greening Factor (UGF) assessment in accordance with the methodology in the London Plan. Schemes must achieve an UGF score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.
- 11.78 Through the measures set out in the Biodiversity and Trees sections above the proposal would achieve a UGF score of 0.28 on the land occupied by the commercial development. This score falls slightly short of the policy target of 0.3. Whilst this is regrettable, there was no policy requirement to achieve a set Urban Green Factor at the time the original permission was granted. The proposals represent an improvement on the originally approved landscaping and would result in a greener development which would have biodiversity, sustainability, and amenity benefits. The Council's Sustainability Officer has reviewed the UGF proposals and confirmed that the shortfall of 0.02 is acceptable in this instance. To ensure the urban greening factor is maximised, a minimum UGF of 0.28 within the office development part of the site shall be secured via condition (38).

## Conclusion

- 11.79 Overall, it is considered that the landscaping proposals would create a greener, more biodiverse space with a higher level of amenity for office occupiers. While the landscape strategy is



supported in principle, further details would be required by condition in the event of permission being granted to ensure that the final design of the landscaping is of the highest quality and properly implemented.

### **Accessibility and Inclusive Design**

- 11.80 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 PLAN1 of the Local Plan, 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.
- 11.81 Local Plan policy B2 outlines how new business floorspace must incorporate the highest inclusive design standards achievable in context, and meet the travel and transport needs of those for whom public transport remains inaccessible.
- 11.82 The proposal includes level access at ground floor level. There are two lifts allowing for level access to all floors of the proposed building, including the basement levels.
- 11.83 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. The proposal includes two staircases and two fully DDA compliant lifts to the main core of the building.
- 11.84 The proposal includes step-free access into all entrances and to all levels; level access to the roof terrace; at least one fire evacuation lift; inclusive cycle parking for non-standard cycles and a suitably sized lift; and accessible WCs on each floor.
- 11.85 Whilst the proposed inclusive design measures are welcomed, no confirmation of details relating to ramps, staircases, handrails, glazing manifestations, or signage legibility have been provided. It is recommended that Condition 30 be amended to ensure that details of how the scheme has been designed in accordance with Islington's Inclusive Design SPD are submitted for review prior to relevant works.
- 11.86 Local Plan Policy T3 requires that an accessible car parking bay for every 33 additional employees. 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. There is an existing obligation within the S106 agreement for the applicant to contribute £14,000 towards the provision of accessible transport measures within the vicinity of the site and the applicant would be expected to make this payment prior to the implementation of the commercial development.

### **Basement Development and Archaeology**

- 11.87 The applicant proposes to amend the size and shape of the approved basement level. The council's basement development SPD requires a structural method statement to be submitted for all basement developments. These reports must be signed and endorsed by a chartered civil engineer or chartered structural engineer with relevant experience, appointed by the applicant.
- 11.88 The applicant has submitted a Ground Movement And Building Damage Assessment, prepared by Geotechnical Consulting Group dated July 2023, which confirms that the proposed development of an eight-storey building, with partial basement, is unlikely to cause significant movement at the locations of the surrounding structures.

11.89 The site is located within an Archaeological Priority Area and a Written Scheme of Investigation was submitted pursuant to the discharge of Condition 21 of the original planning permission. Because the school works were carried out prior to works of the commercial development, the submitted WSI did not cover the office development site. However, the approved WSI confirmed that only identified post-medieval made ground was found during excavation works and therefore GLAAS confirmed in an email dated 25/07/2023 that it is not considered necessary either to provide an additional Archaeological Assessment as part of this application or discharge further information under Condition 21.

### **Neighbouring Amenity**

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

11.91 London Plan Policy D1 states that development design should deliver appropriate outlook, privacy and amenity. London Plan Policy D6 states that the design of development should provide sufficient daylight and sunlight for new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outdoor space. London Plan Policy D13 seeks to reduce, manage and mitigate noise to improve health and quality of life.

11.92 Part B (i) of Local Plan policy PLAN1 requires that developments provide a good level of amenity must, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution (such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

### **Daylight and Sunlight: Assessment**

11.93 The daylight and sunlight impacts to the consented scheme were considered acceptable under the original assessment. To assess the impact of the proposed alterations at roof level, the applicant submitted a daylight and sunlight assessment prepared by Delva Patman Redler Surveyors, dated July 2023. The submitted report assesses the potential effects of the proposed amendments on the daylight and sunlight to the surrounding residential properties.

11.94 The results of the assessment show that the proposed changes to the building's massing would not result in the neighbouring properties experiencing a greater reduction in daylight or sunlight due to the amended scheme, over and above the consented scheme in accordance with the planning permission P2017/1046/FUL.

### **Overlooking**

11.95 The supporting text for Local Plan policy PLAN1 states that a minimum distance of 18 meters between windows of habitable rooms should be maintained to protect the privacy of residential properties. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. Any increased overlooking will occur across a public highway and the proposed development is therefore considered acceptable in terms of overlooking and privacy. Whilst the proposed roof terrace introduce further opportunities for overlooking, the terrace would be behind a raised parapet and would not be in close proximity to any residential properties. It is therefore considered that the roof terrace would not result in undue amenity impacts in this respect.

## Outlook

- 11.96 The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.
- 11.97 In view of the degree of separation to the nearest residential properties, and given the surrounding built up urban context, it was considered that the approved scheme would not result in any harmful impacts in terms of outlook or sense of enclosure at the time of the original application. Whilst some small amendments to the building's massing are proposed, it is not considered that the proposals would result in any change to the neighbouring residences' outlook/sense of enclosure when compared to the originally approved scheme.

## Noise and Disturbance

- 11.98 Local Plan policy DH5 states that all development proposals which have the potential to cause or exacerbate unacceptable noise and vibration impacts on land uses and occupiers in the locality must fully assess such impacts. Where noise and/or vibration impacts are identified suitable mitigation measures must be put in place to reduce these impacts to acceptable levels.
- 11.99 The applicant proposes to relocate the approved plant equipment from the basement to roof level. To support this amendment, the applicant has submitted a Noise Impact Assessment prepared by Finch Consulting, dated July 2023. This report demonstrates that whilst there would be some noise impacts resulting from the new plant, this could be addressed by incorporating standard noise mitigation measures.
- 11.100 The Council's EPPP Officer reviewed the submitted report and noted that whilst it is not clear what means of noise mitigation are proposed, Condition 9 of the existing permission requires the design and installation of new items of fixed plant to have a noise level at least 5dB(A) below the background noise level. It is therefore considered that the proposal to introduce additional plant equipment at roof level is acceptable subject to Condition 9 being restated. To ensure that this condition is complied with, it is recommended that Condition 22 be amended to secure details of a post installation verification report, prepared by a relevant competent person
- 11.101 The applicant also proposes to introduce a new amenity terrace at roof level for tenants of the office space. To support this proposal, the applicant has submitted a draft operational management plan which outlines measures which would be taken to protect neighbouring residential amenity. The management plan confirms that would be accessible to building occupants only and that no amplified music would be allowed. The management plan does not confirm operational hours and these would need to be confirmed via the submission of a final operational management plan required by recommended Condition 40.

## Demolition and Construction Noise

- 11.102 A Demolition and Construction Environmental Management Plan (DCEMP), prepared by Blue Sky Building dated September 2023, was submitted with this application. This document set out how noise impacts will be minimised. The submitted documents confirm details for the demolition stage but details for the construction stage are subject to change after the appointment of a contractor.
- 11.103 The DCEMP has been reviewed by Islington's Environmental Pollution, Policy & Projects Officers, who confirmed that the details provided in relation to the demolition stage details are acceptable but requested further information on the location of the proposed noise and vibration monitoring equipment. The officer also requested that construction phase details be confirmed once a

contractor is appointed. It is recommended that Condition 6 be updated to confirm approval of the submitted details and secure details of the monitoring equipment locations and construction phase.

#### Impact on Neighbouring Amenity: Conclusion

11.104 The information submitted as part of this application demonstrates that the proposed scheme would not result in an increased impact on the amenity of neighbouring residents in terms of daylight and sunlight, outlook, or overlooking. Whilst the introduction of a roof terrace may result in additional noise being generated versus the consented scheme, it is considered that this can be appropriately mitigated via an operational management plan secured via condition. It is therefore considered that the proposed scheme would not present an unacceptable impact on neighbouring amenity.

#### Transport and Highways

11.105 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.

11.106 London Plan Policies T1, T2, T3, T4, T5, T6 and T6.1 seek for all new development to identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently, and streets are greener and more pleasant. Adding to this, policies also set out requirements for levels of on-site vehicle parking, cycle parking and for servicing.

11.107 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport.

11.108 London Plan Policy T7 states that seeks to ensure that development proposals facilitate safe, clean and efficient deliveries and servicing.

11.109 Local Plan policy T1 states that applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed. This policy goes on to state that all new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.

11.110 Local Plan policy T2 requires proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.

11.111 The application site has a PTAL of 6a, which is considered 'excellent', due to the site's proximity to National Rail, Underground, and Overground stations as well as numerous bus links.

#### Proposed amendments to the consented scheme

11.112 The scheme largely retains the same access arrangements as the consented scheme, although improved end of journey facilities and a relocated refuse store are proposed.

#### Servicing, Deliveries and Refuse collection

11.113 It is proposed that servicing and deliveries will be undertaken in front of the development along Tabernacle Street as previously approved. Details of deliveries and servicing were previously approved under application ref: P2020/0489/AOD, which discharge Condition 24. The details

submitted in this application were based on an assumed office floorspace of c.950sqm and retail floorspace of c.2,855sqm which is not consistent with the approved or proposed floorspaces of this development. It is therefore recommended that Condition 24 be restated to secure up to date details of the development's delivery and servicing.

11.114 Refuse from the commercial building would be collected from the relocated refuse store on Tabernacle Street.

11.115 The submitted Transport Statement contains swept path analysis drawings which demonstrate that vehicles can safely access the site whilst maintaining sufficient space for pedestrians and other vehicles to pass by. LB Islington Highways were consulted as part of this application and accepted the proposed delivery and servicing arrangements

#### Vehicle Parking

11.116 No vehicle parking is proposed, and no changes are proposed from the consented scheme.

11.117 The proposal is therefore considered acceptable and in accordance with Local Plan policies T1, T2 and T3.

#### Cycle Parking

11.118 Local Plan policy T2 states that all new developments must provide cycle parking, and associated circulation space for ease of use of cycle parking, in accordance with the minimum cycle parking standards set out in Appendix 4 Table A4.1. These standards are either in line or exceed the London Plan standards.

