



**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 on **19 March 2024 at 7.30 pm.**

Enquiries to : Theo McLean  
Tel : 020 7527 6568  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 11 March 2024

### 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)	- St Peter's and Canalside;	Councillor Chowdhury	- Barnsbury;
Councillor North (Vice-Chair)	- St Peter's and Canalside;	Councillor Gilgunn	- Tollington;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Jegorovas-Armstrong	-
Councillor Clarke	- Tufnell Park;	Highbury;	
Councillor Convery	- Caledonian;	Councillor Kay	- Mildmay;
Councillor Hamdache	- Highbury;	Councillor Wayne	- Canonbury;
Councillor Hayes	- Clerkenwell;		
Councillor Jackson	- Holloway;		
Councillor McHugh	- St Mary's and St James';		
Councillor Ogunro	- St Peter's and Canalside;		

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.

5.	Order of Business	1 - 2
6.	Minutes of Previous Meeting	3 - 8
<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>

1.	1 Pear Tree Street London EC1V 3SB	9 - 158
2.	Castle House, 37-45 Paul Street 13-17 Epworth Street & 1-15 Clere Street, London	159 - 428

**C. Consideration of other planning matters** **Page**

**D. Urgent non-exempt items (if any)**

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

**E. Exclusion of press and public**

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

**F. Confidential/exempt items** **Page**

**G. Urgent exempt items (if any)**

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

**Date of Next Meeting:** Planning Committee, 9 May 2024

**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)**

**WEBCASTING NOTICE**

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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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 1 Pear Tree Street**

London  
EC1V 3SB

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**2 Castle House, 37 - 45 Paul Street**

Fitzroy House - 13-17 Epworth Street and 1-15 Clere Street  
London

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**1 1 Pear Tree Street**

London  
EC1V 3SB

**Application Number:** P2023/2345/S73

**Ward:** Bunhill

**Proposed Development:** Variation of conditions 2, 3, 4, 8, 11, 16, 19, 20, 21, 24, 27 and 30 of planning permission reference: P2018/0909/S73 dated: 01/11/2018. Amendments seek the following:  
Amendments to Conditions 2 and 11 include: Internal - Relocate the SME space to the first floor to provide a better quality and an increased SME area; Repositioning of bicycle storage area with increased capacity; Insertion of a small mezzanine floor to provide fully accessible end of journey facilities (showers and changing rooms); Adjust slab-to-slab heights to accommodate a more sustainable energy system; and increased reception area.  
External - Increase in slab-to-slab heights resulting in a cumulative maximum height increase of the Approved Scheme building of 1.00 metre; Changes to the proposed roof level with relocation of the lift core and changes in the proposed energy system; and changes to the elevational design and appearance of the Pear Tree Street façade.  
Further amendments include - revision to the Energy Strategy (Condition 24), 4. Variation of Condition 8 (Obscured Windows) to confirm timing of compliance for office windows being obscured; Variation of Conditions 16 (Solar Photovoltaic Panels), 21 (Acoustic Report) and 27 (Bat and Bird Boxes) to amend the timing of when details should be submitted and approved by the LPA; and Variation of Conditions 3 (Small/Micro Workspace requirements), 4 (Small/Micro Workspace amalgamation), 19 (Cycle Storage) and 20 (Refuse/Recycling) to amend specific plan and drawing references.

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

**Case Officer:** Simon Roberts

**Name of Applicant:** Please see company name

**Recommendation:**

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**2 Castle House, 37 - 45 Paul Street**

Fitzroy House - 13-17 Epworth Street and 1-15 Clere Street  
London

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**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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London Borough of Islington

## Planning Committee - 20 February 2024

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 20 February 2024 at 7.30 pm.

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

### Councillor Martin Klute in the Chair

**98**      **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Clarke and Poyser.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 9 January 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**104**      **FORMER HOLLOWAY PRISON , PARKHURST ROAD, LONDON N7 0NU (Item B1)**

Non-material amendments to planning permission ref: P2021/3273/FUL dated 05/08/2022. The amendments proposed include the installation of a second staircase into Block C1 and C2 for the purposes of fire safety with associated internal layout changes resulting in modifications to the dwelling mix, the number of wheelchair dwellings, floorspace for non-residential uses, cycle parking spaces and alteration(s) to elevation(s) resulting in amendment to Condition 2 (approved plans) and Condition 35 (Accessible housing).

(Planning application number: P2024/0027/NMA)

In the discussion the following points were made:

## Planning Committee - 20 February 2024

- Planning Officer informed meeting that issue for consideration is if the changes to Plot C of the consented scheme is a non-material amendment to the overall original consent.
- Any non-material amendments may be applied for to approve a negligible or insignificant change to the planning permission.
- Meeting was advised that whether or not the proposed amendment(s) are considered to be non-material rather than material will depend on the specific details of the existing planning permission. It was noted that a change which may be considered 'non-material' in one case could be considered 'material' in another.
- Meeting was advised that there is no statutory definition of 'non-material' so any determination is left for the local authority who is the decision maker.
- Planning Officer advised that Section 96A of the Town and Country Planning Act 1990 (as amended) states that "A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material". Also members were reminded that "in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section on the planning permission as originally granted".
- In addition to the above, meeting was advised that while there are no changes to the number of dwellings within the development, there will be reductions in the number of bedspaces within the larger two and three bed dwellings, reduction in the number of wheelchair dwellings within this part of the development, a reduction in the number of cycle parking spaces and a reduction in the area of flexible commercial floorspace. It was also noted that there would be a small increase of 1.2sq.m the internal size area of the Women's Building, however there would be no changes to the footprint of the buildings or the built envelope.
- Meeting was advised that applicant has chosen to utilise Section 96a of the Town and Country Planning Act, also known as a non-material amendment which allows the local planning authority to make a change to any planning permission if they are satisfied that the change(s) are not material.
- Meeting was advised that officers are of the view and recommend that changes are non-material amendment. The changes necessary, derive from a legislative requirement for residential buildings above 30m in height to accommodate a second staircase. The amendments to the building, the layout and aspects of the scheme in relation to use, layout and composition are non-material in the context of the original planning application and while wide consultation has been carried out, there are no impacts arising to neighbours or other interested parties generated by this application.
- Planning Officer reminded committee that while applicants have been given the ability to either conform with the pre-existing building safety regime concerning second staircases, or to proceed with compliance with the pending regulatory change, the applicant has decided to install a second staircase in both blocks C1 and C2 which exceed the height of 30m and in doing so, it is proposed that the existing staircase core situated within the very centre of block C1 and C2 will be enlarged so as to incorporate a staircase either side of the central corridor. Each core segment either side of the corridor will retain either an evacuation lift or a fire-fighting lift in addition to a staircase.
- As a result of the changes, meeting was advised that at the lower and upper ground floor level, the proposed staircase amendments impact upon the layout and siting of building management facilities such as plant, utilities, cycle parking, toilets and showers and generally involves the re-siting of partitions rather than the removal of such facilities.
- A flexible commercial space at lower ground floor level is also proposed to decrease minimally. At the ground floor level, the number of cycle parking spaces is reduced

## Planning Committee - 20 February 2024

from 296 to 248. However, the fundamental layout of the Women's Building remains the same with the same functions and divisions across the floor plan.

- Meeting was informed that from the first floor upwards within block C which is entirely residential, the larger staircase and lift core results in 8 units per floor being retained in block C1 and 8 units per floor in block C2. Also in block C1, the floorspace dedicated to effective functional residential use decreases from 573sq.m to 547sq.m, in block C2, the residential floorspace decreases from 575sq.m to 544sq.m.
- The Planning Officer noted that the changes above when repeated across all floors, the fire safety amendment gives rise to overall modifications that results in the loss of 36 x 2b4p units and the gain of 42 x 2b3p units; the loss of 16 x 3b5p units and the gain of 10 x 3b4p units while seeing no change to the overall number of units within the scheme. In terms of the number of wheelchair dwellings, this number decreases from 10 to 3 within this part of the development. Furthermore, across the site, these changes result in the loss of 12 habitable rooms, all of which are in the social rent tenure.
- An objector informed Committee that there should be other ways for the extra staircase to be accommodated, that the proposed changes should be considered as material; concerns about the Women's building's garden and the reduction in the number of social rent three bedroom properties will result with 58 fewer social rent bedspaces within the development (535, down from 593) and requesting that this be compensated for elsewhere within the development.
- Another objector noted that decent sized housing, including units with three bedrooms for overcrowded families in Islington, is very important for resident and needs to continue to be a priority on this site especially in light of Council claims that there is an under-supply of family sized accommodation in the Borough.
- It was also noted by an objector that across all the blocks there will be a reduction of 21 wheelchair accessible units, that there is a significant reduction in the number of social rent properties in Plot C that are wheelchair accessible (from 10 flats to 3) which is necessary to maintain the mix of family homes within the development.
- Concerns about the impact of the proposal on the amenity of residents with the increase in the number of flats without the minimum recommended daylight levels; that the social housing of the scheme with single aspect will give rise to poor ventilation, severe overheating as windows will remain unopenable windows on the highly polluted Parkhurst Road frontage thereby making many flats uninhabitable.
- Ward Councillors were concerned that the amendments would not address specific needs on the waiting list of 1900 residents on the housing register especially with the loss of larger family sized dwellings, reminding Committee that a recent scrutiny review on the issue of overcrowding recommended the need to build more 4/5 bedrooms. There was also concerns that the proposed changes were applied to social housing rather than the dwellings that will be sold privately.
- In response the applicant informed the meeting that following the initial decision by Department of Levelling Up, Housing and Communities (DLUHC) around its plans to mandate a second staircases for new tower blocks with a height of over 30m and its subsequent amendment in July 2023 that the height limit for which a second staircase is required was reduced to 18m, the team decided to address this early for fire safety reasons .
- Meeting was advised that as a responsible social landlord, Peabody decided to go ahead and introduce this requirement of a staircase to blocks C1 and C2, that other options were considered however it is important to note that the blocks have inherent constraints, first that it cannot be moved closer to the Camden/Parkhurst Road as there is insufficient space. Also it could not be moved closer to Category A London Plain Tree due to its protected zone; or moved to the Cat and Mouse Library or Block D due to the daylight /sunlight impact that it would have.

## Planning Committee - 20 February 2024

- Meeting was advised by applicant that increasing the height of the block was not an option due to the viewing corridor towards Central London townscape and also daylight and sunlight impact.
- In light of above constraints, the applicant has worked collaboratively with Planning Officers to strike a right balance with the result that proposal has ensured no loss in floor area to the Women's Building, however this has come at the expense of some loss to the commercial floor space, albeit still able to provide a café for use by the community.
- Applicant acknowledged that the introduction of second stair-case has resulted in the loss of bedrooms in social rented units in blocks C1 and C2, that there are no changes in the number of homes provided in total, that the scheme will still deliver 155 social homes in blocks C1 and C2 and its 65% affordable homes. Applicant acknowledged the reduction of wheel-chair homes by 7 but noting that the overall provision site wide as a result of this amendment remain policy compliant.
- While the amendments propose the loss of cycle parking and compensation options officers have had regard to the current condition 24 which requires an application to discharge this condition on other phases of the development.
- The applicant informed the meeting although not within the scope of this application, that the applicant is willing to explore the opportunity to recover the loss of bed spaces and wheel-chair homes in phases 2 & 3.
- Applicant informed meeting that changes proposed will not result in any overheating to the flats nor any daylight and sunlight impact albeit noticeably there is a slight improvement as recent assessment have indicated.
- In response to concerns that changes proposed could be replicated onto other phases and could be regarded as material, the planning officer advised that member's focus is on the merits of the application before the Committee and not a hypothetical proposal which may or may not occur.
- In response to a question on what could happen if planning permission is not granted, the applicant advised that it would continue with the consented scheme or alternatively put in a s73 application, which would likely result in a long and arduous design and planning process which would result in the delay of delivery of social housing.
- In summary, meeting was advised that based on applicant's perspective, the changes to the consented scheme is fire safety and delivery of house driven, however it is important to note that 2 bedroom units are highly required in that part of the borough and this has been taken into consideration.
- In response to a question on whether the applicant is willing to provide assurance that it would recoup all of the losses from phase one in other phases of the development, the applicant confirmed that the team is committed and will provide a written undertaking of what applicant has confirmed to Committee.

Councillor North proposed a motion to grant planning permission. 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, the committee agreed it considered the proposals a non-material amendment.