11.119 It states that 20% of spaces must be for accessible cycle parking (2 sqm) to provide for non-standard cycles and ambulant disabled cyclists using regular cycle. The Council will prioritise cycle parking that is practically useful for the majority of people, which is secure and allows convenient ease of access and avoids the risk of personal injury when manoeuvring a bicycle; Sheffield stands in particular are supported.

11.120 The originally approved office building had space for 38 cycle spaces in addition to an accessible cycle parking space and a mobility scooter charging space.

11.121 In the time since approval was granted, policy requirements relating to cycle parking have changed. Under Policy T5 and supporting Table 10.2 of the London Plan, the location of the site within an area of higher minimum cycle parking standards means that the revised development would be required to provide 53 long stay and 8 short stay cycle parking spaces.

11.122 The applicant proposes to increase the level of cycle parking provided to comply with latest London Plan policy requirements, providing 53 long-stay cycle spaces and 7 short stay spaces internally and 1 short stay space externally. 2 of the spaces are provided are accessible, representing 6% of the total amount of cycle spaces – below the 20% accessible spaces required by local policy. Given that the proposed amount of accessible spaces represents an increase on the approved single space and that introducing additional accessible spaces would come at the expense of other cycle spaces, this is considered acceptable.

11.123 It is recommended that Condition 19 be amended to secure the additional cycle parking spaces.

#### Trip Generation

11.124 The submitted Transport Statement contains an updated trip generation based on the slightly uplifted GIA. The report concludes that the development would result in a further four two-way

person trips in the PM peak hour, and a single additional trip in the AM peak hour, as a result of the increased floorspace. On this basis, it is not considered that the proposals would result in any significant impacts on the road network compared with the approved scheme. Officers consider that given the excellent PTAL of the location, the largest proportion of trips to be carried out would be via public transport and active travel. The Transport Statement demonstrates that there would be minimal impact on vehicle trips and sustainable modes would be the overwhelming way to get to and from the site. As an area with excellent public transport connectivity, the public transport network would be comfortably able to absorb the trips generated from the scheme.

### Travel Plan

- 11.125 A Framework Travel Plan prepared by Icen, dated July 2023, was submitted by the applicant. This document highlights the wide range of public transport and active travel facilities surrounding the site and sets out a range of measures to encourage active and sustainable travel. This travel plan and monitoring would be secured within the Deed of Variation.

### Demolition and Construction

- 11.126 A Demolition and Construction Environmental Management Plan (CMP) and a Demolition and Construction Logistics Plan, both prepared by Blue Sky Building dated July 2023, were submitted with this application. These documents set out the demolition and construction programme, vehicles, routing and how construction impacts will be minimised. It relates to both on site activity and the transport arrangements for vehicles servicing the site. The submitted documents confirm details for the demolition stage but details for the construction stage are subject to change after the appointment of a contractor.
- 11.127 The CMP has been reviewed by Islington Highways and Traffic who stated that they were happy with the route plan as set out. It is recommended that Conditions 6 and 25 be updated to confirm approval for the demolition stage and secure details of the construction phase.

### Energy and Sustainability

- 11.128 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 11.129 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.
- 11.130 Islington's Local Plan policy S1 states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Local Plan 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.
- 11.131 Local Plan policy S4 requires development proposals to integrate best practice sustainable design standards in line with the energy hierarchy 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.

- 11.132 Local Plan policy S3 outlines that all non-residential and mixed-use developments proposing 500sqm or more net additional floorspace are required to achieve a final (post-construction stage) certified rating of Excellent as part of a fully fitted assessment within BREEAM New Construction 2018 (or equivalent scheme) and must make reasonable endeavours to achieve an Outstanding rating. A 'verification stage' certification at post occupancy stage must also be achieved, unless it can be demonstrated that this is not feasible.
- 11.133 In line with Local Plan policy S2, a Sustainable Design and Construction Statement, incorporating an updated Energy Strategy, Green Performance Plan and Thermal Comfort Assessment has been submitted as part of this application, prepared by Envision and A Plus Consulting dated July 2023.

### Carbon Emissions

- 11.134 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Sustainable Design and Construction Statement submitted as part of this application demonstrates that a 45.6% reduction in Regulated Emissions against a Part L 2013 baseline would be achieved. This is a considerable improvement on the approved reduction in regulated emissions.
- 11.135 Superseded Core Strategy Policy CS10 required 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. Latest Islington policy, Local Plan policy S4, adjusts this for Building Regulations 2013 to reductions of 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 11.136 The scheme as approved did not meet Core Strategy Policy CS10 requirements with regards to CO2 reduction (30% reduction in regulated and unregulated carbon emissions against 2010 Building Regulations), only achieving a 22.8% CO2 reduction against 2010 Building Regulations or a 17.8% reduction against Part L 2013.
- 11.137 The Sustainable Design and Construction Statement shows a 24.5% reduction in Total (Regulated & Unregulated) Emissions against a Part L 2013 baseline. Whilst this does not meet the 27% reduction required for developments unable to connect to a DEN by Local Plan Policy S4, it is a considerable improvement on the approved scheme and would exceed the policy requirements in place at the time the original planning permission was granted.
- 11.138 The 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 regard means both regulated and unregulated emissions. Based on remaining total emissions of 30.627 tonnes and the standard offset rate of £920 per tonne, an offset financial contribution of £28,176.84 would be secured by planning obligation.
- 11.139 It is recommended that Condition 14 be amended to secure the additional carbon reductions proposed within the submitted SDCS. For the sake of clarity, it is recommended that Condition 13 (relating to the school buildings) also be amended to make it clear that the energy strategy referred to is the one approved via permission ref: P2017/1046/FUL.

### Sustainable design standards

- 11.140 Local Plan S3 outlines that all non-residential and mixed-use developments proposing 500sqm or more net additional floorspace are required to achieve a final (post-construction stage) certified rating of Excellent as part of a fully fitted assessment within BREEAM New Construction 2018 (or equivalent scheme) and must make reasonable endeavours to achieve an Outstanding rating.

11.141 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".

11.142 A BREEAM Pre-Assessment has been submitted for the development achieving an 'excellent' rating', which shall continue to be secured through Condition 7.

#### Energy Demand Reduction (Be Lean) and minimising overheating

##### *Energy Reduction Measures & the Cooling Hierarchy*

11.143 Local Plan policies S2 and S4 require development proposals to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.

11.144 Local Plan policy S6 states that developments "must demonstrate... how the proposed design will reduce the potential for overheating and reliance on air conditioning systems, and maximise the incorporation of passive design measures in accordance with the following cooling hierarchy:

1. minimise internal heat generation through energy efficient design
2. reduce the amount of heat entering a building through orientation, shading, albedo, fenestration, insulation and the provision of green roofs and walls
3. manage the heat within the building through exposed internal thermal mass and high ceilings
4. provide passive ventilation, such as cross ventilation.
5. provide low energy mechanical ventilation"

11.145 The proposed U-values for the residential areas are walls = 0.2, roof = 0.15, floor = 0.14, and glazing = 1.3. An air permeability of 3m<sup>3</sup>/hr/m<sup>2</sup> is proposed across the development. These values meet the recommendations of Islington's Environmental Design SPD. Furthermore, an air source heat pump to provide mechanical ventilation and heating/hot water provision is proposed.

11.146 Low-energy lighting is proposed throughout the development, with daylight sensors and presence detection controls.

##### *Dynamic thermal modelling and the need for active cooling*

11.147 Local Plan Policy S6 states that 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.

11.148 Council policy states "Use of technologies from lower levels of the [cooling] hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control".

11.149 A Thermal Comfort Assessment has been provided which demonstrates that through a mixture of passive design measures and active cooling the risk of overheating has been eliminated. Although openable windows are proposed, active cooling will also be required. The applicant demonstrated that the development has been designed in accordance with the cooling hierarchy outlined within Policy S6 of the Local Plan and the proposed use of active cooling is considered acceptable.



11.150 The overheating analysis contained within the submitted Thermal Comfort Assessment is considered sufficient to discharge Condition 35. It is therefore recommended that Condition 35 be amended to ensure compliance with this document.

#### Low Carbon Energy Supply (Be Clean)

##### *Energy (heating and cooling) supply strategy*

11.151 London Plan Policy S13D states that major development proposals within Heat Network Priority Areas, which covers all of Islington, should have a communal low-temperature heating system:

- 1) the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
  - a) connect to local existing or planned heat networks
  - b) use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
  - c) 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)
  - d) use ultra-low NOx gas boilers

11.152 Air Source Heat Pumps have been proposed to provide heating and cooling.

##### *District heating and cooling networks*

11.153 Local Plan policy S5(D) of the Local Plan state all major developments within 500 metres of an existing or planned DEN... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.

11.154 The committee report for the original planning application notes that the applicant presented evidence which satisfactorily demonstrated that it is not technically feasible for the development to make connection to either the Bunhill Heat Network or the Citigen Heat Network. The Council's Energy Officer confirmed that it is accepted that it would still not be feasible for this site to connect to either of these heat networks at the current time.

11.155 The submitted SDCS confirms that ducts will be provided into the basement plantroom along Tabernacle Street for the future installation of district heating and space will be provided in the plantroom for any internal equipment e.g. plat heat exchanger. The report confirms that connection to a district heating scheme will be considered once the existing heating and/or hot water plant has come to the end of its economic service life and a viability assessment has been undertaken. This report is supported by drawings detailing how the development has been future-proofed for a connection to a heat network which were reviewed by the Council's Energy Officer and deemed acceptable.

11.156 London Plan S13Db states that where major developments can't connect to local existing or planned heat networks they should next look to 'use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)'. As noted above, Air Source Heat Pumps have been proposed to provide heating and cooling.

##### *Shared energy networks*

11.157 The supporting text for Local Plan policy S5 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.

11.158 Islington's Energy Team are not aware of feasible opportunities within the immediate area and therefore are not seeking for the development to connect to a shared heat network.

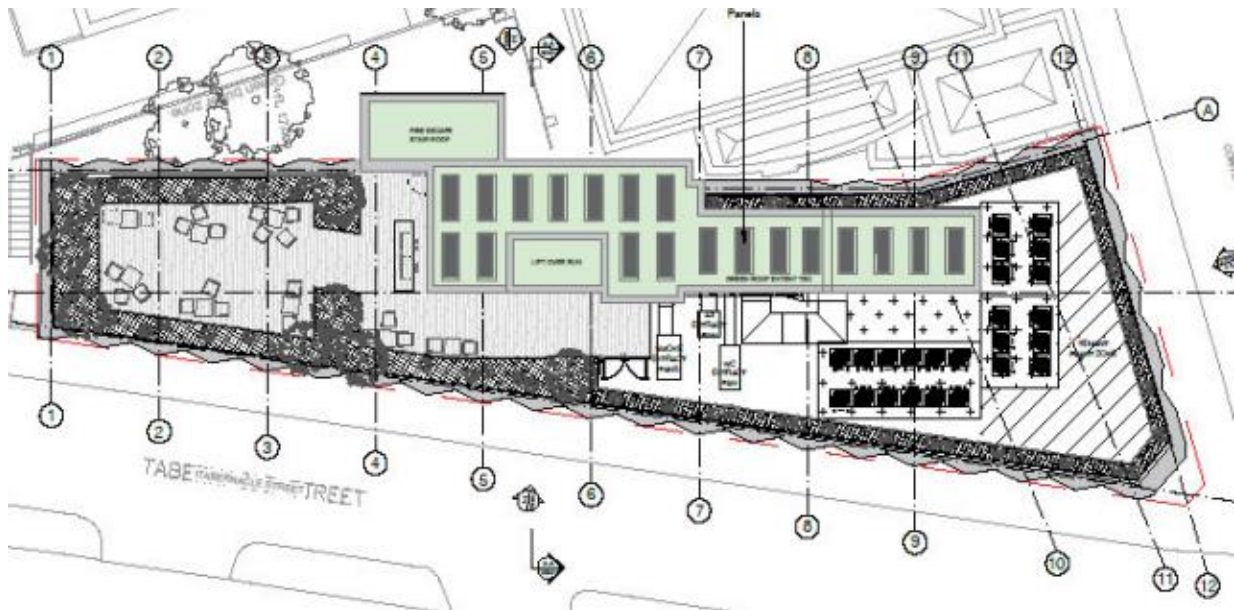
Renewable Energy Supply (Be Green)

11.159 The Mayor's Sustainable Design & Construction 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.

11.160 The Council's Environmental Design SPD (page 12) states the use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets.

11.161 The commercial building within the originally approved scheme indicated a total roof area of 100m<sup>2</sup> for solar PV and the approved energy report confirmed an annual generation of 17,129kWh from the solar PV array which would equate to an array size of 24kWp. The SDCS submitted with this application notes that such an output would require a considerably larger roof area than the 100sqm indicated, with the proposed PV arrangement actually having an array of approximately 10kWp.

11.162 The proposed change in HVAC strategy requires additional plant at roof level compared to the consented scheme as the approved internal boilers would be replaced with external VRF units. The increase in external plant requirement at roof level and the introduction of the roof terrace means the roof area available for solar PV is reduced. The applicant therefore proposes to introduce solar PV panels to the roof of the core and partially on top of the plant as shown below:



*Image 18: Proposed PV layout*

11.163 The proposed PV array is approximately 15kWp and has been modelled to provide an annual generation of approximately 8,510kWh.

11.164 To ensure that the proposed array is achieved it is recommended Condition 16 be amended. To ensure that the proposed PVs would not have an unacceptable impact on the surrounding townscape and the setting of the nearby listed buildings, it is recommended that Condition 17 be restated to secure details of layout and elevations.

Be Seen

- 11.165 London Plan Policy SI2 notes that 'the move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered. Major developments are required to monitor and report on energy performance'.
- 11.166 Details of how the development will meet the GLA's 'Be Seen' requirements are included in the draft Green Performance Plan provided as part of the Sustainable Design and Construction Statement.
- 11.167 The Council will seek to secure this via Section 106 Agreement, based on the template wording used by the GLA.

#### Draft Green Performance Plan

- 11.168 Local Plan policy S4 states "major developments must submit a Green Performance Plan (GPP) detailing the actual measurable outputs for the occupied building in relation to energy consumption and carbon emissions, based on the commitments in the SDCS." The council's Environmental Design SPD provides detailed guidance and a contents checklist for a Green Performance Plan.
- 11.169 A Green Performance Plan has been submitted and Islington Energy team are content with the information provided. It is recommended that Condition 34 be amended to confirm that the GPP submitted in relation to Phase 3 of the development is considered acceptable.

#### Whole Life-Cycle Carbon

- 11.170 London Plan Policy SI2 states that 'development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle carbon assessment and demonstrate actions taken to reduce life-cycle carbon emissions.' Local Plan policy S4 requires this of all major development proposals in the borough.
- 11.171 A Whole Life Carbon assessment was not a policy requirement at the time the original planning permission was granted.
- 11.172 A whole life-cycle carbon ('WLC') assessment has also been undertaken to quantify the embodied carbon of the proposal. This WLC Assessment has been prepared in line with the GLA's London Plan Policy SI2 and using the methodology outlined in the RICS Professional Statement 2017 and BS EN15978:2011.
- 11.173 The submitted SDCS 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 report provides key circular economy commitments including building in layers, prioritising materials that result in longevity and durability, and ensuring that a high content of recycled/reused materials are selected. The statement sets out the plans for implementation of the circular economy and the end-of-life strategy.
- 11.174 It is recommended that the details within the Sustainable Design and Construction Statement are secured and implemented by Condition 41.

#### Waste Management

- 11.175 Local Plan Policy ST2 states that development proposals must provide waste and recycling facilities which: (i) fit current and future collection practices and targets; (ii) are accessible to all;

(iii) are designed to provide convenient access for all people, helping to support people to recycle; and (iv) provide high quality storage and collection systems in line with Council guidance.

- 11.176 Local Plan policy T5 states that details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.
- 11.177 The applicant proposes to relocate the commercial building's refuse store so that it is accessed from Tabernacle Street rather than Cowper Street as previously consented. This relocated refuse store would be closer to the consented on-street servicing location on Tabernacle Street and it is therefore considered that it would not have an adverse impact on waste collection.
- 11.178 The proposed refuse store would include a 50/50 split of refuse and recycling bins and the volume of refuse storage provided would meet the refuse storage space required by Islington's Waste Guidelines.
- 11.179 Details of waste collection were previously approved under application ref: P2020/0489/AOD, which discharge Condition 24. The details submitted in this application were based on an assumed office floorspace of c.950sqm and retail floorspace of c.2,855sqm which is not consistent with the approved or proposed floorspaces of this development.
- 11.180 The location and provision for refuse and recycling is considered acceptable, subject to further details relating to collections. As such, it is recommended that Condition 24 be restated.

### **Air Quality**

- 11.181 NPPF Chapter 15 requires that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 11.182 In accordance with Local Plan policy S1, new development must be designed, constructed and operated to limit contribution to air pollution and to improve air quality as far as possible, as well as reducing exposure to poor air quality, especially among vulnerable people.
- 11.183 The whole of the borough of Islington has been designated by the council as an Air Quality Management Area.
- 11.184 The committee report for the original planning application confirms that the scheme was considered acceptable in terms of air quality. The proposed land use and scale of development has not changed under this application and the revisions in terms of sustainable design and construction would result in an improvement to the already acceptable air quality impacts.
- 11.185 In terms of demolition and construction works, which have the potential to generate dust, a suite of mitigation measures will need to be applied to minimise dust emissions. Details of these measures are contained within the submitted DCMP. This document confirm details for the demolition stage but details for the construction stage are subject to change after the appointment of a contractor.
- 11.186 The DCMP has been reviewed by Islington EPPP Officers, who confirmed that the demolition stage details are acceptable but requested further details be provided in relation to the construction phase once a contractor is appointed. It is recommended that Condition 6 be updated to confirm approval for the demolition stage and secure details of the construction phase.

### **Fire Safety**

11.187 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.

11.188 A Fire Strategy Report was submitted with the application, by CHPK, dated 7<sup>th</sup> July 2023.

11.189 Islington Building Control, HSE and the London Fire Brigade were consulted on the proposal. The London Fire Brigade had 'no further observations to make'. The HSE confirmed that this development does not meet the planning gateway one threshold and therefore raised no concerns. Islington's Building Control Officer reviewed the submitted details and provided a number of comments, however confirmed that these details would be subject to Building Regulations approval.

11.190 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 the planning stage. The submitted information is specific and relevant to the proposal and the Fire Statement references compliance with relevant British Standards. It is noted that the author of the submitted Fire Statement is a qualified person with expertise in fire safety and engineered solutions, and as such, the applicant has considered the fire safety of the development as part of the overall scheme.

<p><b>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:</b></p>	<p><b>Response:</b></p>
<p>1. The building's construction: methods, products and materials used, including manufacturers' details</p>	<p>The structure will be comprised of steel and concrete. The site shall be sufficiently distant from the boundary line, as detailed in BS 9999:2017, to ensure fire spread to adjoining sites is restricted. The amount of unprotected areas permitted on each of the blocks elevations shall be calculated as per BRE 187 with areas requiring protection being lined on the internal face of the external wall with fire-resisting materials. All products forming part of the external wall construction should be rated to achieve at least Class A2-s3,d2 (or better). All internal wall assemblies specified to achieve a specific fire resistance duration will be designed and installed in accordance with manufacturer's instructions and product certification. Cavity barriers shall be provided at each compartment line junction and around all openings on the external wall to prevent fire spread within concealed spaces. Guidance on green roofs (DCLG,2013) will be considered to ensure the fire safety of the development is not compromised.</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>The building shall operate on a simultaneous evacuation strategy whereby all floors evacuate at the same time. All horizontal and vertical means of escape provisions for the building will be based on guidance provided in BS 9999:2017. The travel distances and escape capacities within the building are in accordance with BS 9999:2017. All doors shall have a minimum clear width of 850mm to enable effective horizontal escape for numerous occupants at the same time. Moreover, this clear width is as per AD M requirements for wheelchair accessibility. Evacuation lifts shall be provided as per Policy D5(B5) of the London Plan to allow for evacuation of mobility impaired persons in a dignified manner (see Section 4.7 of this report). Firefighting staircases shall have a minimum clear width of 1100mm to enable effective vertical evacuation for numerous occupants at the same time and for firefighting access. The fire strategy for the development shall contain the details pertaining to the evacuation strategy for all occupants which can then inform the fire safety management plan which will be developed by the responsible person for the buildings. This plan shall be ready prior to occupation with all evacuation procedures relayed to all eventual residents.</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>All passive and active fire safety measures shall be incorporated into the design of the building as per the recommendations of BS 9999:2017, which is a recognised and accepted guidance document for fire safety design.</p>
<p>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</p>	<p>The building is served by public roads, primarily Tabernacle Street. The fire appliance access route meets Part B requirements (road with width between kerbs of no less than 3.7m). Load requirements will be confirmed by the design team and are to comply with LFB and BS 9999:2017 requirements.</p> <p>The fire appliance parking position shall be provided within 18m of the dry riser inlet point position on the face of the building.</p>
<p>5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building</p>	<p>Plans have been submitted demonstrating firefighting access to the development via the entrance into the firefighting shaft.</p>

	<p>The shaft shall be enclosed in 120 minutes fire resisting construction. This comprises of the fire-fighting staircase, fire-fighting lobby and a fire-fighting lift. Ventilation to the fire-fighting lobby shall be provided by mechanical means. All accommodation on the upper floors will be accessed via a ventilated firefighting lobby. Dry riser inlet will be located on the face of each building and will be positioned so that a fire appliance parking position is within 18m. Dry riser outlets shall be located in the fire-fighting lobby on all floors and outlets will be provided as such that the hose-laying distances don't exceed the limits in BS 9999:2017.</p>
<p>6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.</p>	<p>The Fire Safety Strategy for the development will outline the proposed design and operation for the building. Where there are any proposed changes in the future, reference is to be made to the Fire Safety Strategy to ensure any changes meet the requirements of the Fire Safety Strategy and do not have an adverse effect on the safety of occupants.</p> <p>Where there is an alteration to the design of the building, the Responsible Person shall commission the update and development of a new Fire Safety Strategy to reflect the proposed changes and fire safety design.</p>

11.191 Condition 42 is recommended to secure an updated Fire Statement in the event that there are any changes to the details submitted within this application.