The meeting ended at 9.00 pm

**CHAIR**

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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>	19 March 2024	<b>NON-EXEMPT</b>

<b>Application number</b>	P2023/2345/S73
<b>Application type</b>	Removal/Variation of Condition (Section 73)
<b>Ward</b>	Bunhill
<b>Listed building</b>	n/a
<b>Conservation area</b>	n/a
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity Area; Policy SP1 - Bunhill & Clerkenwell Key Area;
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	1 Pear Tree Street, London, EC1V 3SB
<b>Proposal</b>	<p>Variation of conditions 2, 3, 4, 8, 11, 16, 19, 20, 21, 24, 27 and 30 of planning permission reference: P2018/0909/S73 dated: 01/11/2018. Amendments seek the following:</p> <p>Amendments to Conditions 2 and 11 include: Internal - Relocate the SME space to the first floor to provide a better quality and an increased SME area; Repositioning of bicycle storage area with increased capacity; Insertion of a small mezzanine floor to provide fully accessible end of journey facilities (showers and changing rooms); Adjust slab-to-slab heights to accommodate a more sustainable energy system; and increased reception area.</p> <p>External - Increase in slab-to-slab heights resulting in a cumulative maximum height increase of the Approved Scheme building of 1.00 metre; Changes to the proposed roof level with relocation of the lift core and changes in the proposed energy system; and changes to the elevational design and appearance of the Pear Tree Street façade.</p> <p>Further amendments include - revision to the Energy Strategy (Condition 24), 4. Variation of Condition 8 (Obscured Windows) to confirm timing of compliance for office windows being obscured; Variation of Conditions 16 (Solar Photovoltaic Panels), 21 (Acoustic Report) and 27 (Bat and Bird Boxes) to amend the timing of when details should be submitted and approved by the LPA; and Variation of Conditions 3 (Small/Micro Workspace requirements), 4 (Small/Micro Workspace amalgamation), 19 (Cycle Storage) and 20 (Refuse/Recycling) to amend specific plan and drawing references.</p>

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	c/o Agent
<b>Agent</b>	Gerald Eve

## 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

## 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: Site photo from street*



*Figure 5: Existing entrances to site*

### **3. SUMMARY**

- 3.1 This application seeks material amendments (under section 73) to the previous planning permission P2018/0909/S73 dated 01/11/2018. Permission P2018/0909/S73 was a section minor-material amendment 73 application to the original planning permission P2015/4725/FUL.
- 3.2 It is considered by officers that planning permission: P2018/0909/S73 has been implemented and is currently under construction as planning obligation contributions and measures have been fulfilled and the ground floor has been partially completed and depot is operational.
- 3.3 The application seeks a number of amendments to the consented development at 1 Pear Tree Street. The proposed amendments include the increase in overall height of the building (by approximately 1. metre) through the increase in floor to ceiling heights of each of the storeys. The proposal would not increase the number of storeys and floors of the development.
- 3.4 The amendment also seeks to amend the trigger points (e.g. from 'prior to occupation of the whole development' to 'prior to occupation of the office floorspace') of a number of conditions so that the development can be built and occupied in a phased manner. The proposed amendments to these conditions are considered acceptable to officers.
- 3.5 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 is in accordance with the policy thrust for these designations.
- 3.6 The increased scale, height, design and appearance of the proposal when compared to the approved scheme 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.
- 3.7 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.
- 3.8 The application proposes a number of energy efficiency measures and a reduction in carbon emissions which represent an improvement to the consented scheme.
- 3.9 As such, the proposal is considered to be acceptable and consistent with the approved scheme. It is recommended for approval subject to conditions and a deed of variation to the section 106 legal agreement to secure suitable planning obligations and financial contributions in order to mitigate the impacts of the development.

### **4. SITE AND SURROUNDINGS**

- 4.1 The application site is located on the northern side of Pear Tree Street between Goswell Road (to the west) and Central Street (to the east). The site is currently in use as by Cadent as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, originally a car park and small single and two storey buildings on site associated with the National Grid operation.
- 4.2 The surrounding area is mixed with residential apartments (many in recently completed developments) to the east along Pear Tree Street and in the adjacent buildings on Goswell Road. There are offices to the ground floor of some of the recent developments and a printing/packaging premises opposite the site on the southern side of Pear Tree Street.
- 4.3 The site is located close to the Hat and Feathers Conservation Area to the west, with the adjacent Silverdale Court and properties along Goswell Road falling within the Conservation Area. The site is

also within Bunhill & Clerkenwell Core Strategy key area, the Central Activities Zone and the Great Sutton Street Employment Priority Area (General).

- 4.4 The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent) due to its proximity to Goswell Road, Old Street and City Road. The site is within a resident only Controlled Parking Zone ('Zone A') with restricted parking operating 0830 – 1830 on weekdays and 0830 – 1330 on Saturdays, whilst no restrictions are in place on Sundays and Public Holidays.
- 4.5 The application site was phase 2 of the previous Local Plan site allocation BC16 and adjacent to site allocation BC15 at the Seward Street playground.
- 4.6 The previous Site Allocation BC16 included a larger site on Pear Tree Street and the application site fell within the western end (phase 2). The eastern end has recently been developed as phase 1 of BC16 with residential buildings known as the Orchard Building and Dance Square and a new public square/route connecting Pear Tree Street and Seward Street (reference: P110653). The site allocation acknowledged that planning permission has been granted for the eastern end as a phase 1 and refers to the western end as phase 2. For phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space was expected. The site allocation refers to the following with regard to the design considerations and constraints on the entire site:
- New buildings should respect the wider context and intimate character of Pear Tree Street;
  - Care will need to be taken with the relationship of new buildings with TPO trees located in the Seward Street playground;
  - Buildings should provide a positive frontage and overlooking onto Seward Street playground; and
  - Improved north-south access linking Pear Tree Street to Seward Street playground should be provided.
- 4.7 Phase 2 has consequently been divided further, with the narrow street frontage building on Pear Tree Street being recently redeveloped with a 5 storey building with commercial office space at ground and first floor and 8 flats to the upper floors (P120025 see planning history below). The application site is the remainder of phase 2, being bounded by the side and back elevations of surrounding developments (the Courtyard Building to the north, Silverdale Court to the west, the phase 2 street frontage building to the south and the Orchard Building/Dance Square to the east).

## 5. PROPOSAL (IN DETAIL)

- 5.1 This s73 proposal seeks to amend the approved schemes (P2018/0909/S73 dated 01/11/2018) through a number of amendments. For ease, these are broken down into the following elements:

Internal and external alterations: Variation of Condition 2 (approved plans) – internal and external alterations, including relocation of the SME floorspace from ground floor to first floor; introduction of a mezzanine level between ground and first floor level to provide for cycling changing facilities; increase in floor to floor height of each floor which in total increases the height of the building by 1 metre; alterations at roof level with relocation of lift core and energy system; alteration of floorplates and layouts on site to the upper levels; and alteration to the elevational design including appearance and materials.

Further, variation of Condition 9 (cycle storage) and 20 (refuse/recycling) – to amend the approved drawing numbers outlined within these conditions following the proposed internal reconfiguration.

Amendments to roof top plant equipment/lift over runs: Variation of Condition 11 (rooftop structures/enclosures) – Following the amendment to condition 2 with regards to internal and external alterations, details of the rooftop structures will be updated and should be reflected in the condition.

Securing the Small and Micro Enterprise workspace: Variation of Conditions 3 (SME workspaces), 4 (SMEs – no amalgamation of units) outlining SME floorspace location – due to the relocation of SME floorspace from the ground floor to the first floor.

Update to Energy Strategy: Variation of Condition 24 (energy strategy) – update to the energy strategy due to internal and external fabric/material amendments.

Timing of detail conditions: Variation of Conditions 8 (obscured windows), 16 (solar photovoltaic panels), 21 (acoustic report) and 27 (bird/bat box) to amend the trigger points from prior to occupation of the development (full) to prior to occupation of the office floorspace.

5.2 The proposal seeks to amend the level of floorspace of the development as follows:

<b>Approved Scheme Land Use</b>			
<i>Use Class</i>	<i>GEA</i>	<i>GIA</i>	<i>NIA</i>
Office – E(g)(i)	4,006 sqm	3,750 sqm	3,071.5 sqm
<b>Proposed Scheme Land Use</b>			
<i>Use Class</i>	<i>GEA</i>	<i>GIA</i>	<i>NIA</i>
Office – E(g)(i)	4,741 sqm (+735 sqm)	4,141 sqm (+391 sqm)	3,029 (-42 sqm)



*Figure 6: Rendered image CGI of the proposed main entrance to Pear Tree Street*



*Figure 7: Rendered CGI of side and rear elevation of building as seen from neighbouring Orchard 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 planning permission and current proposed amendments:
- 6.2 **P2015/4725/FUL:** “Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use”.  
Granted with Conditions and Legal Agreement on 30 August 2017 following Planning Committee Meeting of 19 April 2016.
- 6.3 **P2018/0909/S73:** “Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), conditions 6 and 7 (restrictions on use of depot area) and 27 (bird and bat boxes) of planning permission ref: P2015/4725/FUL. The proposed minor material amendments relate to changes to the floorplans to remove reference to Cadent/National Grid occupying office space on the upper floors, and to alter the condition wording to allow the ground floor parking and storage area to be used in association with Cadent/National Grid operations in office space on an adjoining site. Additionally, there would be minor changes to glazing, and additional windows installed. There is also a change to the trigger point for submission of bird/bat box information”.  
Granted with Conditions and Legal Agreement on 1 November 2018.

- 6.4 **P2023/1817/NMA:** “Application for Non-Material Amendment (s96a) to planning permission ref: P2015/4725/FUL dated 30/10/2017. The amendment seeks to remove the defined office floorspace area and update the Use Class Order within the Description of Development”.  
Non-Material Agreement(s) agreed 8 August 2023.
- 6.5 Further, a number of Discharge of Condition Applications have also been submitted to and decided by the Council, as follows:
- 6.6 **P2018/1257/AOD:** Condition 9 (boundary treatments) – Approved 21/08/2018;
- 6.7 **P2017/4390/AOD:** Condition 12 (construction routes) – Approved 28/11/2017;
- 6.8 **P2017/4390/AOD:** Condition 13 (construction environmental management plan) – Approved 28/11/2017;
- 6.9 **P2018/1539/AOD:** Condition 15 (facing materials) – Approved 24/07/2018;
- 6.10 **P2018/0818/AOD:** Condition 24 (energy strategy) – Approved 01/11/2018;
- 6.11 **P2018/1257/AOD:** Condition 25 (green and brown roofs) – Approved 21/08/2018;
- 6.12 **P2018/1257/AOD:** Condition 26 (landscaping) – Approved 21/08/2018;
- 6.13 **P2017/4652/AOD:** Condition 28 (sustainable urban drainage system) – Approved 21/12/2017;
- 6.14 **P2018/1659/AOD:** Condition 29 (rainwater/greywater recycling) – Approved 24/07/2018;

### **Pre-Application Advice:**

#### **London Borough of Islington:**

- 6.15 Pre-Application engagement between the Applicant and the Council was undertaken prior to the submission of the current planning application under reference: Q2023/0030/MJR. It was advised that with regards to design, appearance and impact upon heritage, officers outlined that in principle, the proposed amendments could be supported, subject to detailed analysis.
- 6.16 Concerns were however raised with regards to the reduction of NIA office floorspace, whilst the GIA and GEA increased. It was advised that further details and justification would be required to ensure that the proposal was not contrary to the aims and objectives of ‘usable’ employment space within the CAZ and EPA.
- 6.17 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 upon increased sense of enclosure, loss of outlook, loss of privacy through overlooking and loss to daylight/sunlight to neighbouring habitable rooms.
- 6.18 Finally, officers outlined that the proposed amendments to a number of conditions, relating to trigger points, could be supported in principle.

## **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 73 adjoining and nearby properties, with public consultation expiring on 8<sup>th</sup> October 2023.



- 7.2 It is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.3 At the time of the writing this report, **34** 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**

- A planning letter should be sent to all neighbouring residents so that all are aware of this application and additional time allowed.  
*[Officer response: As outlined in paragraph 7.1 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.]*

#### **Design and appearance**

- The proposal is too tall in what is a narrow and heavily built up street;
- The proposed changes involve alterations to floor-to-ceiling heights of each storey and an overall increase in the height of the building, coupled with the addition of a considerable amount of rooftop plant and machinery and associated construction at what is effectively sixth floor level;
- The approved scheme was not in proportion to the adjoining residential developments and the proposed amendments exacerbates this;
- it is clear from the Design and Access Statement (p. 90) that there are very substantial rooftop plant and machinery and associated structures envisaged that have the effect almost of adding a 6<sup>th</sup> storey to the development (and undermine the developers' claim of only a circa 1 metre height difference).
- 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. Proposal is an overdevelopment of the site;  
*[See paragraphs 9.39 – 9.75 for consideration of scale, design and appearance.]*

#### **Impact on Neighbouring Amenity**

- Loss of privacy because of overlooking from office windows and terraces. Further, the increase in height of each of the floors lifts the roof terraces and therefore exacerbate;  
*[See paragraphs 9.87 – 9.90 for consideration to loss of neighbouring privacy and overlooking.]*
- Increased sense of enclosure and intrusion leading to loss of outlook.  
*[See paragraphs 9.91 – 9.96 for consideration of the proposal upon outlook and sense of enclosure to neighbouring residents.]*
- Loss of daylight and sunlight to neighbouring properties;  
*[See paragraphs 9.103 – 9.143 which outline and consider the transgressions to neighbouring properties in relation to reductions to daylight and sunlight.]*
- Impact of noise and disturbance upon neighbouring amenity from roof terraces. Risk that the commercial occupiers would use the terraces for large and noisy gatherings inside and outside of normal business hours;  
*[See paragraphs 9.97 – 9.101 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 9.102 which address construction.]*

## **External Consultees:**

- 7.4 **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.
- 7.5 **Transport for London Spatial Planning** – The proposed car free development is supported. In regard to Condition 19 (cycle storage), TfL welcome the newly proposed cycle parking of 60 standard spaces, 4 spaces for larger /adapted cycles and the facilities provided including lockers and showers. For the larger / adapted cycles TfL requirements are that accessing the parking area should involve passing no more than two sets of doors, with a recommendation that the external door has a width of 2 meters. The lift to access the cycle parking should be accessible for all forms of cycle with dimensions of 1.2 by 2.3 meters.

*[Officer Response: Noted, Condition 19 will be reimposed and amended ensuring cycle parking is secured prior to occupation of the office floorspace.]*

## **Internal Consultees:**

- 7.6 **Access and Inclusive Design Officer** – The application is greatly supported in principle, offering a range of inclusive design improvements that will create an environment more comfortable and safer to use by all.

Detailed information relating to landscaping and furniture to the terraces, such as seating, lighting and materials should be secured through condition.

Step free access is achieved throughout the development, including all floor levels, with a number of lifts to the main stair core and lifts.

The agreed inclusive design measures should be secured through condition.

*[Officer Response: Inclusive design and accessibility measures and request for further details will be secured through condition 18.]*

- 7.7 **Design and Conservation** – This is a very well-designed scheme that makes a more effective use of the site, is more sustainable than that originally consented, and is of a superior architectural design that the earlier consented scheme. The celebration of the entrancing modules onto Pear Street are particularly successful adding not just legibility to the scheme itself but an animated and characterful addition to the streetscape. As such there are no design or conservation objections.