### **Crime Prevention**

11.192 London Plan Policy D11 state that 'boroughs should work with their local Metropolitan Police Service 'Design Out Crime' officers and planning teams, whilst also working with other agencies such as the London Fire Commissioner, the City of London Police and the British Transport Police to identify the community safety needs, policies and sites required for their area to support provision of necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime.'

11.193 Paragraph 1.41 within Objective 3 of the Local Plan states that 'designing out crime is a key planning principle, which incorporates a number of design techniques to limit incidences of crime; this includes increases in natural surveillance and designing space, so it is conducive to positive behaviour.'

11.194 The revised design of the office development was reviewed by the Metropolitan Police's Designing Out Crime Officer who confirmed that they raised no objections. As such, officers after assessing the changes proposed consider that this latest scheme adequately addresses crime prevention.

### **Flood Risk and Sustainable Drainage**

- 11.195 Local Plan policy S96 is concerned with water management and sustainable drainage and requires that schemes must be designed to reduce surface water runoff to a 'greenfield rate' (8 litre/sec/ha), where feasible. The London Plan requires that drainage run offs in new developments be reduced by 50% including an allowance for climate change.
- 11.196 The site sits within Flood Zone 1 and is therefore considered to be at low risk of flooding. The applicant submitted a Flood Risk Assessment, prepared by Elliot Wood dated July 2023, which demonstrates that the revised development would not result in an increased risk of flooding on the site.
- 11.197 The applicant submitted a Sustainable Drainage Strategy, prepared by Elliott Wood dated July 2023, in support of the proposals. This document outlines the sustainable drainage measures to be incorporated into the revised design of the development which would improve surface water run off rates. The proposed measures follow the sustainable drainage hierarchy, using a blue roof system to manage surface water closer to the source.
- 11.198 The proposed surface water drainage strategy would restrict surface water runoff to public sewers to 1 litre/second, providing a betterment of existing of over 95% for the 1 in 100 year (+ 40% climate change) rainfall event. It is therefore considered that the proposed development reduces surface water flood risk for the site and the local area.
- 11.199 It is recommended that Condition 20 be amended to secure compliance with the submitted Sustainable Drainage Strategy and Sustainable Design and Construction Statement.

### **Planning Obligations and Community Infrastructure Levy**

- 11.200 Since the approval of the original application a number of the conditions on the original planning permission have been approved. In the interest of completeness, the conditions shown in Appendix 1 have been updated to make reference to those recent approvals. In addition, it is recommended to amend Conditions 2, 4, 6, 8, 14, 16, 19, 20, 24, 30, 34, and 35 to acknowledge the documents submitted as part of this application. Additional conditions have also been added to secure further details of the revised commercial development scheme. Furthermore, in order to correct an error made in the decision notice of permission ref: P2022/1001/S73, Condition 3 has been restated.
- 11.201 The original application was subject to a section 106 agreement to mitigate against the impacts of the development. In order to ensure that those obligations originally agreed continue to be met, the applicant has agreed to re-apply the agreed Heads of Terms of the original s106 to the new planning permission.
- 11.202 The proposal results in a very minor increase to the overall floorspace of the commercial building. This would result in a minimal increase in the occupancy rates of the building and it is not considered that additional financial contributions are required beyond those already agreed in the original section 106 agreement and the subsequent deed of variations.
- 11.203 The original section 106 agreement did not include a carbon offsetting obligation as it was agreed that it would impact the viability of the school improvement works. The site has now been sold to the Applicant and it was agreed that a carbon offsetting payment would be made on all remaining CO2 emissions beyond those mitigated onsite.
- 11.204 in order to mitigate the impacts of the proposed development, and to be acceptable in planning terms the following heads of terms are recommended, secured through a deed of variation:



- Carbon Offset: A financial contribution of £28,176.84 towards offsetting any projected residual CO2 emissions of the development (30.627 tonnes and the standard offset rate of £920 per tonne)

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

### **Planning Balance**

11.206 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”.

11.207 The original proposed development (*Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works. [Listed Building Consent application ref: P2017/1049/LBC also submitted].*) resulted in identified benefits and identified harm. In reaching a conclusion on the proposal, a balance between these benefits and harms was undertaken which was judged to be balanced in favour of approval. For the current proposal, it is appropriate to revisit these harms and benefits in the light of the changes now proposed and the changing planning policy context .

11.208 The benefits when the application was considered in 2017 included:

- Repair, restoration and modernisation of existing listed and curtilage listed historic buildings
- Improvements to the character and appearance of the conservation area as a result of works to the Tabernacle building and the replacement of Block B
- Provision of office floorspace and associated employment benefits in a location where there is very strong policy support for the delivery of new offices
- Landscaping improvements to the School courtyard
- Additional capacity to facilitate the acceptance of an additional form of entry as requested by the Local Education Authority and an enlarged sixth form
- 8 hours a week community use of the 3 court sports hall.

11.209 The proposal was considered to result in harm in planning terms for the following reasons:

- Further loss of school land which will restrict its ability to expand in the future
- A required £603,840 contribution in lieu of on-site affordable housing would not be secured
- The proposed office block would conflict with the Council’s tall buildings policies
- The proposal would result in the loss of a building which is considered to make a positive contribution to the character and appearance of the conservation area

- The proposal would result in harm to the character and appearance of the Conservation Area a minor degree of harm to the setting of the Grade II listed County Court and the main School building (Block A) by reason of the height, scale and massing of the proposed commercial block.

11.210 Overall, it was considered that the benefits of the scheme outweighed the less than substantial harm to the significance of designated heritage assets and the policy shortfalls.

11.211 Whilst the school improvement works are substantially complete and the commercial development site has now been sold to the Applicant, the previously stated benefits must still be considered in the planning balance. As has been detailed within the report, it is still considered that the development results in harm in planning terms. The commercial development, by nature of its approved height and massing, would cause less than substantial harm to the setting of the adjacent listed buildings and the development would not meet the latest local policy requirements regarding sustainability and energy. However, when compared to the approved commercial development, the proposed design revisions would result in a building that makes a more positive contribution to the public realm and which would be significantly greener, more sustainable, and have better amenity for building occupiers. Furthermore, the deed of variation to the S106 agreement secures payment for carbon offsetting for all residual carbon emissions.

11.212 In balance, it is considered that the proposed amendments to the approved commercial building would continue to result in some level of harm but that the development would be less harmful than the scheme which was previously approved. Officers therefore consider that the aforementioned public benefits continue to outweigh the harm caused from the development in the overall planning balance.

## **12. SUMMARY AND CONCLUSION**

12.1 Although the proposed design revisions result in a slightly increased height and massing, it is considered that the amendments to the façades introduce a greater depth and richness to the design and would result in a building which is more in keeping with the established street context. The proposed design is more in line with the Bunhill Fields and Finsbury Square Conservation Area Design Guidelines and would appear more comfortable and appropriate in the context. It is therefore considered that the proposals would result in no additional harm to the conservation area or neighbouring listed buildings when compared with the consented scheme.

12.2 Whilst the proposed development falls short of some local policy requirements, particularly in relation to sustainability and energy, the proposals would result in a significantly greener, more sustainable building with better amenity and end-of-journey facilities than the consented scheme. It is considered that the proposed revisions to the commercial building would result in a better quality office development which provides a more attractive offer to building tenants. Furthermore, despite the scheme originally being approved without a carbon offsetting obligation, the deed of variation to the S106 agreement secures payment for carbon offsetting for all residual carbon emissions resulting from the scheme.

12.3 The proposal is considered acceptable in planning terms, and it is recommended that planning permission be granted subject to conditions and completion of a deed of variation to the S106 agreement securing relevant planning obligations 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:

- Carbon Offset: A financial contribution of £28,176.84 towards offsetting any projected residual CO2 emissions of the development (30.627 tonnes and the standard offset rate of £920 per tonne)