*[Officer Response: Noted and further detailed commentary on the scale, height, massing and detailed design of the proposal is provided at paragraphs 9.39 – 9.75 of the below assessment0].*

- 7.8 **Energy Services** – No objection. When compared to the original energy statement and data submitted, the proposal is an improvement to the approved energy statement.

*[Officer Response: Noted, paragraphs 9.159 – 9.172 consider the energy credentials of the proposal.]*

- 7.9 **Planning Policy (Land Use)** – The proposal seeks a net increase in Gross External Area ('GEA') and Gross Internal Area ('GIA') in overall office floorspace, however there would be a small reduction in Net Internal Area ('NIA'). This is due to the introduction of the mezzanine space with showers and changing facilities for cyclists, increased size of shared office entrance, amenity space and core (stairway/lift) including lobby spaces, which do not count towards NIA floorspace.

In relation to the reduction of NIA the wider policy benefits of the proposal should be considered. The introduction of facilities for cyclists supports active travel use. Making the stair lobbies more attractive for users also encourages use over lifts with both health and environmental benefits. Other benefits include better located bin store and a larger entrance lobby. Also, the SME space is improved in terms of both quality and quantity.

Therefore, in this instance the overall improvement in floorspace for SME, the wider benefits of the changes in floorspace and the context of a gross increase in commercial floorspace, should all be considered to mitigate the small net loss of NIA of the office floorspace.

*[Officer Response: Noted, paragraphs 9.13 – 9.32 consider the energy credentials of the proposal.]*

## **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) 2023, Paragraph 11 highlights that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay..."
- 8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental. 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'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 that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 8.10 The site has the following designations under the London Plan (2021) and Islington's Local Plan (2023):
- Central Activities Zone ('CAZ');
  - Bunhill & Clerkenwell Key Area;
  - Bunhill & Clerkenwell Area Action Plan;
  - 'Civil War Defences' Archaeological Priority Area (APA)

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

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

### **Environmental Impact Assessment (EIA)**

- 8.12 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:

- Procedural and legal context;
- Background of permissions;
- Land use in principle;
- Design and appearance;
- Impact upon heritage assets;
- Accessibility and inclusive design;
- Neighbouring amenity;
- Transport and highways;
- Energy and sustainability;
- Planning Obligations; and
- Overall planning balance;

### **Procedural and Legal Context (Section 73)**

- 9.2 Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA 1990) provides local planning authorities with the power to vary or remove conditions associated with a planning permission. Government Guidance on "minor material Amendments" does not define what changes may be treated as "minor material."

- 9.3 A judgement on "materiality" in any particular case is one of fact and degree, along with consideration of the likely impact of the amendment on the local environment. "Materiality" is considered against the development as a whole, not just part of it. The basis for forming a judgement on "materiality" is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.
- 9.4 There cannot be a set of prescriptive rules to what is or is not "material", as each case is different and considered on its individual merit. This is a matter for the Local Planning Authority to decide.
- 9.5 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.
- 9.6 'Minor material amendments' (MMA) to a planning permission may be sought by making an application under Section 73 of the Town and Country planning Act 1990 to vary or remove a condition attached to that permission. There is no statutory definition of an MMA although the Planning Practice Guidance (PPG) explains that an MMA 'is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

### **Background**

- 9.7 The original application approved (P2015/4725/FUL) sought the demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.
- 9.8 The application was heard at the 19 May 2016 Planning Committee meeting. The minutes of the original application approved (P2015/4725/FUL) state that within the discussion of the application by members, the following points were made:
- A mirror image test had been carried out using the windows of the building next door to measure the daylight and sunlight.
  - The application fitted the site allocations policy and provided the optimum use for the site.
- 9.9 The application was resolved and planning permission be granted subject to conditions, informatives and completion of the section 106 legal agreement securing planning obligations. The application was subsequently granted on 30 October 2017. The committee report, decision notice and committee minutes for P2015/4725/FUL are appended to this report at Appendices 3, 4 and 5 for reference.
- 9.10 A subsequent minor material application s73 (removal/variation of conditions) was submitted in 2018 under reference P2018/0909/S73. This sought changes to the floorplans to remove reference to Cadent/National Grid occupying office space on the upper floors, and to alter the condition wording to allow the ground floor parking and storage area to be used in association with Cadent/National Grid operations in office space on an adjoining site. Additionally, there were minor alterations to glazing and additional windows proposed. The trigger point for submission of bird/bat box information was also amended.
- 9.11 The proposed amendments were considered minor and the application was approved on 01 November 2018. The officer report and decision notice to P2018/0909/S73 are appended to this report at Appendices 6 and 7 for reference.

- 9.12 Further, a non-material amendment application (P2023/1817/NMA) was submitted in 2023 and sought to remove the defined office floorspace area (in sqm) and update the Use Class Order within the Description of Development. The non-material amendment was agreed on 8 August 2023.

## **Land Use**

### Policy Context

- 9.13 This section of the report sets out the policy context against which the proposal will be assessed regarding existing and proposed land use.
- 9.14 The National Planning Policy Framework ('NPPF') (2023) 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.
- 9.15 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.
- 9.16 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.
- 9.17 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.
- 9.18 The site is located in the Bunhill & Clerkenwell spatial strategy area as defined within Islington's Local Plan – Strategic and Development Management Policies 2023 policy SP1 and the Bunhill and Clerkenwell Area Action Plan 2023.
- 9.19 The definition of "business" floorspace/buildings/development/uses provided in the glossary of the Local Plan 2023, with business floorspace accommodates office, research and development and light industrial activities as well as industrial uses B2 general industrial and B8 storage and distribution, and Sui Generis industrial uses. Sui Generis uses which are akin to business floorspace, such as depots or builders merchants, can be classed as business floorspace for the purposes of the Local Plan. The definition of "employment" floorspace/buildings/development/uses includes development where the majority of floorspace is for employment uses.
- 9.20 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.
- 9.21 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.

- 9.22 Part G 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.
- 9.23 Bunhill and Clerkenwell Area Action Plan (2023) policy AAP1 '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. Office floorspace must be maximised where possible.
- 9.24 Bunhill and Clerkenwell Area Action Plan policy AAP7 'Central Finsbury' is a spatial strategy area incorporating a mix of land uses. The key aim for the Central Finsbury spatial strategy is to balance protection of this mixed-use character with high quality new development, and to ensure that the area is permeable and well connected with an accessible, high quality public realm.

### Assessment

- 9.25 Although there is a reduction in NIA of 42.5sqm, this is considered de minimis to the overall office floorspace provided, which is considered to be improved due to increased floor to ceiling heights, ancillary facilities for cycle parking and improved energy and sustainability credentials.
- 9.26 The proposal would be in accordance with the new Local Plan policies PLAN1, B1 and B2, and Bunhill and Clerkenwell Area Action Plan Policies AAP1 and AAP7 as it would intensify office use within the CAZ and the Bunhill and Clerkenwell Key Area to enhance the area's role in supporting London's strategic business role is a priority.
- 9.27 It is considered necessary by Officers to amend Condition 5 in relation to office use restrictions and removing permitted development rights.

### Quality of the proposed office space

- 9.28 A key issue encountered has been where commercial floorspace 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.
- 9.29 Paragraph 4.35 which is supporting text to Policy B2 of the Local Plan outlines that the design of business floorspace should be fixable and wherever possible seek to provide floor to ceiling heights of at least 3 metres of free space and strategic layout of entrances, entry cores, lift cores, loading facilities and fire escapes, mixing of uses within the building and grouping of services (such as plumbing, electrics, cabling, communications infrastructure and circulation).
- 9.30 The proposed office space floorspaces at first floor level and above would achieve floor to ceiling heights of 3 metres and above.
- 9.31 The proposal is considered to be in accordance with 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).

## Land use summary

- 9.32 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.

## **Affordable Workspace**

- 9.33 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.
- 9.34 Islington 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.
- 9.35 In the approved scheme, 2 units for Small to Medium Enterprises ('SME') totalling 161sqm were secured at ground floor level, which equated to 5% of the office floorspace. It is noted that these units did not benefit from natural light as they are located centrally within the ground floor as approved.
- 9.36 The proposal seeks to relocate the SME floorspace to first floor level and increase the total provision by 20sqm to total 181sqm. The two SME units would include fenestration with natural light and external outlook. The proposed provision is therefore an improvement on the area previously approved.
- 9.37 The SME units would be accessed from either staircase 1 (which includes 2x lifts) or staircase 2, whilst also having access to cycling and end-of-journey facilities at ground floor level. As such, the affordable workspace unit would have the same access to the shared facilities as the other market office floorspace.
- 9.38 The proposal is therefore considered to be in accordance with London Plan policy E1 and Islington Local Plan policy B4. Conditions 3 and 4 are recommended to be reimposed and amended to reflect the proposed relocation of the SME floorspace, to ensure SME office space is not amalgamated with the remainder of the office floorspace.



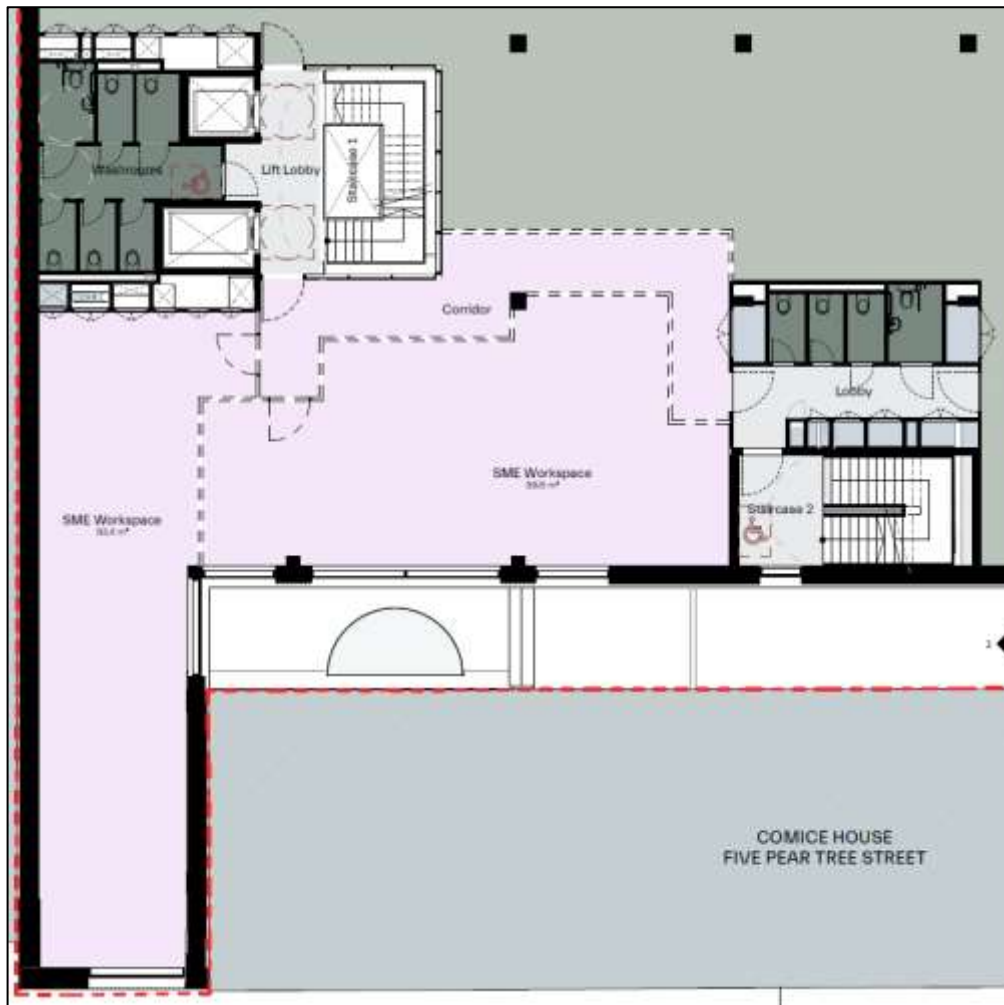


Figure 8: Proposed relocated dedicated SME floorspace

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

### Policy Context

- 9.39 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.
- 9.40 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.
- 9.41 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.

- 9.42 Planning policies relevant to design are set out in chapter 3 of the London Plan (2021). 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.
- 9.43 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.
- 9.44 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.
- 9.45 The national and regional policies are supported locally by Islington Local Plan Policy PLAN1, which 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. Furthermore, the policy requires for all new developments to be contextual, connected, inclusive and sustainable in order to ensure that the wider objectives of the Local Plan are realised.
- 9.46 Local Plan Policy DH1 supports innovative approaches to development, contextual design of buildings at an appropriate scale and height in consideration of site specifics as well as a human scale and massing.
- 9.47 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.
- 9.48 Further, Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and facilities, and shopfront design.

### Height

- 9.49 The permitted scheme is for a 5 storey building in total, with the tallest element located behind the existing building which fronts Pear Tree Street. It was considered that the permitted building would have barely been visible from the streetscene of Pear Tree Street and surrounding streets.
- 9.50 The proposed amendments seek to increase the floor-to-floor height from 3.45 metres to 3.60 metres. This increase is described by the Applicant as necessary to optimise the energy strategy for the building with the use of an underfloor heating/cooling system which requires a larger void than the approved scheme provided (250mm as approved v 350mm as proposed).
- 9.51 The increase in height is considered by officers to be an imperceptible alteration given the scale and height of the approved scheme, the dense urban context of the site, and the predominant storey height ambient.



Figure 9: The approved scheme to the top and the proposed scheme at the bottom.