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

That, should the Directors Agreement 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 Directors Agreement 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, and that there is delegated to each of the following: the Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the 27 April 2021.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans and documents list (Compliance)</b>
	<p>CONDITION: The following drawings/documents are approved by Planning Permission P2019/3572/S73:</p> <p>CFBS-HBA-00-00-DR-A-PL01-0010; CFBS-HBA-00-B1-DR-A-PL01-0100 Rev. PL03; CFBSHBA-00-00-DR-A-PL01-0100 Rev. PL03; CFBS-HBA-00-01-DR-A-PL01-0100 Rev. PL03; CFBS-HBA-00-02-DR-A-PL01-0100 Rev. PL03; CFBS-HBA-00-03-DR-A-PL01-0100 Rev. PL03; CFBS-HBA-00-10-DR-A-PL01-0100 Rev. PL03; CFBS-HBA-00-00-DR-A-PL01-0200; CFBS-HBA-00-00-DR-A-PL01-0201 Rev. PL02; CFBS-HBA-00-00-DR-A-PL01-0202; CFBSHBA-00-00-DR-A-PL01-0203 Rev. PL02; CFBS-HBA-00-00-DR-A-PL01-0204; CFBS-HBA00-00-DR-A-PL01-0205; CFBS-HBA-00-00-DR-A-PL01-0206; CFBS-HBA-00-00-DR-APL01-0207 Rev. PL03; CFBS-HBA-00-00-DR-A-PL01-0208; CFBS-HBA-00-00-DR-A-PL01- 0209; CFBS-HBA-00-00-DR-A-PL01-0210; CFBS-HBA-00-00-DR-A-PL01-0211; CFBSHBA-00-00-DR-A-PL01-0212 Rev. PL02; CFBS-HBA-00-00-DR-A-PL01-0300 Rev. PL02; CFBS-HBA-00-00-DR-A-PL01-0301 Rev. PL02; CFBS-HBA-00-00-DR-A-PL01-0302; CFBSHBA-00-00-DR-A-PL01-0303; CFBS-HBA-00-00-DR-A-PL20-0000; CFBS-HBA-00-B2-DRA-PL20-0100; CFBS-HBA-00-B1-DR-A-PL20-0100 Rev. PL03; CFBS-HBA-00-00-DR-APL20-0100 Rev. PL03; CFBS-HBA-00-01-DR-A-PL20-0100 Rev. PL03; CFBS-HBA-00-02- DR-A-PL20-0100 Rev. PL03; CFBS-HBA-00-03-DR-A-PL20-0100 Rev. PL03; CFBS-HBA00-10-DR-A-PL20-0100 Rev. PL03; CFBS-HBA-00-00-DR-A-PL20-0200; CFBS-HBA-00-00- DR-A-PL20-0201 Rev. PL03; CFBS-HBA-00-00-DR-A-PL20-0204 Rev. PL03; CFBS-HBA00-00-DR-A-PL20-0205; CFBS-HBA-00-00-DR-A-PL20-0206; CFBS-HBA-00-00-DR-APL20-0207 Rev. PL03; CFBS-HBA-00-00-DR-A-PL20-0209 Rev. PL02; CFBS-HBA-00-00-DR-A-PL20-0210; CFBS-HBA-00-00-DR-A-PL20-0211; CFBS-HBA-00-00-DR-A-PL20-0213 Rev. PL02; CFBS-HBA-00-00-DR-A-PL20-0300 Rev. PL02; CFBS-HBA-00-00-DR-A-PL20-0301 Rev. PL02; CFBS-HBA-00-00-DR-A-PL20-0302 Rev. PL02; CFBS-HBA-00-00-DR-APL20-0303; CFBS-HBA-00-00-DR-A-PL20-0305 Rev. PL02; CFBS-HBA-00-00-DR-A-PL20- 0306; CFBS-HBA-00-00-DR-A-PL20-0307; CFBS-HBA-DS-B1-DR-A-PL20-0100; CFBS_(97)LP 001 Rev. 05; CFBS_(97)LP 002 Rev. 05; Design &amp; Access Statement (including Landscape Strategy) Design and Access Statement Addendum (November 2019); Planning Statement Section 73 application (July 2020);Transport Assessment; Travel Plan; Heritage and Townscape Assessment (including Statement of Significance); Daylight &amp; Sunlight Report; Energy Statement Rev. 10; Sustainable Design and Construction Statement (including the Green Performance Plan) Rev. 09; Drainage Strategy and Flood Risk Assessment; Noise Statement; Air Quality Assessment; Basement construction structural method statement Rev. 07; Construction Management Plan; Bat Survey Report; Detailed Unexploded Ordnance (Uxo) Threat and Risk Assessment; M&amp;E Routing Report.</p> <p>The following drawings/documents are approved by Planning Permission P2022/1001/S73:</p>

CFBS-HBA-00-00-DR-A-PL20-0202 RevPL02; CFBS-HBA-00-00-DR-A-PL20-0203 Rev. PL03; CFBS-HBA-00-00-DR-A-PL20-0208 RevPL02; CFBS-HBA-00-00-DR-A-PL20-0212 RevPL02; CFBS-HBA-00-00-DR-A-PL20-0304 RevPL02; CFBS-HBA-DS-00-DR-A-PL20-0100 RevPL02; CFBS-HBA-DS-01-DR-A-PL20-0100 RevPL02; CFBS-HBA-DS-03-DR-APL20-0100 RevPL02; CFBS-HBA-DS-05-DR-A-PL20-0100 RevPL02; CFBS-HBA-DS-10-DR-A-PL20-0100 RevPL02; DESIGN TECHNICAL NOTE - P2005146 - CFBS - Development Site - P2005146-C-BDP-TN-004 Rev A dated 10 March 2022; DESIGN TECHNICAL NOTE - P2005146 - CFBS - Development Site - P2005146-DS-M-BDP-TN-001 - dated 11 March 2022; Letter from Montagu Evans ref: PD12596/JWB/OP dated 17 March 2022; Design & Access Statement Addendum RevB dated 29.06.2022; Letter from Montagu Evans ref: PD12596/JWB/OP dated 6th July 2022; Development Site - Fire Statement for Planning dated 19th July 2022 Revision 6;

**The following drawings/documents are approved by Planning Permission P2023/2279/S73:**

**128-ANO-XX-00-DR-AX-01001 Rev.PL1; 128-ANO-XX-00-DR-AX-01002 Rev.PL1; 128-ANO-XX-00-DR-AX-01002 Rev.PL1; 128-ANO-XX-B1-DR-A-02099 Rev.PL1; 128-ANO-XX-00-DR-A-02100 Rev.PL1; 128-ANO-XX-01-DR-A-02101 Rev.PL1; 128-ANO-XX-02-DR-A-02102 Rev.PL1; 128-ANO-XX-RF-DR-A-02103 Rev.PL1; 128-ANO-XX-B1-DR-AX-05099 Rev.PL2; 128-ANO-XX-00-DR-AX-05100 Rev.PL2; 128-ANO-XX-01-DR-AX-05101 Rev.PL1; 128-ANO-XX-02-DR-AX-05102 Rev.PL1; 128-ANO-XX-06-DR-AX-05106 Rev.PL1; 128-ANO-XX-07-DR-AX-05107 Rev.PL1; 128-ANO-XX-08-DR-AX-05108 Rev.PL1; 128-ANO-XX-08-DR-AX-05109 Rev.PL1; 128-ANO-XX-XX-DR-A-02401 Rev.PL1; 128-ANO-XX-XX-DR-A-02402 Rev.PL1; 128-ANO-XX-XX-DR-A-02403 Rev.PL1; 128-ANO-XX-XX-DR-A-02404 Rev.PL1; 128-ANO-XX-XX-DR-AX-05401 Rev.PL1; 128-ANO-XX-XX-DR-XA-05402 Rev.PL1; 128-ANO-XX-XX-DR-AX-05403 Rev.PL1; 128-ANO-XX-XX-DR-AX-05404 Rev.PL1; 128-ANO-XX-XX-DR-A-02301 Rev.PL1; 128-ANO-XX-XX-DR-A-02302 Rev.PL1; 128-ANO-XX-XX-DR-AX-05301 Rev.PL1; 128-ANO-XX-XX-DR-AX-05302 Rev.PL1; 128-ANO-XX-XX-DR-AX-20100 Rev.PL1; 128-ANO-XX-XX-DR-AX-20502 Rev.PL1; 128-ANO-XX-XX-DR-AX-20520 Rev.PL1; 128-ANO-XX-XX-DR-AX-20560 Rev.PL2; AP221032-APC-XX-B1-SK-M-004; 128-ANO-XX-XX-DR-AX-05303 Rev.PL1**

**Cover Letter (Iceni, 28/07/2023); Planning Statement (Iceni, July 2023); Design and Access Statement (Anomaly, July 2023); Area Schedule Rev.PL1 (Anomaly, 26/07/2023); Arboricultural Impact Assessment Rev.1 (TMA Consulting, 25/09/2023); Ground Movement And Building Damage Assessment Addendum (GCG 24/07/2023); 65TS- Logistcis-001 Rev.0 – Demolition Logistics Plan (Blue Sky Building, July 2023); Demolition & Construction Environmental Management Plan (Blue Sky Building, 06/07/2023); Demolition & Construction Logistics Plan (Blue Sky Building, July 2023); Biodiversity Net Gain Assessment (LUC, 25/07/2023); Sustainable Design and Construction Statement (Envision, July 2023); BREEAM Pre-assessment (Envision, July 2023); Green Performance Plan (Envision, July 2023); Energy Strategy Rev.A (A Plus Consulting, September 2023); Overheating (Thermal Comfort) Assessment (A Plus Consulting, June 2023); Addendum Heritage Townscape and Visual Impact Assessment (Montagu Evans, July 2023); Daylight and Sunlight Report (Delva Patman Redler, July 2023); Fire Statement (CHPK Fire, 07/07/2023); Landscape Strategy (LUC, July 2023); LUC-12489-LD-PLN-100 Rev.D – Landscape Proposals for Roof Terrace (LUC, 25/07/2023); Plant Noise Impact Assessment (Finch Consulting, July 2023); Ecological Appraisal (LUC, 26/07/2023); Roof Terrace Draft Operational Management Plan (Iceni, July 2023); Sustainable Drainage Strategy (Elliott Wood,**

	<p><b><u>20/07/2023); Flood Risk Assessment (Elliott Wood, 20/07/2023); Framework Travel Plan (Iceni Projects, July 2023); Transport Statement (Iceni, July 2023); Urban Greening Factor Assessment (LUC, July 2023).</u></b></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><b>3</b></p>	<p><b>Materials – School Buildings (Details)</b></p>
	<p>CONDITION: Details and samples (where appropriate) of the following facing materials for the school development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure or relevant works. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Brickwork/cladding details;</li> <li>b) Window treatment (including glazing, sections, reveals and protection measures);</li> <li>c) Doors;</li> <li>d) Balustrade treatment (including sections);</li> <li>e) Green procurement plan for sourcing the proposed materials;</li> <li>f) Soffits and ground floor canopies;</li> <li>g) Louvres;</li> <li>h) Window cleaning apparatus (samples not necessary);</li> <li>i) Any other materials to be used.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p> <p>The details submitted to the Local Planning Authority on 13 June 2019 pursuant to Condition 3 (a) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2019/1812/AOD] and approved by the Local Planning Authority on 12 March 2020 are deemed to form the approved details for the purposes Phase 1 f or of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 04 July 2019 pursuant to Condition 3 (b) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2019/2036/AOD] and approved by the Local Planning Authority on 12 March 2020 are deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 14 February 2020 pursuant to Condition 3 (c) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/0488/AOD] and approved by the Local Planning Authority on 08 April 2020 are deemed to form the approved details Phase 1 for for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 06 August 2019 pursuant to Condition 3 (d) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2019/2375/AOD] and approved by the Local Planning Authority on 12 March 2020 are</p>