### Layout

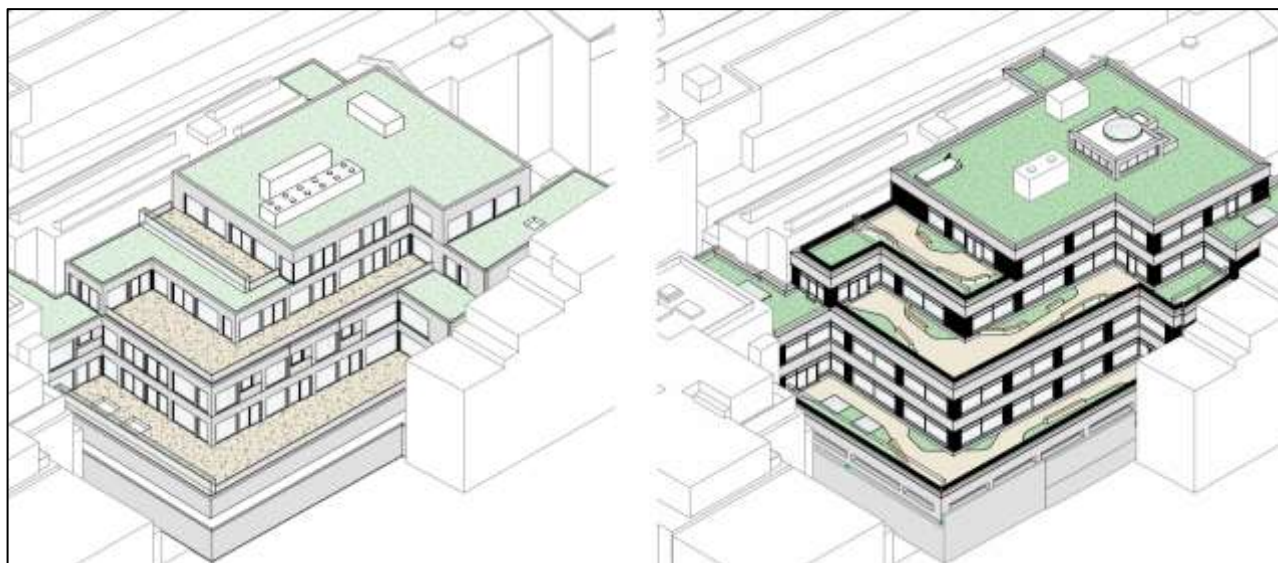


Figure 10: Layout of the rear of the building as approved (left) and proposed (right)

### Materials and appearance

- 9.52 The principal elevation which fronts on to Pear Tree Street is proposed to be amended to celebrate a 'gatehouse' entrance to the office element of the building and the vehicular access to the ground floor depot. The two inserted modules facing onto the street aid in legibility as well as enriching the character of the streetscape. They are considered to introduce a fine new architectural language and expression that enriches the approved scheme, adding to the character and quality of the site and its relationship with the streetscape. As such these elevational changes are supported by officers.
- 9.53 The proposal seeks to reduce the extent of glazing to the rear elevations of the building, which has led to a more 'solid' appearance in the bays. This sees a change to a horizontal language of brick

bands and vertical piers, both being thicker in appearance in the structural gridline, as shown in the below 'bay studies'. This is reflected internally as the approved scheme saw floor to ceiling height fenestration whilst the proposed seeks an upstand of circa 0.4m.

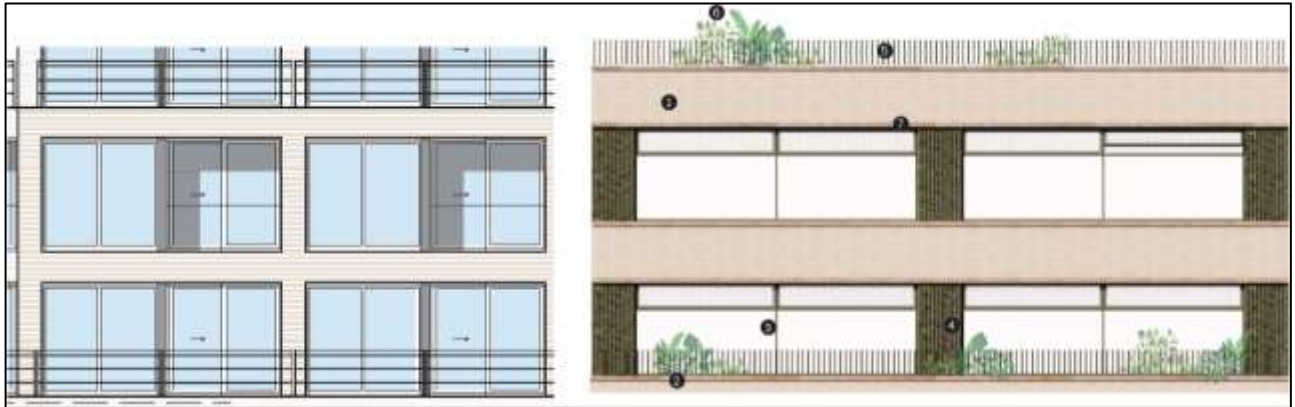


Figure 11: Bay study of the approved scheme (left) and the proposed (right)



Figure 12: Proposed appearance of the rear elevations

- 9.54 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*”.
- 9.55 The approved scheme façade included London stock brickwork, white Lancaster limestone to lintels/slab edge facings and soffits. The approved material palette was considered to be in keeping with surrounding buildings.



Figure 13: Left – London stock brickwork; middle – lintel/slab facings

- 9.56 The proposed amendments seek similar horizontal bands of brickwork which is paler than the approved, to be supported and capped by precast concrete and stone cills and lintels. Between these bands are the polyester powder finished aluminium metalwork, louvres/mullions, panels and window/terrace door frames.



Figure 14: Proposed material palette

- 9.57 The proposed amendments are considered to be beneficial to the scheme and to the broader streetscape. They introduce a fine new architectural language and expression that enriches the scheme and adds to the character and quality of the site and its relationship with the streetscape. The two inserted modules facing onto the street aid in legibility as well as enriching the character of the streetscape. As such these elevational changes are supported and the final proposed material palette is considered an improvement over the approved scheme.
- 9.58 In summary, the detailed design, appearance and materiality of the proposed building is considered to be of high-quality architecture. Condition 15 is recommended to be reimposed to ensure that the finalised schedule and samples of the material palette is submitted to and approved by officers.

### Impact upon Heritage assets

- 9.59 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.

- 9.60 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”.
- 9.61 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”.
- 9.62 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).
- 9.63 ‘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”.
- 9.64 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.
- 9.65 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.
- 9.66 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.
- 9.67 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.
- 9.68 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.
- 9.69 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.

- 9.70 What follows 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.
- 9.71 The site is not within a Conservation Area nor is it adjacent to any listed buildings. It is however located near to the eastern edge of the Hat and Feathers Conservation Area.
- 9.72 Given the proposed architectural improvements to the scheme, particularly to the two frontage modules to Pear Tree Street, it is considered that there will be no negative impacts on the setting, character or quality of the Conservation Area.

### *Archaeology*

- 9.73 The application site is located within the designated 'Civil War Defences' Archaeological Priority Area (APA). Local Plan policy DH2 outlines that in Islington's Archaeological Priority Areas, proposals which have the potential to affect archaeological remains and/or heritage assets of archaeological interest, are required to include an Archaeological Assessment and, where necessary Field Evaluation. Where Important archaeological remains are found, they must be retained in situ. Substantial harm to, or loss of, nationally important archaeological remains will be strongly resisted. Where this cannot be achieved measures must be taken to mitigate the impact of proposals through archaeological fieldwork to investigate and record remains in advance of works, and subsequent analysis, publication and dissemination of the findings. Where appropriate, public benefits should be sought by revealing and/or interpreting archaeological discoveries. A condition requiring details to be submitted was not included within the original permission, whilst the approved development has been implemented by way of constructing the ground floor depot.

### Design and Heritage summary

- 9.74 The proposed amendments present a very well-designed scheme that makes a more effective use of the site, is more sustainable than that originally consented, and is of a superior architectural design than the consented scheme. The celebration of the entrancing modules onto Pear Street are particularly successful adding not just legibility to the scheme itself but an animated and characterful addition to the streetscape.
- 9.75 As such there are no design or conservation objections and the proposal is considered to be in accordance with the Planning (Listed Building and Conservation Area) Act, NPPF, the London Plan and Islington's Local Plan.

### Accessibility and Inclusive Design

- 9.76 Policy GG1 of the London Plan 2021 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promotes the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.
- 9.77 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 Islington Local Plan (2023), which requires new developments to be adaptable, functional and resilient, and able to respond to the spatial, social and economic needs of the borough's increasingly diverse communities and their different and evolving demands. This includes sustaining and reinforcing a variety and mix of uses in line with any relevant

land use priorities of the Local Plan. Islington's Inclusive Design SPD provides further details and specifics.

- 9.78 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.
- 9.79 The proposed amendments both internally and externally to the scheme have allowed for further improvements to accessibility and inclusivity, over those secured within the approved scheme as follows:
- the introduction of an evacuation lift to the primary core;
  - provision of automated doors at ground floor level;
  - increased generosity of landing areas on each floor outside the lifts for improved circulation;
  - provision of handed layouts of fully wheelchair accessible toilets per floor;
  - provision of oversized and ambulant accessible toilets alongside wheelchair accessible toilets to all floors; and
  - increased number of accessible cycle parking spaces.
- 9.80 The proposal maintains 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. The proposed cycle parking provision to include dedicated 4x accessible cycle storage and end-of-journey facilities is an improvement over the permitted scheme.
- 9.81 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 lifts. The accessibility measures set out are to be secured through condition.
- 9.82 For the uplift in employees on site, for every 33 additional employees, an accessible car parking bay is required. The approved scheme would see an uplift in employees on the site of circa 231 and, as such, 7x accessible parking bays were required. The development is to be car-free (except for operational parking) with no on-site personal parking proposed for occupiers. 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 £34,000 would be resecured through a deed of variation to the agreed section 106 agreement.

### **Neighbouring Amenity**

- 9.83 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. All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, outlook and an increased sense of enclosure. A development's likely impact in terms of air quality, vibration, dust, safety, security, noise and disturbance is also assessed.
- 9.84 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.
- 9.85 Local Plan Policy PLAN1 Part B(i) 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.

- 9.86 There are immediate residential occupiers to the subject site, including the Orchard Building and Dance Square to the east and north east, Springwell Court to the north, Silverdale Court to the west and City University student accommodation to the south.

### **Overlooking and privacy**

- 9.87 The supporting text for Local Plan policy PLAN1 states that a minimum distance of 18 metres 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.
- 9.88 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.
- 9.89 As noted in the Officer's Committee Report for the original P2015/4725/FUL application, there are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, due to:
- The frontage building at 1 Pear Tree Street was designed with no habitable room windows to the rear elevation. The windows on the rear elevation which face the application site serve the corridor to access the flats and a secondary kitchen/dining/living room window to two flats, which have a main window to the front elevation as well. There are windows which face this elevation and condition 8 ensured these to be obscure glazed;
  - The only residential windows that face the site are those in the Orchard Building to the rear which are 20m away from the proposed office windows (these windows are approximately 13m away from the shared boundary and the proposed building is then set back a further 7m from the boundary);
  - The balconies at the Orchard Building are projecting and are therefore closer to the application site but there is still a total distance of 19m between the proposed office windows and the balconies;
  - Both the approved and proposed first floor roof terrace is 12m away from the first floor balconies at the Orchard Building and 14m away from the first floor windows at the Orchard Building at its closest point. There are different floor to ceiling heights proposed at the application site to the Orchard Building so the proposed terrace is approximately 1.5m higher than the Orchard Building balcony. To minimise overlooking, condition 9 required planting or screening to be erected along the side boundary of this terrace. Details were submitted and approved in pursuant to Condition 9, however these are now considered irrelevant due to the increase in height of the building and elevation amendments. The proposed Landscaping Plan shows that planting and privacy screen 'climbers' are proposed as boundary treatment to the first floor terrace. The details will be secured through condition 9. As such, Condition 9 is to be reimposed seeking boundary treatment to be in place prior to occupation of the office floorspace.
  - The approved terraces to the rear at 3rd floor level were approximately 7m away from the 4th floor roof terrace at The Courtyard to the rear and the windows approximately 10.5m away at their closest point. Condition 9 required planting or screening to be erected along this boundary to prevent any overlooking. As such, Condition 9 is to be reimposed ensuring the boundary treatment to be in place prior to occupation of the office floorspace;
  - The proposed terraces at 3rd floor level to the side are approximately 19m away from the 4th floor balconies at the Orchard Building and 20m from the 4th floor windows at the Orchard Building; and
  - The proposed windows at 4th floor level are approximately 4.3m away from an existing roof terrace at The Courtyard. These windows are at a higher level and are approximately 2.5m

above the roof terrace. Condition 8 to be reimposed requires these windows to be obscure glazed.

- 9.90 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. In addition, the relationship to surrounding properties has already been considered as being acceptable through previous consents and it is not considered that there have been material changes in the surrounding context to justify a different interpretation to those consented arrangements.

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

- 9.91 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.
- 9.92 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.
- 9.93 As outlined in the assessment of the original planning application, the proposal will clearly be visible from the windows to the rear elevation of the frontage building but these windows serve the corridor to access the flats and a secondary kitchen/dining/living room to two flats. It is therefore considered that there will not be an unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these neighbouring residential units.
- 9.94 Further, there are stepped roof terraces at The Courtyard at 4th and 5th floor level to the rear of the site (equivalent to 3rd and 4th floor levels at the application site because of the different floor to ceiling heights). These have windows and doors in the east elevation facing the roof terrace and have amenity space of approximately 3m on the roof terrace areas. At the 4th floor level (2nd/3rd floor at the application site), as per the approved scheme, the proposed building extends approximately 4m along the side boundary of the roof area. Due to the different floor levels at both sites the approved height was 1.4m in height along this boundary and it was considered in the approved scheme that this was consistent with a garden wall or fence. At 5th floor level (3rd/4th floor at the application site) the proposed building extends approximately 7.5m along the side boundary of the roof terrace. Because of the different floor levels the approved drawings show a 2.4m height along this boundary. This was also considered similar in height to a high garden wall or fence and the existing windows to this terrace have uninterrupted views the other way across the Seward Street playground as well as large windows serving the same unit along most of the northern elevation.
- 9.95 To the Orchard building, the proposal will continue to share a rear building line where the two buildings adjoin each other. The side facing elevation of the Orchard Building is approximately 14 metres from the boundary with the application site. As such, at first and second floor levels, the windows of the proposed scheme would be at a minimum separation distance in excess of 20 metres to the side facing windows of the Orchard Building. At third floor, the separation distance between the side elevations of the application site and the Orchard Building would increase to in excess of 16 metres, and at fourth floor level, the separation distance increases further to in excess of 32 metres.
- 9.96 It is therefore considered that there will be no further unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these residential units.

## **Noise and disturbance**

- 9.97 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.
- 9.98 The proposed amendments continue to enclose the parking/equipment storage/refuse storage area and to re-provide office floorspace at first floor and above. As highlighted within the committee report of the original permission, any noise from vehicles using the original car park site, equipment being moved around on site, refuse collections etc. would therefore have been greatly reduced, because the ground floor use was entirely enclosed.
- 9.99 It is noted that the site is located within a Central London location given its designation within the CAZ. Office use is 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.
- 9.100 The proposal includes roof terraces at first, third and fourth floors, whilst the roof is to be for plant and equipment only. At first floor level, the roof terrace is approximately 12 metres from the residential balconies of the Orchard Building. The potential for noise and disturbance may carry to neighbouring residential properties. As such, in line with the approved scheme, condition 10 limiting the hours of use (to between 0800 and 2000 only) of the roof terraces which would secure mitigation of noise and disturbance to neighbouring amenity, is to be reimposed.
- 9.101 In regards to noise and disturbance from plant and equipment associated with the proposed building, Condition 22 is recommended to be reimposed which outlines that 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. Further, Condition 21 is also recommended to be reimposed and seeks the submission and approval of a report which assesses the noise from any mechanical plant and equipment on site is compliant with the noise levels set out in Condition 22.

## **Construction impacts**

- 9.102 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 resecured by reimposing conditions 12 and 13. 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**

- 9.103 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)'.
- 9.104 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.

- 9.105 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]*’.
- 9.106 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.107 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.
- 9.108 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

- 9.109 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).”*
- 9.110 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.*”
- 9.111 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*”.
- 9.112 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.
- 9.113 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”.*

9.114 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

9.115 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.”*

9.116 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.”*

9.117 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”.*

9.118 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

9.119 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.

9.120 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

- 9.121 The applicant has submitted a 'Daylight and Sunlight' report (ref: CR/SM/ROL00962 Rev B) dated 27 July 2023 and prepared by Antsey Horne. The report and appendices consider the impacts of the proposed development on the residential neighbours in accordance with the latest 2022 Building Research Establishment (BRE) Guidelines.
- 9.122 In modelling the assessment, 'Antsey Horne' 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.
- 9.123 It is also noted that two assessments have been undertaken within the report. Firstly, the 'existing v proposed' measures the impact the development would have on neighbouring buildings as currently in situ. A second assessment has been undertaken, the 'approved v proposed' outlines the difference between the approved scheme if it were built against this current proposed scheme.
- 9.124 The below figure shows the neighbouring residential receptors identified and tested within the Daylight & Sunlight Report:

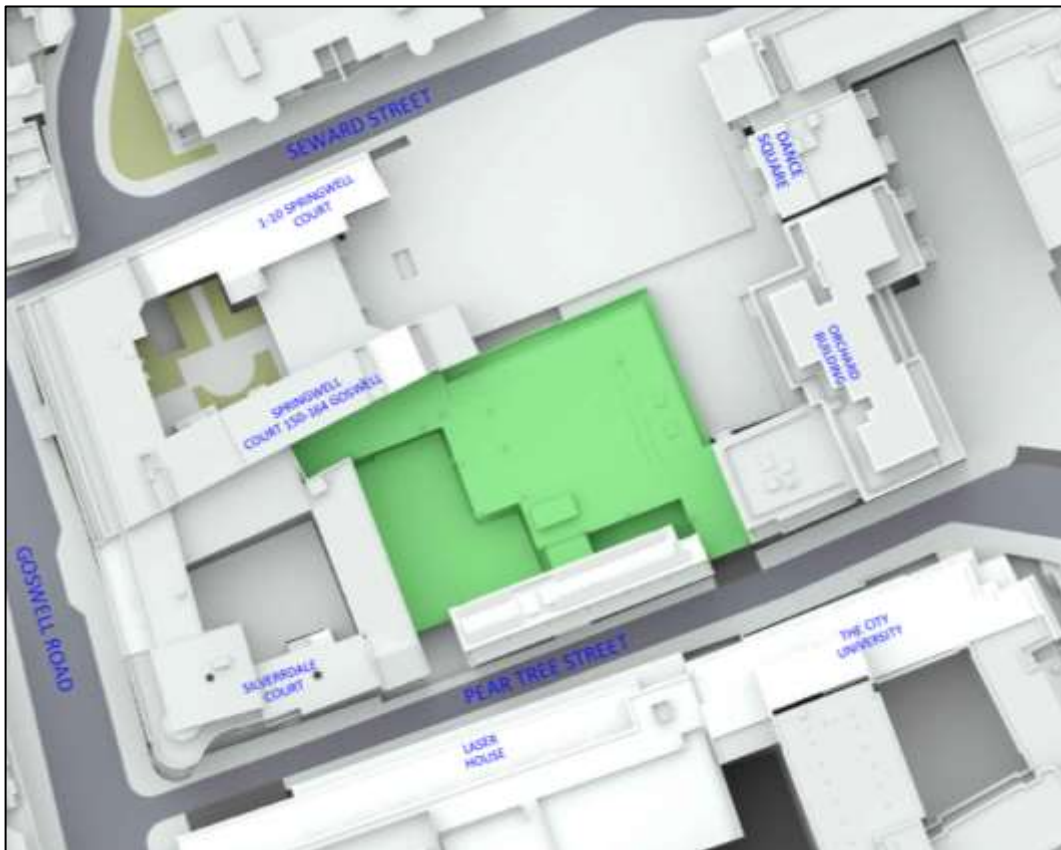


Figure 15: Map of the site and identified neighbouring properties

- 9.125 The submitted Daylight & Sunlight report concludes that several neighbouring properties relevant for assessment fail to adhere to the relevant BRE daylight and sunlight tests.

## Impacts to Daylight

9.126 The report indicates that a total of 9 windows tested would transgress BRE guidance relating to VSC and 23 of the rooms tested would see reductions beyond BRE guidance relating to NSL.

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

- Silverdale Court;
- Orchard Building; and
- City University (Student Accommodation)

### *Silverdale Court*

Silverdale Court is a part four part five-storey building located to the west of the application site. 62 windows which face the site, which serve 55 rooms, were tested. 61 of the 62 windows (98%) would meet BRE guidance on VSC, whilst 50 of 55 rooms (91%) would meet BRE guidance on NSL. The transgressions beyond BRE guidance are reported for reference in Table 1 below:

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		Existing (%)	Proposed (%)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme
<b>First Floor</b>										
R8 / W8	Unknown	16.3	16	2%	2%	16.4	13.5	7.8	42%	39%
R9 / W9	Unknown	15.2	14.8	3%	3%	21.4	16.8	10	40%	35%
R12 / W13	Unknown	19.1	16	16%	16%	9.3	4	2.5	38%	35%
<b>Second Floor</b>										
R7 / W8	Unknown	21.3	21	2%	2%	16.4	15.8	10.8	32%	27%
R8 / W9	Unknown	19	18.6	2%	2%	21.4	20	13.3	33%	27%
R8 / W10		14.3	14	2%	2%					
R11 / W13	Unknown	15.2	12	21%	18%	9.3	4.8	4	16%	11%

9.128 As shown in Table 1 above, 1 window would see a reduction in VSC beyond BRE guidance, whilst 5 rooms would see reductions in NSL beyond BRE guidance. The one window at second floor level which would now see a reduction beyond BRE guidance in VSC would minimally transgress guidance at 21%, an increase from 18% within the approved scheme. The 5 rooms which continue to see transgressions in NSL, would see minimal increased reductions.

## Orchard Building 25 Pear Tree Street

9.129 The Orchard Building at 25 Pear Tree Street is a six to seven storey building adjoining the east of the site.

9.130 77 windows which face the site, which serve 68 rooms, were tested. 69 of the 77 windows (90%) would meet BRE guidance on VSC, whilst 64 of 68 rooms (94%) would meet BRE guidance on NSL. The transgressions beyond BRE guidance are reported for reference in Table 2 below:

Table 2: Orchard Building		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme
<b>Ground Floor</b>										
R4 / W4	Unknown	20.9	19.3	7%	7%	11.9	11.6	8.3	29%	19%
R5 / W5	Unknown	23.9	18.9	21%	15%	15.4	14.9	10.6	29%	21%
R6 / W6	Unknown	7.4	3.4	55%	42%	17.2	17	6	65%	54%
R7 / W7	Unknown	11.3	8.1	28%	23%	12.1	9.3	8.9	6%	5%
<b>First Floor</b>										
R3 / W3	Unknown	21.4	21.4	0	0	23.3	23.2	22.6	3%	3%
R3 / W4		14.2	10.5	26%	21%					
R6 / W7	Unknown	9.2	5.6	39%	32%	17.2	17.1	9.5	45%	32%
R7 / W8	Unknown	12.4	9.7	21%	17%	12.1	0	0	0	0
R12 / W13	Unknown	14.1	9.5	33%	26%	15	14.8	14.6	1%	1%
<b>Second Floor</b>										
R6 / W7	Unknown	11	8.2	25%	20%	17.2	17.1	14.7	14%	7%

9.131 As shown in the table above, 8 windows would see reductions beyond BRE guidance on VSC, whilst the approved scheme saw 5 transgressions. The windows which would now see reductions beyond BRE guidance are minimal transgressions of between 21% and 25%.



City University student accommodation

9.132 This is 6 to 9 storey building to the south of the application site and is a purpose built student accommodation building. The impact of the approved development on this building was not considered within the committee report at the time of decision.

**Table 3: City University Student Accommodation**

		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme
<b>Ground Floor</b>										
R1 / W1	Studio	14.4	11.9	19%	19%	20.9	20.5	7.3	64%	63%
R2 / W2	Studio	15	12	20%	20%	19.2	19.1	6.8	65%	63%
R3/ W3	En-Suite	14.6	12	18%	18%	13.7	10.8	6.3	42%	40%
R4 / W4	En-Suite	13.8	12	13%	13%	14.3	10.7	6.6	39%	37%
<b>First Floor</b>										
R1 / W1	Studio	19.8	16.4	17%	17%	20.9	19.6	4.9	75%	74%
R2 / W2	Studio	20.2	16.4	19%	19%	19.2	18.7	4.5	76%	75%
R3/ W3	En-Suite	19.4	16.2	16%	16%	13.7	10	4.2	59%	56%
R4 / W4	En-Suite	18	16	11%	11%	14.3	8.6	4.2	51%	49%
<b>Second Floor</b>										
R2 / W2	Studio	19.8	19.8	0	0	18.8	10.4	7	33%	30%
R3 / W3	Studio	21.2	21	1%	1%	19	16.1	8	51%	47%
R4 / W4	Studio	22.4	21	6%	6%	20.9	20.1	8.4	58%	54%
R5 / W5	Studio	23.8	21.4	10%	10%	19.2	18.9	7.9	58%	53%
R6 / W6	En-Suite	23.2	21	9%	9%	13.7	10.5	6.9	35%	29%
R7 / W7	En-Suite	22	20.6	6%	6%	14.3	9.2	6.8	27%	22%

9.133 As shown in Table 3 above, there would be no transgressions to windows in regards to VSC, however 14 rooms would see reductions in NSL beyond BRE guidance.

Summary of Daylight Impacts

9.134 The submitted Daylight and Sunlight report highlights transgressions beyond BRE guidance and transgressions which are greater in both quantum and quality when compared with the original planning permission. There are a number of instances where there are reductions in either VSC or NSL, but not both.

## Impacts to Sunlight

9.135 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 Silverdale Court, Springwell Court/The Courtyard 150-164 Goswell Road, 263-274 Dance Square Apartments, Orchard Building 25 Pear Tree Street and City University student accommodation to be tested. There are transgressions reported to neighbouring Orchard Building 25 Pear Tree Street only, as follows:

Table 3: Sunlight Transgressions

Room / Window	Room Use	Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
		Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
<b>Orchard Building</b>								
<i>Ground Floor</i>								
R5 / W5	Unknown	28	18	10	36%	2	0	100%
R6 / W6	Unknown	13	6	7	54%	0	0	0
R7 / W7	Unknown	10	5	5	50%	0	0	0
<i>First Floor</i>								
R6 / W6	Unknown	15	10	5	33%	2	1	50%

9.136 As shown above, there are 4 windows which would see transgressions beyond BRE guidance to Annual Probable Sunlight Hours. All 4 windows are located to the south-western elevation of the adjoining Orchard Building, with all 4 windows directly facing the subject site.

9.137 It is noted that 1 of these windows (at ground floor R6 W6) is recessed from the main building line and is located beneath an overhead balcony which officers acknowledge restrict sunlight availability as existing. This is evident in the very low WPSH as existing and, as such, the windows are highly susceptible to reductions through the development of the subject site.

### Overshadowing (sunlight on ground)

9.138 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).

9.139 Only the external amenity spaces at 263-274 Dance Square Apartments and the Orchard Building 25 Pear Tree Street have been identified as neighbouring residential with external amenity expectation of sunlight on ground within close proximity to the site. To 263-274 Dance Square Apartments, there would be no change in the amenity area lit. To the Orchard Building 25 Pear Tree Street, as existing, 34.5% of the amenity area is currently lit, and this would have reduced to 17% representing a 49% reduction. Within the proposed scheme, the area of amenity that would be lit is 12%. This represents a 65% reduction.



Figure 16: Existing sunlight on ground to neighbouring amenity spaces (left) and Proposed sunlight on ground to neighbouring amenity spaces (right)

9.140 Further, Seward Street Playground is located directly north of the site. As existing, 89.6% of the playground is lit, and this would reduce to 77.2% following the proposed development. This represents a 14% reduction. As such, at least half of the amenity space would continue to receive sunlight in accordance with BRE guidance.