	<p>deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 27 January 2020 pursuant to Condition 3 (e) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/0243/AOD] and approved by the Local Planning Authority on 22 May 2020 are deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 06 August 2019 pursuant to Condition 3 (f) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2019/2377/AOD] and approved by the Local Planning Authority on 12 March 2020 are deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 06 August 2019 pursuant to Condition 3 (g) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2019/2378/AOD] and approved by the Local Planning Authority on 12 March 2020 are deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 06 August 2019 pursuant to Condition 3 (h) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2019/2379/AOD] and approved by the Local Planning Authority on 12 March 2020 are deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 05 March 2020 pursuant to Condition 3 (i) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/0696/AOD] and approved by the Local Planning Authority on 20 May 2020 are deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p><b><u>The details submitted to the Local Planning Authority on 20 April 2022 pursuant to Condition 3 (a, b, c, e, and f) of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2022/1046/AOD] and approved by the Local Planning Authority on 4 July 2022 are deemed to form the approved details for Phase 2 for the purposes of these parts of the condition.</u></b></p> <p><b><u>The details submitted to the Local Planning Authority on 13 July 2022 pursuant to Condition 3 (i) of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2022/2410/AOD] and approved by the Local Planning Authority on 10 October 2022 are deemed to form the approved details for Phase 2 for the purposes of these parts of the condition.</u></b></p>
4	<p><b>Materials – Commercial Building (Details)</b></p>
	<p>CONDITION: Details and samples (where appropriate) of the following facing materials for the commercial development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant stage of work. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) <b><u>Brickwork details (including built sample panels showing proposed mortar, brick bond and layout);</u></b></li> <li>b) <b><u>Window treatment (including glazing, sections and reveals);</u></b></li> <li>c) <b><u>Doors and gates;</u></b></li> </ul>

	<p>d) <b><u>Grills and cladding;</u></b>  e) <b><u>Green procurement plan for sourcing the proposed materials;</u></b>  f) <b><u>Signage;</u></b>  g) <b><u>Any other materials to be used.</u></b></p> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
5	<p><b>Landscaping – School Buildings (Details)</b></p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) specification to ensure successful establishment and survival of new planting.</li> <li>b) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>c) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) specifications, plans, sections and details including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps</li> <li>i) art features; and</li> <li>j) any other landscaping features forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> <p>The details submitted to the Local Planning Authority on 16 January 2020 pursuant to Condition 5 (f, h &amp; i) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/0139/AOD] and approved by the Local Planning Authority on 10 July 2020 are</p>



	<p>deemed to form the approved details for Phase 1 for the purposes of these parts of the condition.</p> <p>The details submitted to the Local Planning Authority on 24 June 2022 pursuant to Condition 5 (parts a, b, c, d, e, f, g, h and j, only) of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2022/2419/AOD] and approved by the Local Planning Authority on 2 December 2022 are deemed to form the approved details for Phase 2 for the purposes of these parts of the condition</p>
<b>6</b>	<p><b>Demolition and Construction Environmental Management Plan (Details)</b></p> <p>CONDITION: A Demolition Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour and vibration) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>THE Demolition Construction Environmental Management Plan should pay reference to BS5228:2009, LBI's Code of Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>The Demolition Construction Environmental Management Plan shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p> <p>The details submitted to the Local Planning Authority on 14 June 2018 pursuant to Condition 6 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/2050/AOD] and approved by the Local Planning Authority on 21 August 2018 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 12 January 2021 pursuant to condition 6 of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2021/0088/AOD] and approved by the Local Planning Authority on 8 June 2021 are deemed to form the approved details for Phase 2A of the redevelopment of parts of the Central Foundation School.</p> <p><b><u>The Demolition Construction Environmental Management Plan submitted to the Local Planning Authority on 9 August 2023 in support of application P2023/2279/S73, which is hereby approved, is deemed to form the approved details for all elements of the demolition phase of Phase 3 only except the locations of the noise and vibration monitoring equipment, for the purposes of this condition. Details of the locations of the noise and vibration monitoring equipment should be submitted prior to the commencement of Phase 3 works.</u></b></p>
<b>7</b>	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: The entire development shall achieve a BREEAM rating of no less than 'Excellent' unless otherwise agreed in writing by the Local Planning Authority.</p>

	REASON: In the interest of addressing climate change and to secure sustainable development.
<b>8</b>	<b>Biodiversity Roofs (Details)</b>
	<p>CONDITION: Details of the biodiversity (green/brown) roofs on the commercial building as shown on plan <u>128-ANO-XX-08-DR-AX-05109 Rev.PL1 (Anomaly, 26/07/2023)</u> shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p><b><u>The submitted details shall include confirmation of the irrigation and maintenance regime for the proposed biodiversity roofs.</u></b></p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. 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>
<b>9</b>	<b>Plant Noise (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
<b>10</b>	<b>Piling (Details)</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p> <p>The details submitted to the Local Planning Authority on 02 November 2018 pursuant to Condition 10 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/3679/AOD] and approved by the Local Planning Authority on 11 January 2019 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 25 March 2021 pursuant to condition 10 of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2021/0939/AOD] and approved by the Local Planning Authority on 28 May 2021 <b><u>are deemed to form approved details for Phase 2 for the purposes of this condition.</u></b></p>

11	<b>Lighting – School Buildings (Details)</b>
	<p>CONDITION: Details of the lighting across each phase of the school development site shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of each phase of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p> <p>The details submitted to the Local Planning Authority on 13 May 2020 pursuant to Condition 11 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/1275/AOD] and approved by the Local Planning Authority on 10 July 2020 are deemed to form the approved details for Phase 1 for the purposes of this condition</p> <p><b><u>The details submitted to the Local Planning Authority on 4 July 2023 pursuant to Condition 11 of Planning Permission Reference: P2022/1001/S73 [LBI Ref: P2023/1732/AOD] and approved by the Local Planning Authority on 10 August 2023 are deemed to form the approved details for Phase 2 for the purposes of this condition.</u></b></p>
12	<p><b>Lighting – Commercial Building (Details)</b></p> <p>CONDITION: Full details of the lighting across the commercial site shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site</p>
13	<p><b>Energy Strategy – School Buildings (Compliance)</b></p> <p>CONDITION: The energy efficiency measures for the school site as outlined within the Energy Strategy <b><u>(as approved via permission ref: P2017/1046/FUL, dated 27/04/2018)</u></b> which shall together provide for no less than an 4.1% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the final phase of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than an 4.1% onsite total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the final phase of the development.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<p><b>Energy Strategy – Commercial Building (Compliance)</b></p> <p>CONDITION: The energy efficiency measures for the commercial site as outlined within the approved <b><u>S73 Energy Strategy (A Plus, September 2023)</u></b> which shall together provide for no less than a <b><u>24.5%</u></b> on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the <b><u>Sustainable Design and Construction Statement</u></b> shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a <b><u>24.5%</u></b> onsite total C02 reduction in comparison with total emissions from a building which complies with Building Regulation 2013. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>15</b>	<p><b>Solar Panels – School Building (Compliance)</b></p> <p>CONDITION: The renewable energy technology (solar PV panels) for the school site, which shall provide for no less than 11.1% on-site regulated C02 reduction as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the final phase of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than 11.1% onsite regulated C02 reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the final phase of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that C02 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>16</b>	<p><b>Solar Panels – Commercial Building (Compliance)</b></p> <p>CONDITION: The renewable energy technology (solar PV panels) for the commercial site, which shall provide <b><u>an array of no less than 15kWp as detailed within the 'S73 Energy Strategy' (A Plus, September 2023)</u></b> shall be installed and operational prior to the first occupation of the development.</p>

	<p>The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met</p>
<b>17</b>	<b>Solar Panels (Details)</b>
	<p>CONDITION: Prior to relevant works, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <p>Location; Area of panels; and Design (including elevation plans).</p> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the final phase of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p> <p>The details submitted to the Local Planning Authority on 18 May 2022 pursuant to condition 17 of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2022/1930/AOD] and approved by the Local Planning Authority on 25 August 2022 <b><u>are deemed to form the approved details for Phase 2 for the purposes of this condition.</u></b></p>
<b>18</b>	<b>Cycle Parking – School Building (Details)</b>
	<p>CONDITION: The final phase of the school development shall not be occupied until 169 long stay and 12 short stay cycle parking spaces (to include 7 accessible cycle parking spaces) have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport</p>
<b>19</b>	<b>Cycle Parking – Commercial Building (Details)</b>
	<p>CONDITION: The commercial building shall not be first occupied until <b><u>53 long-stay cycle spaces and 8 short stay spaces (including 2 accessible cycle parking spaces and 1 mobility scooter charging space)</u></b> have been provided within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>20</b>	<b>Surface Water Runoff (Details)</b>
	<p>CONDITION: Details of measures to reduce surface water runoff from the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure. The details shall include the provision of green roofs and a surface water attenuation tank. The drainage system shall be installed/operational prior to the occupation of the second phase of the school development.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p> <p>The details submitted to the Local Planning Authority on 05 December 2018 pursuant to Condition 20 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/4080/AOD] and approved by the Local Planning Authority on 01 August 2019 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p><b><u>The details submitted to the Local Planning Authority on 12 December 2022 pursuant to Condition 20 of Planning Permission Reference: P2022/1001/S73 [LBI Ref: P2022/4101/AOD] and approved by the Local Planning Authority on 14 March 2023 are deemed to form the approved details for Phase 2 for the purposes of this condition.</u></b></p> <p><b><u>The Sustainable Drainage Strategy and Sustainable Design and Construction Statement submitted to the Local Planning Authority on 9 August 2023 in support of application P2023/2279/S73, which are hereby approved, are deemed to form the approved details for Phase 3 for the purposes of this condition.</u></b></p>
21	<p><b>Archaeology (Details)</b></p>
	<p>CONDITION: No excavation shall take place until a Stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no excavation shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no excavation shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.</p> <p>Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.</p> <p>This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>REASON: Heritage assets of archaeological interest may survive on the site. The planning authority (in conjunction with Historic England) wishes to secure the provision of</p>