### Daylight, Sunlight and Overshadowing Summary

9.141 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.

9.142 It is noted that the proposed amendments, due to the increase in height of the building and other increases in the massing to the rear of the building, would lead to further reductions in daylight and sunlight to neighbouring residential windows and rooms.

9.143 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 against the prevailing Central London urban context.

### Neighbouring Amenity Summary

9.144 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.

9.145 It is acknowledged by officers that there is a degree of conflict with Local Plan policy relating to the impact upon neighbouring 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

- 9.146 The NPPF (2023) 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.
- 9.147 London Plan (2021) Chapter 10 sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, development proposals should not increase road danger.
- 9.148 The application site has a PTAL of 6a, which is considered 'excellent', due to its proximity to bus routes along Goswell Road and Central Street, and to nearby train/underground stations Old Street and Barbican.
- 9.149 It is noted that Pear Tree Street is one-way traffic only, with vehicles entering from Goswell Street and travelling east to Central Street.

## Cycles and Pedestrian Movements

- 9.150 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.
- 9.151 Local Plan Policy T2 requires major developments to provide cycle parking in accordance with the minimum standards set out in Appendix 4 and end-of-trip facilities for cyclists in accordance with best practice. End-of-trip facilities are required to be provided at a level proportionate to the size of the development and the required level of cycle parking.
- 9.152 Within the originally permitted scheme, cycle parking provision consisted of 44 parking spaces and did not include any ancillary facilities. The proposal seeks to increase the cycle parking spaces from 44 to 60, with additional 4 spaces for larger/adapted accessible cycles.
- 9.153 The introduction of mezzanine level between ground and first floor level has allowed for the addition of end-of-journey facilities such as 40 lockers, showers and changing rooms, and a maintenance stand. Transport for London have commented on the proposed amendments and advise that the improved provision and quality is welcomed. Officers consider that the increase in provision and end-of-journey facilities is an improvement to the permitted scheme and is therefore supported.

## Vehicle parking

- 9.154 The development would be car free, (in terms of the office upper floor office space) whilst operational vehicle parking is at ground floor level, as per the permission. In order to ensure that the parking area is not used for general parking, condition 6 is to be reimposed.
- 9.155 Footway and highway reinstatement works may be necessary following completion of the proposed development and is resecured through a deed of variation to the section 106 legal agreement.

## Servicing, deliveries and refuse collection

- 9.156 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.

- 9.157 Within the originally permitted scheme, refuse and recycling storage is provided at ground floor level and will continue to be provided at ground floor level within the revised scheme. The development is to be serviced from Pear Tree Street. No condition was included within the original or previous s73 permissions securing a Delivery and Servicing Plan. As such, condition 32 is recommended in order to secure acceptable details in regards to 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).

### Summary on transport and highways

- 9.158 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions. The application continues to set 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 and Islington Local Plan (2023) Policies T2, T3, T4 and T5. The proposal is therefore acceptable in terms of transport / highways subject to reimposition of conditions and S106 contributions.

### Energy and Sustainability

- 9.159 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.160 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.
- 9.161 The now 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.
- 9.162 The permitted scheme achieved a BREEAM of 'excellent' and was secured through condition 23. The permitted scheme's 'Sustainable Design and Construction Statement' (dated 10/03/16) stated that a 35% reduction in CO2 emissions (regulated) and a 23% reduction in CO2 emissions (regulated and unregulated based on 2013 Building Regulations baseline) would be achieved, with a Carbon offset financial contribution of £80,831 secured. An area of 250sqm for Solar PVs for the renewable energy was also approved. Further, the permitted scheme was able to show that it could connect to the Bunhill Heat Network and this was secured by legal agreement within the section 106.
- 9.163 An Energy Statement Addendum has been submitted in support of the application, which builds upon the approved Energy Strategy. The revision to the Energy Strategy relates to revised and improved Heating Ventilation & Air Conditioning (HVAC). The submission outlines that HVAC is confined to the open plan office areas and is a change from a centralised boiler and refrigerant based system to

a displacement-based system served via Air Source Heat Pumps. Further, it outlines that an increased reduction in regulated emissions from 55% (permitted) to 65% (as amended). The solar panel array is to continue to be located at main roof level, and maximised where possible, to achieve maximum efficiency.

- 9.164 In summary, the proposed amendments to the approved energy strategy improves the energy efficiency. As such, it is considered acceptable to amend condition 23 to replace reference of the previously approved energy strategy with the revised energy strategy.

#### *Whole Life Carbon*

- 9.165 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.
- 9.166 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).
- 9.167 The submission and acceptability of a whole life-cycle carbon ('WLC') assessment was not a policy requirement at the time of the original planning permission being granted. Officers accept this approach given the extant permission has been partially implemented.

#### *Circular Economy*

- 9.168 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.
- 9.169 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.
- 9.170 A Circular Economy Statement was not a policy requirement at the time the original planning permission was granted and therefore has not been submitted. Officers accept this approach given the extant permission has been partially implemented.

#### Sustainable Urban Drainage (SUDs)

- 9.171 Local Plan Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.
- 9.172 A Sustainable Urban Drainage System was approved within an approval of details application (P2017/4390/AOD) and as such Condition 28 is recommended to be reimposed.

#### Landscaping, greening and trees

- 9.173 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.

- 9.174 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.
- 9.175 The permitted scheme included the provision of green roofs at fourth floor and the main roof level.
- 9.176 There are no trees on the site as existing, whilst there are street trees near to the site along the pavement Pear Tree Street.
- 9.177 The proposal includes green/brown roof, to the main roof of the building. Condition 25 of the approved scheme outlines that the development shall be constructed in accordance with the details of biodiversity green/brown roof submitted and approved prior to any superstructure works commencing on site. Discharge of Condition application: P2018/1257/AOD approved the requested details of the biodiversity green/brown roof(s). As the proposal seeks to amend the roofspace of the approved building, P2018/1257/AOD is no longer considered relevant. As such, Condition 25 is recommended to be reimposed from the original permission (P2015/4725/FUL) requiring submission of full details of the brown/green roofs.
- 9.178 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.
- 9.179 In regards to trees, Condition 14 outlines that the development is to be constructed in accordance with approved Arboricultural Impact Assessment (April 2016 1140\_05\_APIII). The proposal has been implemented to the ground floor level. The details approved regarding tree protection are to be secured through reimposed condition 14.

### Urban Green Factor (UGF)

- 9.180 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.
- 9.181 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.
- 9.182 The application was not subject to the Urban Green Factor ('UGF') requirement policy when originally permitted. The whole curtilage of the site is covered by either hardstanding materials for car parking as existing and the ground to first floor of the building. The site currently 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.
- 9.183 The submitted Section 73 Landscape Report dated August 2023 highlights that the proposal, through the amendments, will achieve a UGF score of 0.36 due to intensive green roofs with a substrate and planters which act as boundary treatment privacy screens. The inclusion of policy requirement UGF is welcomed and shall be secured through Condition 31.

## **Air Quality**

- 9.184 London Plan Policy SI1 sets out requirements for developments to be air quality neutral. The purpose of the London Plan's requirement that development proposals be 'air quality neutral' is to prevent the gradual deterioration of air quality throughout Greater London. An air quality assessment has been carried out to demonstrate that the building and transport related emissions associated with the Proposed Development are both below the relevant benchmarks. The proposed development complies with the requirement that all new developments in London should be at least air quality neutral.
- 9.185 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). Condition 13 is to be reimposed which ensure the development is constructed in accordance with the approved CEMP. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

## **Fire Safety**

- 9.186 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. The original planning permission did not provide a fire safety statement as it was not a policy requirement at the time.
- 9.187 A fire safety statement has been submitted which was prepared by a qualified third party assessor (Hoare Lee) with listed qualifications. The fire safety statement provides details relating to construction methods; materials; means of escape provision; features incorporated to enhance fire safety and 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.
- 9.188 In line with Policy D5 of the London Plan, the fire statement states that evacuation lifts and a firefighting lift is to be provided directly into staircase 1. Condition 30 ensures that the development should only be occupied and managed in accordance with the submitted fire strategy.

## **Planning Conditions**

- 9.189 The conditions of the previous decision notice should be re-imposed to the decision notice including those conditions to be varied in accordance with the above assessment and those which have been discharged. Further, the previously approved s73, which is sought to be varied in this application is bound to comply with various plans and supporting documents which would need to be referenced in any subsequent permission. The application does seek to amend approved drawings of the original planning permission and as such they would be reapplied and/or amended where required.
- 9.190 A number of the conditions are to be varied so that the trigger point for submission of details is prior to occupation of the office floorspace, and not development, given the ground floor depot has been constructed.
- 9.191 Further, additional conditions are recommended to secure fire safety, urban green factor and delivery and servicing, these are reflected in conditions 30, 31 and 32.

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

- 9.192 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the



terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

- 9.193 The original application was subject to a legal agreement to mitigate against the impacts of the development in particular relating to securing SME floorspace onsite, financial contribution towards accessible parking, feasibility of connection to a Decentralised Energy Network (DEN) connection, construction management and adherence to Code of Practice for Construction Sites, highway works and travel planning. Numerous financial contributions associated with the aforementioned obligations are to be resecured.
- 9.194 As this application requires the issue of a new/fresh planning permission the applicant has agreed to re-apply the previously agreed Heads of Terms of the original legal agreement to this new planning permission. This is important as it ensures those obligations originally agreed are once again secured in the case of the implementation of the current application.
- 9.195 The application would be subject to a Deed of Variation to the original (reference: P2018/0909/S73) section 106 legal agreement. Subject to the inclusion and adherence of the previously agreed planning obligations, the development would sufficiently mitigate any impacts and secure compliance with the Development Plan.

## **10. SUMMARY AND CONCLUSION**

- 10.1 Although the proposed design revisions result in an increased height and massing, it is considered that the amendments would result in a scheme which improves inclusive design and accessibility, design and appearance, and sustainable transport with regards to cycle storage and end-of journey facilities.
- 10.2 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. It is noted that the proposed amendments, due to the increase in height of the building and other increases in the massing to the rear of the building, would lead to further reductions in daylight and sunlight to neighbouring residential windows and rooms. These transgressions weigh against the scheme, and must be considered in the planning balance.
- 10.3 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.
- 10.4 Following the revisions, 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.
- 10.5 The proposal would see the improvement to end-of-journey facilities and storage for cyclists, whilst other amendments outlined above culminate in providing a more attractive offer to building tenants.
- 10.6 The revised energy strategy represents an improvement over the approved energy strategy, and therefore comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, secured via conditions and planning obligations.
- 10.7 The proposed amendments are, therefore, considered to be consistent with the operative part (description) of the planning permission. 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 deed of variation to the s106 legal 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:

- a. For proposals with an increase in office floorspace in the CAZ, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £264,000;
- b. Securing the provision of small/micro workspace at first floor level as per the approved plans;
- c. A contribution towards Crossrail of £462,000;
- d. The provision of 7 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £14,000;
- e. Submission of a draft framework Travel Plan with the planning application, or a draft full Travel Plan for Council approval prior to occupations and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- f. CO2 offset contribution of £80,831;
- g. Connection to the Bunhill heat network;
- h. Payment towards employment and training for local residents of a commuted sum of £33,175.
- i. Compliance with Code of Employment and Training including delivery of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000.
- j. Compliance with the Code of Local Procurement.
- k. Compliance with the Code of Construction Practice, including a monitoring fee of £3,800 and submission of a site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- l. Green Performance Plan.
- m. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- n. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

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

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid or within the agreed extension of time, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head

of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

That the grant of planning permission be subject to conditions to secure the following, 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>	<p><b>Commencement of development</b></p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than 30 October 2020.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved plans</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA13C; PA14D; PA15E; PA23APA40; Arboricultural Impact Assessment 1140_05_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design &amp; Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.</p> <p><del>Additional plans also hereby approved: 4515/S73/07a, 4515/S73/06a, 4515/S73/05a, 4515/S73/11, 4515/S73/08, 4515/S73/04, 4515/S73/03, 4515/S73/02, 4515/S73/01, 4205/PA01.</del></p> <p><b>Additional plans also hereby approved:</b>  <b>00001 revision P03 – Site Location Plan</b>  <b>06101 revision P02 – Proposed Mezzanine Plan</b>  <b>06102 revision P02 – Proposed First Floor Plan</b>  <b>06103 revision P02 – Proposed First Floor Plan</b>  <b>06104 revision P02 – Proposed Second Floor Plan</b>  <b>06105 revision P02 – Proposed Third Floor Plan</b>  <b>06106 revision P02 – Proposed Fourth Floor Plan</b>  <b>06110 revision P02 – Proposed Roof Plan</b>  <b>06201 revision P02 – Proposed South Elevation (Pear Tree Street)</b>  <b>06202 revision P02 – Proposed Lightwell and West Elevations</b>  <b>06203 revision P02 – Proposed North and East Elevations</b>  <b>06300 revision P02 – Proposed Sections</b></p>

	<p><b>Design and Access Statement 22001-MCO-XX-XX-DS-A-01001 revision P05 dated 10 August 2023;</b>  <b>Energy Statement Addendum prepared by Flatt dated 13/07/2023 prepared by Flatt;</b>  <b>Fire safety statement for planning. 1 Pear Tree Street prepared by Hoare Lea;</b>  <b>S73 Landscape Report prepare by Farrer Huxley dated Augst 2023</b>  <b>Site Waste Management Plan July 2023 SWMP-07/23;</b>  <b>Sustainable Design &amp; Construction Statement v2 prepared by Flatt dated 13July 2023;</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>
3	<p><b>Small/Micro workspaces (sizes) (Compliance)</b></p> <p>CONDITION: The small/micro workspace on the <del>ground</del> <b>first</b> floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. <del>This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</del></p>
4	<p><b>Small/micro workspaces (no amalgamation) (Compliance)</b></p> <p>CONDITION: The small/micro workspace located on the <del>ground</del> <b>first</b> floor shall not be amalgamated with the remainder of the office floorspace in the building.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. <del>This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</del></p>
5	<p><b>Permitted Development Rights restriction (Compliance)</b></p> <p><del>CONDITION: Notwithstanding the provisions of Classes I, O or T of Part 3 or Class D or E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the business office floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.</del></p> <p><b>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 office (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, unless otherwise agreed in writing by the Local Planning Authority.</b></p> <p><b>Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and 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.</b></p> <p><del>REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013).</del></p>

	<p><b>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.</b></p>
<b>6</b>	<p><b>Ground Floor Parking Usage (Compliance)</b></p> <p>CONDITION: The ground floor vehicle parking and equipment storage area hereby approved shall be used by Cadent plc only, or an organisation performing the same functions as Cadent, in association with their occupation of the commercial premises at Comice House, 1 Pear Tree Street, London, EC1V 3SB only and shall not be used independently or in association with the general office floorspace hereby approved or in Comice House. The ground floor vehicle parking area shall provide a maximum of 14 marked out vehicle spaces only and a maximum of 14 vehicles shall be parked at any one time.</p> <p>REASON: To ensure that the ground floor vehicle parking and equipment storage area is not used for general staff parking and to promote sustainable modes of transport.</p>
<b>7</b>	<p><b>Ground Floor Occupation (Compliance)</b></p> <p>CONDITION: The ground floor depot vehicle parking and equipment storage area shall be provided prior to the occupation of the remainder of the ground floor space hereby approved, and shall then be permanently retained in accordance with the approved plans thereafter.</p> <p>REASON: The ground floor vehicle parking and equipment storage area is considered to form an essential element of the depot use, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
<b>8</b>	<p><b>Obscured Glazing (Compliance)</b></p> <p>CONDITION: All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the <del>development</del> <b>office floorspace:</b></p> <ul style="list-style-type: none"> <li>- Eastern and South eastern elevation at all levels facing the lightwell between the frontage building at 1 Pear Tree Street.</li> <li>- Part of the north western elevation at fourth floor level facing the existing roof terrace at The Courtyard</li> </ul> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>9</b>	<p><b>Boundary Screens (Compliance)</b></p> <p><del>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a boundary screens to terraces previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).</del></p> <p><b>The hereby approved boundary screens to roof terraces of a minimum 1.7m high screen or planters and planting, as outlined in the 'Section 73 Landscaping Report dated August 2023, shall be installed prior to first occupation of the office floorspace.</b></p> <p><b>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</b></p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows or balconies.</p>
<b>10</b>	<p><b>Roof Terrace Use (Compliance)</b></p>

	<p>CONDITION: The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 on any day except in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To ensure that the amenity of <b>neighbouring</b> residents is not adversely affected <del>in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</del></p>
<b>11</b>	<b>Roof Level Structures/Enclosures (Details)</b>
	<p>CONDITION: Notwithstanding the hereby approved Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof terrace planting  b) roof-top plant;  c) ancillary enclosures/structure; and  d) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>12</b>	<b>Demolition and Construction (Details)</b>
	<p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the demolition and construction vehicle routes and access strategy previously approved by the Local Planning Authority by decision dated 04 May 2018 (application reference P2017/4390/AOD).</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.</p>
<b>13</b>	<b>Construction Environmental Plan (Details)</b>
	<p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the Construction Environmental Management Plan (CEMP) previously approved by the Local Planning Authority by decision dated 04 May 2018 (application reference P2017/4390/AOD).</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
<b>14</b>	<b>Tree Protection (Compliance)</b>
	<p>CONDITION: The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (April 2016 1140_05_APIII) and the Construction Method Statement (undated) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
<b>15</b>	<b>Facing Materials (Details)</b>

	<p>CONDITION: <del>Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of facing materials previously approved by the Local Planning Authority by decision dated 24 July 2018 (application reference P2018/1539/AOD).</del></p> <p><b>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:</b></p> <p><b>a) brickwork, bond and mortar courses for all facing bricks;</b>  <b>b) render (including colour, texture and method of application);</b>  <b>c) windows and doors (including sections and reveals);</b>  <b>d) roofing materials (including facing materials);</b>  <b>e) rooftop plant and equipment enclosures and lift overrun cladding etc.;</b> and  <b>f) any other materials to be used.</b></p> <p><b>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</b></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>16</b>	<b>Solar panels (Details)</b>
	<p>CONDITION: Prior to first occupation of the <b>office floorspace</b> development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Seward Street:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including angle of panels and elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the <b>office floorspace</b> development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
<b>17</b>	<b>Plumbing, rainwater pipes or foul pipes (Compliance)</b>
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p>
<b>18</b>	<b>Accessibility and inclusive design (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby <b>approved plans and documents</b> <del>the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</del></p> <ul style="list-style-type: none"> <li><del>a) Vehicular and pedestrian gates that are suitable for use by disabled people;</del></li> <li><del>b) Flush thresholds to all entrances and gated entrances</del></li> <li><del>c) Accessible/adapted bicycle and tricycle spaces</del></li> </ul> <p><del>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</del></p> <p><b>Further details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</b></p> <ul style="list-style-type: none"> <li><b>a) main entrance doors, handles/latches and signage;</b></li> <li><b>b) terrace furniture: seating, lighting and materials; and</b></li> </ul>



	<p><b>c) a management plan, including a PEEP.</b></p> <p><b>The inclusive design measures shall be retained as such in perpetuity.</b></p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>19</b>	<p><b>Cycle storage (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) shown on drawing No. 4515/S73/11 hereby approved, shall be secure and provide for no less than 17 bicycle spaces and 1 disability tricycle space and shall be provided prior to the first occupation of the <b>office floorspace (Use Class E(g)i)</b> 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>20</b>	<p><b>Refuse and recycling provision (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 4515/S73/11 hereby approved shall be provided prior to the first occupation of the <b>office floorspace Use Class E(g)i)</b> 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>21</b>	<p><b>Fixed plant compliance report (Details)</b></p> <p>CONDITION: 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 with condition 22. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the <b>office floorspace</b> and any noise mitigation measures shall be installed before commencement of the <b>office floorspace uses</b> hereby permitted and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the neighbouring occupiers.</p>
<b>22</b>	<p><b>Fixed plant noise (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
<b>23</b>	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: The development shall achieve a <b>BREEAM rating of no less than 'Excellent'</b>.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>24</b>	<p><b>Energy strategy (Compliance)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the Energy Strategy previously approved by the Local Planning Authority by decision dated 31 October 2018 (application reference P2018/0818/AOD) and <b>Energy Street Addendum dated 13/07/2023 prepared by FLATT.</b></p>

	<p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>
<b>25</b>	<p><b>Green/brown roofs (Compliance)</b></p> <p><del>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a biodiversity (green/brown) roof(s) previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).</del></p> <p><b>Notwithstanding the hereby approved plans and documents, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the office floorspace. The biodiversity (green/brown) roof(s) shall be maximised and be:</b></p> <p><b>a) biodiversity based with extensive substrate base (depth 80-150mm);</b>  <b>b) laid out in accordance with and no less than shown on plans hereby approved; and</b>  <b>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,</b>  <b>and shall contain no more than a maximum of 25% sedum).</b></p> <p><b>The biodiversity (green/brown) roof(s) 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.</b></p> <p><b>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</b></p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>26</b>	<p><b>Landscaping (Compliance)</b></p> <p><del>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of landscaping previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).</del></p> <p><b>The hereby approved landscaping plan for the roof terraces, as outlined in the ‘Section 73 Landscaping Report dated August 2023, shall be provided and completed prior to first occupation of the office floorspace.</b></p> <p><b>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.</b></p> <p><b>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</b></p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>27</b>	<p><b>Bird and Bat Boxes/Bricks (Details)</b></p> <p>CONDITION: Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of <b>the office floorspace (Use Class E(g)i) part of the development</b>. The details shall include the exact location, specification and design of the installations, and the boxes/bricks shall be installed prior to the first occupation <b>of the office floorspace (Use Class E(g)i)</b> and permanently retained thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>
<b>28</b>	<p><b>Sustainable Urban Drainage (Compliance)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a Sustainable Urban Drainage System previously approved by the Local Planning Authority by decision dated 21 December 2017 (application reference P2017/4390/AOD).</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>29</b>	<p><b>Rainwater Harvesting (Details)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a rainwater/greywater recycling system previously approved by the Local Planning Authority by decision dated 24 July 2018 (application reference P2018/1659/AOD).</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>30</b>	<p><b>Fire Safety (Compliance)</b></p> <p>CONDITION: The details and measures set out in the 'Fire safety statement for planning 1 Pear Tree Street' prepared by Hoare Lee, shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Strategy Report would need to be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the Fire Strategy Report 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>31</b>	<p><b>Urban Green Factor (Compliance)</b></p> <p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
<b>32</b>	<p><b>Delivery and Servicing (Details)</b></p> <p>CONDITION: Notwithstanding the hereby approved plans, prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority. 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 shall take place within the hours of 2300 – 0700.</p>

	<p><b>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.</b></p> <p><b>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</b></p>
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**List of Informatives:**

<b>1</b>	<p><b>Section 106 agreement</b></p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<p><b>Construction Works</b></p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday, 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.</p>
<b>3</b>	<p><b>Highway Requirements</b></p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. 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>	<p><b>Community Infrastructure Levy (CIL)</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</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>.</p>

	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> .
<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: <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>
	<p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>9</b>	<b>Alterations to the highway</b>
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. 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</p>

within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk) 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 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.

### Development Plan

The Development Plan is comprised of the London Plan 2021 and Islington's Local Plan: Strategic and Development Management Policies 2023. 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>	
<p><u>1. Planning London's Future - Good Growth</u>  <b>Policy GG2</b> Making the best use of land  <b>Policy GG5</b> Growing a good economy</p> <p><u>2. Spatial Development Patterns</u>  <b>Policy SD4</b> The Central Activities Zone  <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ</p> <p><u>3. Design</u>  <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><u>6. Economy</u>  <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><u>7. Heritage and Culture</u>  <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><u>9. Sustainable Infrastructure</u>  <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><u>10. Transport</u>  <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>
<b>B) Islington Local Plan</b>	
<p><b>1. PLAN01</b> Site appraisal, design principle and process</p> <p><u>2. Area Spatial Strategies</u>  <b>Policy SP1</b> Bunhill &amp; Clerkenwell</p>	<p><u>7. Public Realm and Transport</u>  <b>Policy T1</b> Enhancing the public realm and sustainable transport  <b>Policy T2</b> Sustainable Transport Choices</p>

<p><u>4. Inclusive Economy</u>  <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><u>5. Green Infrastructure</u>  <b>Policy G4</b> Biodiversity, landscape design and trees  <b>Policy G5</b> Green roofs and vertical greening</p> <p><u>6. Sustainable Design</u>  <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 T3</b> Car-free development  <b>Policy T4</b> Public realm  <b>Policy T5</b> Delivery, servicing and construction</p> <p><u>8. Design and Heritage</u>  <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>C) Bunhill and Clerkenwell Area Action Plan</b>	
<u>2. Area wide policies</u> <b>Policy BC1</b> Prioritising office use	<u>3. Area Spatial Strategies</u> <b>Policy BC3</b> City Fringe Opportunity

## **Designations**

The site has the following designations under the London Plan 2021 and Islington Local Plan 2023:

- Central Activities Zone ('CAZ');
- Bunhill & Clerkenwell Key Area;
- Bunhill & Clerkenwell Area Action Plan;
- 'Civil War Defences' Archaeological Priority Area (APA)

## **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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## PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	19 April 2016		

Application number	P2015/4725/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	No
Conservation area	No (Hat and Feathers CA within 50m)
Development Plan Context	Bunhill & Clerkenwell Core Strategy Area, Central Activities Zone, Employment Priority Area (General), Pear Tree Street site allocation, adjacent to Seward St playground site allocation
Licensing Implications	No
Site Address	National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB
Proposal	Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.