	<p>archaeological investigation and the subsequent recording of the remains prior to development.</p> <p>The details submitted to the Local Planning Authority on 07 June 2018 pursuant to Condition 21 (a) of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/1946/AOD] and approved by the Local Planning Authority on 29 August 2018 are deemed to form the approved details for Phase 1 for the purposes of this part of the condition.</p> <p>The details submitted to the Local Planning Authority on 5 March 2021 pursuant to condition 21 of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2021/0668/AOD] and approved by the Local Planning Authority on 14 May 2021 are deemed to form the approved details for the discharge of the condition in full.</p>
<b>22</b>	<b>Plant Noise (Details)</b>
	<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 in each relevant phase of the development to demonstrate compliance with Condition 9.</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 operation of each phase of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In the interests of neighbouring residential amenity.</p> <p>The details submitted to the Local Planning Authority on 02 November 2018 pursuant to Condition 22 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/3683/AOD] and approved by the Local Planning Authority on 09 July 2019 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p><b><u>The details submitted to the Local Planning Authority on 6 February 2023 pursuant to Condition 22 of Planning Permission Reference: P2022/1001/S73 [LBI Ref: P2023/0347/AOD] and approved by the Local Planning Authority on 5 May 2023 are deemed to form the approved details for Phase 2 for the purposes of this condition.</u></b></p>
<b>23</b>	<b>Delivery and Servicing – School Building (Details)</b>
	<p>CONDITION: A Delivery and Servicing Plan (DSP) for each phase of the school development detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the relevant part of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p> <p>The details submitted to the Local Planning Authority on 14 February 2020 pursuant to Conditions 23 and 24 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/0489/AOD] and approved by the Local Planning Authority on 05 May 2020 are deemed to form the approved details for all phases of the school development for the purposes of this condition.</p>
<b>24</b>	<b>Delivery and Servicing – Commercial Building (Details)</b>
	<p>CONDITION: A Delivery and Servicing Plan (DSP) for the commercial part of the development detailing servicing arrangements including the location, times and frequency</p>

	<p>shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the relevant part of the development hereby approved.</p> <p><b><u>The submitted details shall provide confirmation of the waste collection strategy, including details of collection times and frequency.</u></b></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>
<b>25</b>	<b>Demolition and Construction Logistics Plan (Details)</b>
	<p>CONDITION: No demolition or construction works shall take place unless and until a Demolition Construction Logistics Plan (DCLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The DCLP should demonstrate that vehicular activity associated with construction will be coordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.</p> <p>The development shall be carried out strictly in accordance with the approved DCLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p> <p>The details submitted to the Local Planning Authority on 14 June 2018 pursuant to Condition P-DEC-AP1 25 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/2051/AOD] and approved by the Local Planning Authority on 21 August 2018 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 12 January 2021 pursuant to condition 25 of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2021/0088/AOD] and approved by the Local Planning Authority on 8 June 2021 are deemed to form the approved details for Phase 2A of the redevelopment of parts of the Central Foundation School.</p> <p><b><u>The Demolition Construction Logistics Plan submitted to the Local Planning Authority on 9 August 2023 in support of application P2023/2279/S73, which is hereby approved, is deemed to form the approved details for the demolition phase of Phase 3 only for the purposes of this condition.</u></b></p>
<b>26</b>	<b>Air Pollution – School Building (Details)</b>
	<p>CONDITION: Prior to the occupation of the new school buildings in each phase a site report detailing steps to minimise the development's occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out strictly in accordance with the details so approved and shall be permanently maintained thereafter.</p> <p>REASON: In order to ensure satisfactory air quality for occupants of the development.</p> <p>The details submitted to the Local Planning Authority on 13 March 2020 pursuant to Condition 26 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2020/0795/AOD] and</p>



	<p>approved by the Local Planning Authority on 10 September 2020 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p><b><u>The details submitted to the Local Planning Authority on 19 December 2022 pursuant to Condition 26 of Planning Permission Reference: P2022/1001/S73 [LBI Ref: P2022/4101/AOD] and approved by the Local Planning Authority on 16 May 2023 are deemed to form the approved details for Phase 2 for the purposes of this condition.</u></b></p>
<b>27</b>	<b>Escape Stairwell</b>
	<p>CONDITION: Details of the design and appearance of the new escape stair to the main assembly hall in Block A should be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant works.</p> <p>REASON: In the interests of the appearance of the Grade II listed School building.</p>
<b>28</b>	<b>Bat Protection (Compliance)</b>
	<p>CONDITION: The removal of roof slates, ridge tiles and wooden soffits, fascia's and barge boards is to be undertaken by hand, with the features lifted instead of dragged. If during development works a bat (or an accumulation of bat droppings) is discovered, works should temporarily cease whilst a bat ecologist is contacted for advice.</p> <p>REASON: To ensure that no harm occurs to bats.</p>
<b>29</b>	<b>Bird Protection (Compliance)</b>
	<p>CONDITION: 5 days prior to the commencement of the relevant part of the development an inspection of the buildings and roofs shall be undertaken to check for active bird's nests. Ecological advice should be sought if any live nests are identified.</p> <p>REASON: In order to ensure that no harm occurs to birds.</p>
<b>30</b>	<b>Inclusive Design (Details)</b>
	<p><b><u>CONDITION: Notwithstanding the drawings hereby approved, prior to the relevant works commencing on site, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</u></b></p> <p><b><u>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.</u></b></p> <p><b><u>REASON: To ensure the development is of an inclusive design.</u></b></p>
<b>31</b>	<b>Nesting Boxes (Details)</b>
	<p>CONDITION: Details of bird and bat nesting boxes and/or bricks shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the exact number, location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p> <p>The details submitted to the Local Planning Authority on 16 January 2020 pursuant to Condition 31 of Planning Permission Reference: P2017/1046/FUL [LBI Ref:</p>

	P2020/0140/AOD] and approved by the Local Planning Authority on 09 April 2020 are deemed to form the approved details for all phases of the school development for the purposes of this condition.
<b>32</b>	<b>Courtyard Lift</b>
	<p>CONDITION: The proposed courtyard lift shall feature clear signage indicating that disabled and wheelchair users shall have priority over other users.</p> <p>REASON: In order that disabled and wheelchair users of the lifts are not disadvantaged during any periods of intensive use of the lift.</p>
<b>33</b>	<b>Cycle Parking (Compliance)</b>
	<p>CONDITION: The cycle parking shall accord with TfL's London Cycle Design Standards (2014) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure cycle parking is easily accessible on site and to promote sustainable modes of transport.</p>
<b>34</b>	<b>Green Performance Plan (Details)</b>
	<p>CONDITION: Prior to the commencement of development (excluding demolition) revised draft Green Performance Plans (GPP) for each phase of the development construction as shown on 1378_SK1036_170904 - Proposed Site Phasing; shall be submitted to and approved in writing by the Local Planning Authority as follows:</p> <ol style="list-style-type: none"> <li>a. Phase 1 works</li> <li>b. Phase 2 works</li> <li>c. Phase 3 works (commercial)</li> </ol> <p>These revised Plans should provide additional detail regarding process, responsibilities and the GPP coordinator under the 'Management and Monitoring' section and under 'Arrangements for Addressing Performance'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> <p>The details submitted to the Local Planning Authority on 13 May 2020 pursuant to Condition 34 of Planning Permission Reference: P2017/1046/FUL [LBI Ref: P2018/2235/AOD] and approved by the Local Planning Authority on 20 May 2020 are deemed to form the approved details for Phase 1 for the purposes of this condition.</p> <p>The details submitted to the Local Planning Authority on 8 March 2021 pursuant to condition 34 of Planning Permission Reference: P2019/3572/S73 [LBI Ref: P2021/0697/AOD] and approved by the Local Planning Authority on 10 May 2021 are deemed to form the approved details for Phase 2 for the purposes of this condition.</p> <p><b><u>The Green Performance Plan which forms part of the Sustainable Design and Construction Statement submitted to the Local Planning Authority on 9 August 2023 in support of application P2023/2279/S73, which is hereby approved, is deemed to form the approved details for Phase 3 for the purposes of this condition.</u></b></p>
<b>35</b>	<b>Overheating (Details)</b>
	<p>CONDITION: Prior to the commencement of development of the commercial building an Overheating Assessment (carried out for the in accordance with the methodology set out in the Council's Environmental Design SPD) and evidence demonstrating maximisation of the cooling hierarchy shall be submitted to and approved in writing by the Local Planning Authority. Should the results of the overheating analysis give rise to a requirement for a revised energy strategy then this shall be submitted under condition 14 of this planning permission.</p>

	<p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> <p><b><u>The Thermal Comfort Assessment which forms part of the Sustainable Design and Construction Statement submitted to the Local Planning Authority on 9 August 2023 in support of application P2023/2279/S73, which is hereby approved, is deemed to form the approved details for the purposes of this condition.</u></b></p>
<b>36</b>	<p><b>Materials – Fire Escape (Details)</b></p> <p>CONDITION: Details and samples (where appropriate) of the facing materials for the external fire escape for the commercial building hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of relevant works. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) mesh cladding details;</li> <li>b) Any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>37</b>	<p><b>Rooftop Structures</b></p> <p><b><u>CONDITION: Notwithstanding the approved drawings, all details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site.</u></b></p> <p><b><u>The details shall include the location, height of all individual plant and extract above roof level, specifications, and justification as to the proposed height. The details shall include the location, height above roof level, specifications and details of material and finish and shall relate to all proposed rooftop structures and fixtures including:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>plant equipment;</u></li> <li>b) <u>screens/enclosure;</u></li> <li>c) <u>terrace furniture;</u></li> <li>d) <u>balustrades, and;</u></li> <li>e) <u>lighting</u></li> </ul> <p><b><u>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</u></b></p> <p><b><u>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 area and in the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</u></b></p>
<b>38</b>	<p><b>Landscaping - Commercial Development (Details)</b></p> <p><b><u>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>specification to ensure successful establishment and survival of new planting.</u></li> <li>b) <u>a schedule detailing sizes, species and numbers of all new trees/plants;</u></li> <li>c) <u>a biodiversity statement detailing how the landscaping scheme achieves a Biodiversity Net Gain of at least 0.159 units;</u></li> <li>d) <u>proposed trees: their location, species and size;</u></li> </ul>

	<p>e) <u>soft plantings: including grass and turf areas, shrub and herbaceous areas;</u>  f) <u>specifications, plans, sections and details including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;</u>  g) <u>enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</u>  h) <u>hard landscaping: including any ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps</u>  i) <u>a landscaping maintenance plan;</u>  j) <u>any other landscaping features forming part of the scheme.</u></p> <p><u>The submitted details shall show that the landscaping scheme will achieve an Urban Greening Factor of at least 0.28.</u></p> <p><u>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</u></p> <p><u>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</u></p> <p><u>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</u></p>
<p><b>39</b></p>	<p><u>Tree Protection (Compliance)</u></p> <p><u>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development must be carried out in strict accordance with the hereby approved Arboricultural Impact Assessment.</u></p> <p><u>REASON: To ensure that the street tree is retained and will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</u></p>
<p><b>40</b></p>	<p><u>Roof Terrace Operational Management Plan (Details)</u></p> <p><u>CONDITION: Notwithstanding the hereby approved Draft Operational Management Plan, full details of the operation of the roof terrace shall be submitted to and approved in writing by the Local Planning Authority prior to the building's first occupation. The details include, but shall not be limited to:</u></p> <ul style="list-style-type: none"> <li><u>- Hours of operation;</u></li> <li><u>- Noise control;</u></li> <li><u>- Details of building maintenance.</u></li> </ul> <p><u>The roof terrace shall operate in strict accordance with the approved plan thereafter, unless otherwise agreed in writing by the planning authority.</u></p> <p><u>REASON: To ensure that an appropriate standard of amenity is provided.</u></p>

41	<p><b><u>Sustainable Design and Construction Statement (Compliance)</u></b></p> <p><b><u>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development must be carried out in strict accordance with the hereby approved Sustainable Design and Construction Statement (Envision, July 2023) and appended documents.</u></b></p> <p><b><u>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</u></b></p> <p><b><u>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</u></b></p> <p><b><u>REASON: In the interest of addressing climate change and to secure sustainable development.</u></b></p>
42	<p><b><u>Fire Statement (Compliance)</u></b></p> <p><b><u>CONDITION: The details and measures set out in the Fire Strategy Report prepared by CHPK, dated 7 July 2023, shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</u></b></p> <p><b><u>Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Strategy Report would need to be submitted to and approved by the Local Planning Authority.</u></b></p> <p><b><u>The development shall be carried out in accordance with the Fire Strategy Report under this condition and shall be maintained as such thereafter.</u></b></p> <p><b><u>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</u></b></p>

**INFORMATIVES**

**List of Informatives:**

1	<b>SECTION 106 AGREEMENT</b>
	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	<b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION</b>
	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. In this case, the council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of the new element of a building above its foundations, excluding demolition. 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	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of

	<p>Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>4</b>	<b>Surface Water Drainage</b>
	<p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
<b>5</b>	<b>Minimum Water Pressure</b>
	<p>A Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>6</b>	<b>Sprinkler System</b>
	<p>The London Fire and Emergency Planning Authority strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.</p>
<b>7</b>	<b>Groundwater Risk Management Permit</b>
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>.</p>
<b>8</b>	<b>Thames Water - Diversions</b>
	<p>There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.</p>
<b>9</b>	<b>Water Mains</b>

	There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
<b>10</b>	<b>Phasing</b>
	<p>This phasing of the development is identified as follows:</p> <p>School Phase 1 - Blocks B and C.</p> <p>School Phase 2 - Block A basement refurbishment, Sports hall / playground, Tabernacle Annexe, Tabernacle Chapel Facade, courtyard landscaping.</p> <p>School Phase 3 - Tabernacle Chapel.</p> <p>School Phase 4 - Further Block A site refurbishment / repair</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

The National Planning Policy Framework (2023) 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's Local Plan: strategic and development management policies 2023, the Bunhill and Clerkenwell Area Action Plan 2023 and Site Allocations 2023. The following policies of the Development Plan are considered relevant to this application:

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

- Policy GG1 Building strong and inclusive communities
- Policy GG2 Making the best use of land
- Policy GG3 Creating a healthy city
- Policy GG4 Delivering the homes Londoners need
- Policy GG5 Growing a good economy
- Policy GG6 Increasing efficiency and resilience
- Policy SD4 The Central Activities Zone
- Policy SD5 Offices, other strategic functions and residential development in the CAZ
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy 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
- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy E3 Affordable workspace
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- 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 SI6 Digital connectivity infrastructure



Policy SI7 Reducing waste and supporting the circular economy  
Policy SI12 Flood risk management  
Policy SI13 Sustainable drainage  
Policy T1 Strategic approach to transport  
Policy T2 Healthy streets  
Policy T3 Transport capacity, connectivity, and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.2 Office parking  
Policy T7 Deliveries, servicing, and construction  
Policy T9 Funding transport infrastructure through planning

**B) Islington Local Plan: strategic and development management policies 2023**

Policy PLAN1: Site appraisal, design principles and process  
Policy SP1: Bunhill and Clerkenwell  
Policy B1: Delivering new business floorspace  
Policy B2: New business floorspace  
Policy B4: Affordable workspace  
Policy B5: Jobs and training opportunities  
Policy G1: Green Infrastructure  
Policy G4: Biodiversity, landscape design and trees  
Policy G5: Green roofs and vertical greening  
Policy S1: Delivering sustainable design  
Policy S2: Sustainable design and construction  
Policy S3: Sustainable design standards  
Policy S4: Minimising greenhouse gas emissions  
Policy S5: Energy Infrastructure  
Policy S6: Managing heat risk  
Policy S7: Improving Air Quality  
Policy S8: Flood Risk Management  
Policy S9: Integrated Water Management and Sustainable Drainage  
Policy S10: Circular Economy and Adaptive Design  
Policy T1: Enhancing the public realm and sustainable transport  
Policy T2: Sustainable Transport Choices  
Policy T3: Car-free development  
Policy T4: Public realm  
Policy T5: Delivering, servicing and construction  
Policy DH1: Fostering innovation and conserving and enhancing the historic environment  
Policy DH2: Heritage assets  
Policy DH4: Basement development  
Policy DH5: Agent-of-change, noise, and vibration  
Policy ST2: Waste  
Policy ST4: Water and wastewater infrastructure

**C) Bunhill and Clerkenwell Area Action Plan 2023**

Policy BC1: Prioritising office use  
Policy BC3: City Fringe Opportunity Area

Site Allocation BC41: Central Foundation School, 15 Cowper Street, 63-67  
Tabernacle Street and 19 & 21-23 Leonard Street

## 5. Designations

The site has the following designations under the London Plan 2021, Islington Local Plan: strategic and development management policies 2023, Bunhill and Clerkenwell Area Action Plan 2023, and Site Allocations 2023:

- Local Cycle Routes
- Major Cycle Routes
- Site within 100m of an SRN Road
- Central Activities Zone
- City Fringe Opportunity Area
- Site within Conservation Area (Bunhill Fields and Finsbury Square)
- Moorfields Archaeology Priority Area
- Article 4 Direction – Class MA
- Grade II Listed Building
- Bunhill and Clerkenwell Area Action Plan Area

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

The following SPGs and/or SPDs are relevant:

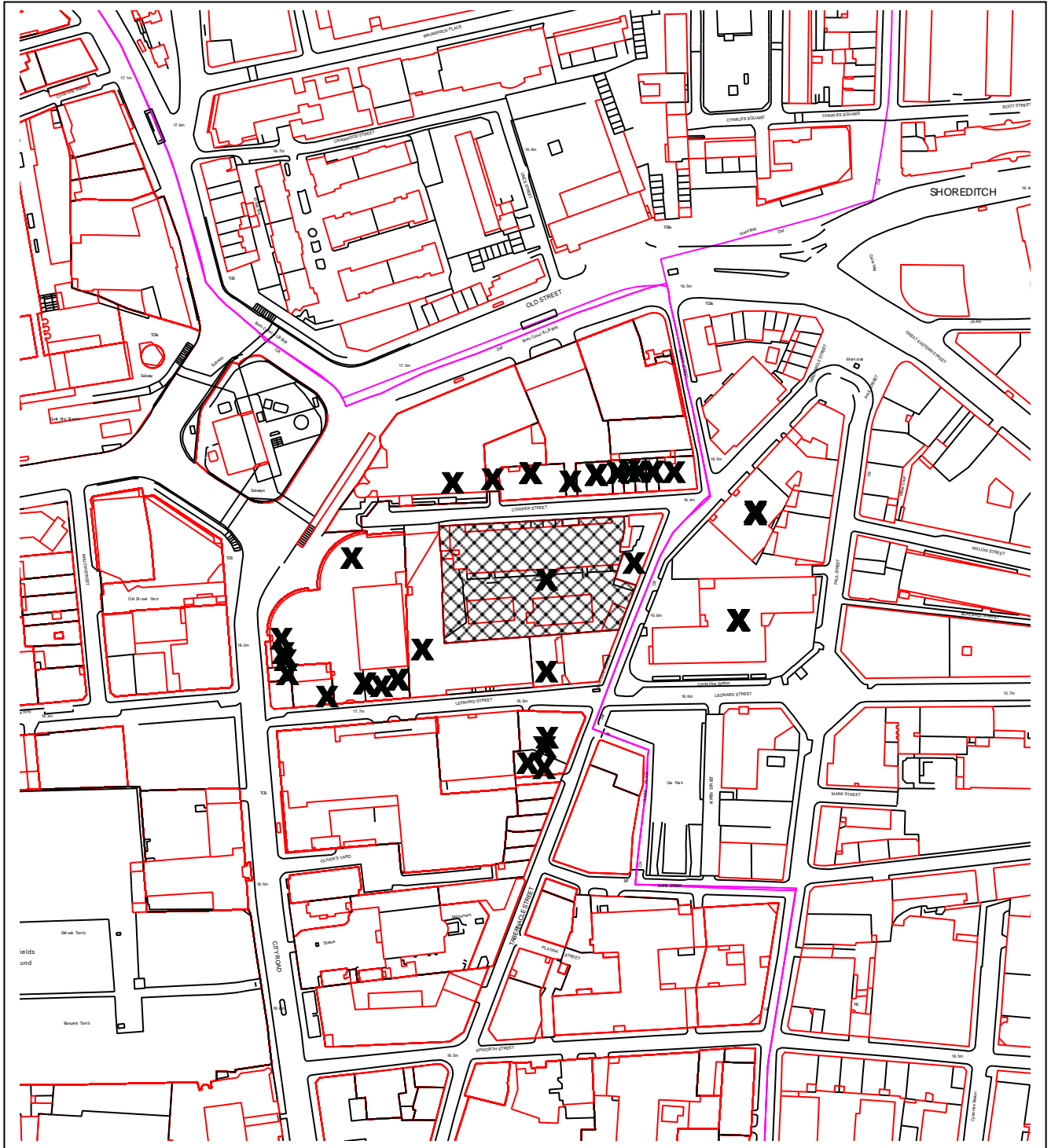
### Islington Local Development Plan

Basement development (2016)  
Development viability (2016)  
Environmental Design (2012)  
Inclusive Design (2014)  
Inclusive Landscape Design (2010)  
Urban Design Guide (2017)  
Planning Obligations (S106) (2016)  
Streetbook (2012)  
Bunhill Fields/Finsbury Square Conservation  
Area Design Guidelines (2002)

### London Plan

Accessible London: Achieving an Inclusive  
Environment  
Planning for Equality and Diversity in London  
Optimising Site Capacity: A Design-Led  
Approach  
Urban Greening Factor  
Air quality positive LPG  
Air quality neutral LPG  
Be seen energy monitoring LPG  
Energy planning guidance  
The control of dust and emission in  
construction SPG  
Whole life carbon LPG  
Sustainable transport, walking and cycling

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