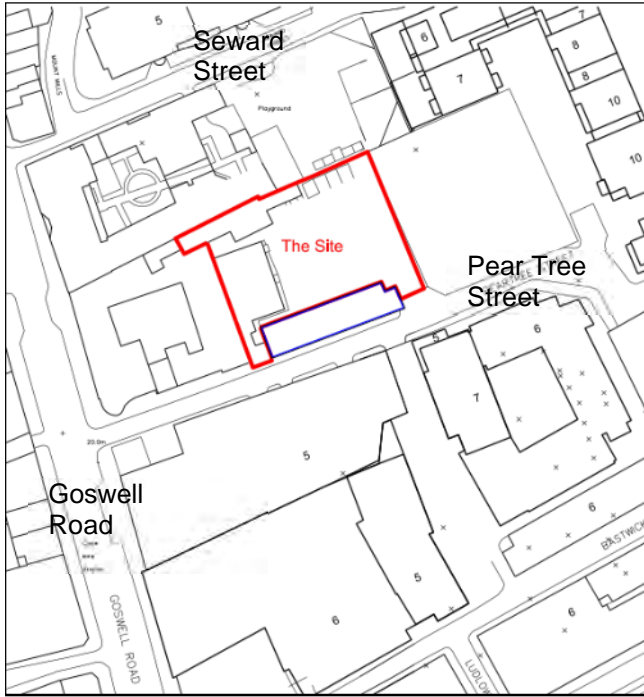
Case Officer	Amanda Peck
Applicant	no information given
Agent	GML Architects

### RECOMMENDATION

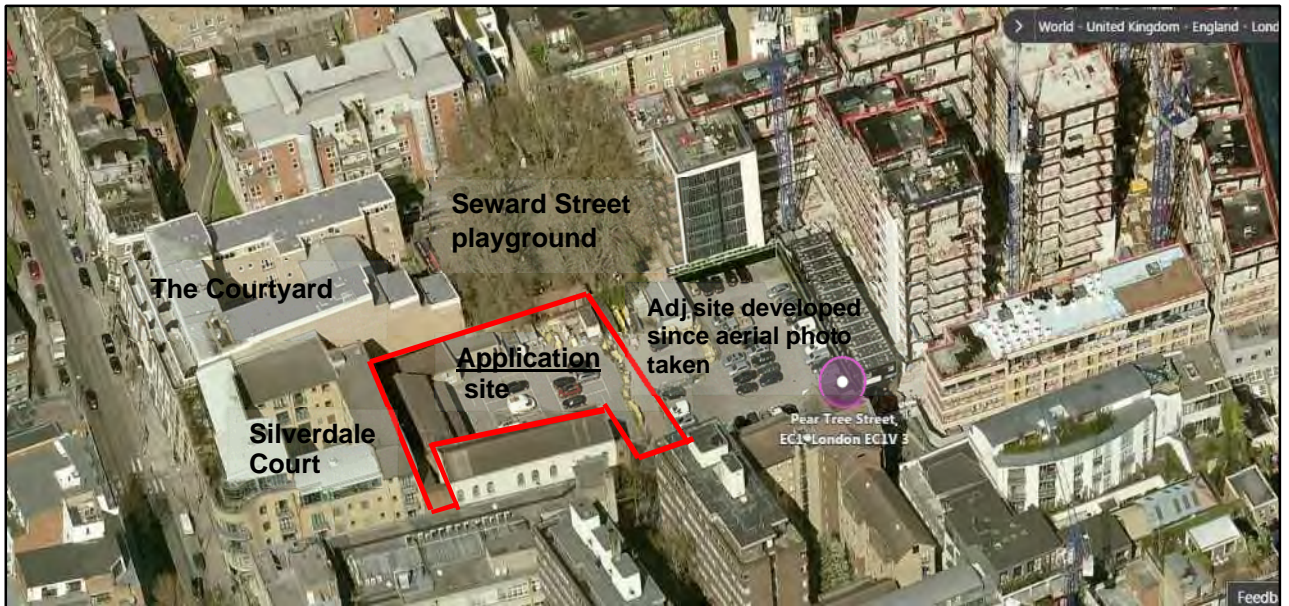
The Committee is asked to resolve to **GRANT** planning permission:

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

**SITE PLAN (site outlined in black)**



**PHOTOS OF SITE/STREET**



**Aerial photograph**



**Existing vehicles and buildings on site**



Existing entrance from Pear Tree Street



view looking west along Pear Tree Street



Views looking east along pear tree street



Existing buildings on opposite side of Pear Tree Street



View from Seward Street looking south towards playground and rear of site

## 1. SUMMARY

- 1.1 The application site is located on the northern side of Pear Tree Street between Goswell Road and Central Street. The site is currently in use by National Grid as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, a car park and small single and two storey buildings on site associated with the National Grid operation. The application site is phase 2 of site allocation BC16 and is adjacent to site allocation BC15 at the Seward Street playground. This application follows the recent redevelopment of phase 1 of site allocation BC16 to the east and the street frontage building to Pear Tree Street forms part of phase 2 to the south.
- 1.2 The proposal is for the demolition of the existing buildings and redevelopment of the site to provide a building with 5 storeys to the centre of the site stepping down to 4, 3 and 1 storeys. The site is surrounded by buildings and only has very limited street frontage to Pear Tree Street, with a 5m frontage forming the proposed B1 entrance at ground floor and a 6m frontage forming the proposed National Grid vehicular and office entrance. The majority of the building is proposed to be in general B1 office use (approximately 4,240sqm total GEA) with the approximately 600sqm (GEA) of self contained National Grid offices to part of the 1st and 2nd floors and parking at ground floor, both associated with the re-provided depot use.
- 1.3 During the course of the application the proposal has been amended with the building being reduced in height by one storey to the Pear Tree Street frontage adjacent to the Orchard Building; being set back further at the rear at first and second floor levels by 1.8m away from the TPO trees at the rear; and being brought forward at fourth floor level at the rear western corner by 4.6m. Additional information has also been submitted with a construction method statement detailing that the existing boundary wall will be retained and the piling method adjacent to the TPO trees and the arboricultural report has been amended in line with this. Amendments have also been made to the sunlight/daylight assessment, energy assessment and transport statement.
- 1.4 The land-use is considered to be acceptable as it will deliver a quality office development that would re-provide and improve the existing National Grid office floorspace as well as providing additional general office (B1a) floorspace on the site, and provide 2 small workspace units suitable for small and micro enterprises (SME's) (equivalent to 5% of the overall floorspace, in line with policy). The application would contribute financially towards the Council's delivery of affordable housing on Council-owned sites with a contribution of £264,000 and secure an employment and training contribution of £33,175.
- 1.5 The proposal would introduce a building of a good quality design with an appropriate scale and which successfully references the surrounding context. The top storey would be visible from surrounding residential buildings but would barely be visible from Pear Tree Street and neighbouring streets given the tight knit street layout. The development adjoins the Seward Street playground, which is already surrounded by residential buildings of a similar height to the east and west. The existing view from the playground looking south onto the application site is of the long, mainly blank, masonry rear elevation of the recently constructed adjacent frontage building. The view from the playground could therefore be enhanced with the new building. In addition, the ground floor wall facing the playground is proposed to have a decorative brick pattern in order to provide some visual interest at playground level.
- 1.6 The site will continue to be used as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. The number of staff on site varies day by day and week to week based on the number of emergency call outs

required and staff travel from other depots when needed. National Grid's requirement is for 14 operational vehicles on site made up of a mixture of vans and on call emergency responders. They also require storage space for trailers, mini-diggers, transformers, generators and traffic management equipment. The vehicles are parked on site until they are required to deal with incidents and once work has been carried out the vehicles and associated equipment are returned to the site. Vehicle movements associated with the National Grid use will be similar to existing and for the new general office floorspace the Transport Statement concludes that the new office use will not generate additional private car trips as staff will either walk or use public transport.

- 1.7 The proposal does result in the loss of sunlight and daylight ground floor windows at the Orchard Building servicing 2 units in excess of the traditional BRE guidelines, but if the more site specific 'mirror image' test is used the scheme meets BRE guidelines. The BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character with the immediate surroundings. The building has been designed to step away from surrounding existing buildings at upper floors and the proposal would repair the urban grain by restoring appropriate building lines on Pear Tree Street on either side of the existing frontage building. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties, the harm to the 2 ground floor residential units at the Orchard Building is on-balance accepted.
- 1.8 The application has been considered with regard to the Development Plan and National Planning Policy Framework (NPPF) and the NPPG and Ministerial Statement dated 28<sup>th</sup> November 2014, including the presumption in favour of sustainable development. The comments made by residents and consultee bodies have been considered.
- 1.9 The proposal is considered to be acceptable and is recommended for approval subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation alongside CIL payments.

## **2. SITE AND SURROUNDING**

- 2.1 The application site is located on the northern side of Pear Tree Street between Goswell Road and Central Street. The site is currently in use as a National Grid as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, a car park and small single and two storey buildings on site associated with the National Grid operation.
- 2.2 The surrounding area is mixed with residential apartments (many in recently completed developments) to the east along Pear Tree Street and in the adjacent buildings on Goswell Road. There are offices to the ground floor of some of the recent developments and a printing/packaging premises opposite the site on the southern side of Pear Tree Street.
- 2.3 The site is located close to the Hat and Feathers Conservation Area to the west, with the adjacent Silverdale Court and properties along Goswell Road falling within the Conservation Area. The site is also within Bunhill & Clerkenwell Core Strategy key area, the Central Activities Zone and the Great Sutton Street Employment Priority Area (General). The application site is phase 2 of site allocation BC16 and is adjacent to site allocation BC15 at the Seward Street playground.
- 2.4 Site allocation BC16 is for large site on Pear Tree Street and the application site falls within the western end (phase 2). The eastern end has recently been developed as

phase 1 of BC16 with residential buildings known as the Orchard Building and Dance Square and a new public square/route connecting Pear Tree Street and Seward Street (P110653 see planning history below). The site allocation acknowledges that planning permission has been granted for the eastern end as a phase 1 and refers to the western end as phase 2. For phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space is expected. The site allocation refers to the following with regard to the design considerations and constraints on the entire site:

- New buildings should respect the wider context and intimate character of Pear Tree Street;
- Care will need to be taken with the relationship of new buildings with TPO trees located in the Seward Street playground;
- Buildings should provide a positive frontage and overlooking onto Seward Street playground; and
- Improved north-south access linking Pear Tree Street to Seward Street playground should be provided.

2.5 Phase 2 has consequently been divided further, with the narrow street frontage building on Pear Tree Street being recently redeveloped with a 5 storey building with commercial office space at ground and first floor and 8 flats to the upper floors (P120025 see planning history below). The application site is the remainder of phase 2, being bounded by the side and back elevations of surrounding developments (the Courtyard Building to the north, Silverdale Court to the west, the phase 2 street frontage building to the south and the Orchard Building/Dance Square to the east).

### **3. PROPOSAL (IN DETAIL)**

3.1 The proposal is for the demolition of the existing buildings and redevelopment of the site to provide a building with 5 storeys to the centre of the site stepping down to 4, 3 and 1 storeys. The site is surrounded by buildings and only has very limited street frontage to Pear Tree Street, with a 5m frontage forming the proposed B1 entrance at ground floor and a 6m frontage forming the proposed National Grid vehicular and office entrance. The majority of the building is proposed to be in general B1 office use (approximately 4240sqm total GEA) with the approximately 600sqm (GEA) of self contained National Grid offices to part of the 1st and 2nd floors and parking at ground floor, both associated with the re-provided depot use.

#### **Revisions**

3.2 The application has been revised since submission as follows:

- Reduction in height by one storey to part of the building along Pear Tree Street frontage adjacent to the Orchard Building;
- Building line set back further at the rear at first and second floor levels by 1.8m, away from the existing TPO trees;
- Building line brought forward at fourth floor level at the rear western corner by 4.6m;
- Additional information has also been submitted with a construction method statement detailing that the existing boundary wall will be retained and the piling method adjacent to the TPO trees and the arboricultural report has been amended in line with this; and
- Additional information has been submitted with an amended sunlight/daylight assessment, energy assessment and transport statement.

### **4. RELEVANT HISTORY**

#### **Application site**

4.1 Planning applications

Two applications for temporary single storey office buildings (81/2007) and a 2 storey amenity block (82/1127) at the “North Thames Gas Depot” in 1981 and 1982.

#### 4.2 Pre-application advice

- Q2015/1532/MJR – Pre application meetings were held on 11 June 2015 and 21 August 2015 for the demolition and replacement with a 4 and 5 storey office building (including national grid offices) to create B1 floorspace and National Grid office accommodation. Pre-application advice was provided on 6 July, 13 July and 21 August 2015 and it was advised that the principle of an office development appeared acceptable along with the provision of affordable workspace and a financial contribution towards affordable housing. The bulk and height appeared acceptable subject to further discussion on the detailed design. The applicant was advised that the trees in the Seward Street playground at the rear are protected by a TPO and any development must not impact on the roots or tree canopy of these trees.

#### Nearby sites

#### 4.3 Planning applications

##### 1 Pear Tree Street (to the front of application site)

- P2013/4817/S73 – Minor material amendment to Planning Permission Ref P120025 dated 30/3/12 including increase in footprint of 4th floor and alterations to elevations. Approved 5 February 2014.
- P120025 – Demolition of existing 2 storey building and erection of a 5 storey mixed use building to provide 446m<sup>2</sup> of commercial office space (Use Class B1) at ground and first floor and 8 flats above (comprising 1 x four-bed, 6 x two-bed and 1 x one-bed flats). Approved 30 March 2012.
- P112369 – Erection of a five storey building with office use (Use Class B1) on ground floor and first floor; 8 flats, 6 two bedroom flats at second and third floor, 1 one bedroom flat and 1 four bedroom flat at fourth floor (including demolition of existing two storey office/industrial building (Use Class B1/B8). Refused 8 December 2011 and allowed at appeal 27 June 2012.

##### 1 Pear Tree Street (to the east of application site)

- P2013/0927/NMA - Non material minor amendment of planning permission reference P110653 dated 9 November 2011. The amendments involve: (i) Replacement of cycle cages with 2 tier cycle racks (ii) Reduction in height of gates leading to rear courtyard (iii) reduction in height of metal grills connecting the building to the neighbouring development. Approved 24 April 2013.
- P110653 - Erection of part 5, part 6-storey building providing for 45 dwellings and 354sqm business (class B1) floorspace together with the creation of public realm/open space and associated works. Approved 9 November 2011.

##### 122 Goswell Rd and 15 Bastwick St (to the south of the application site on Pear Tree St)

- P111829 - Redevelopment of the site to provide student accommodation (805 rooms), sports centre (3,175sqm), university teachings space (2,525sqm) and associated works and landscaping. Approved 30 March 2012.

## 5. CONSULTATION

### Public Consultation

- 5.1 Letters were sent to occupants of 233 adjoining and nearby properties on 15/12/15. A site notice and press advert were displayed on 17/12/15. The public consultation of the application therefore expired on 07/01/16, however it is the Council’s practice to continue to consider representations made up until the date of a decision.
- 5.2 At the time of the writing of this report a total of 15 responses had been received from the public with regard to the application. The issues raised can be summarised as follows

(with the paragraph that provides responses to each issue indicated within brackets):

### **Amenity impact on Orchard Building and Silverdale Court**

- Noise from 24 hour operation by National Grid (noisy vans, waste bin collections) **(see para. 8.43-8.45);**
- Impact on daylight/sunlight as proposal does not comply with BRE standards for the Orchard Building **(see paras. 8.28-8.38);**
- Impact on daylight/sunlight to windows that face internal courtyard at Silverdale Court (some of which are single aspect units) **(see paras. 8.28-8.38);**
- Impact on the daylight/sunlight to courtyard at Silverdale Court and communal garden at the Orchard Building **(see paras. 8.28-8.38);**
- Height should be reduced to overcome issues above **(see paras. 8.20 & 8.28-8.38);**
- Overlooking impact from roof terraces and windows **(see paras. 8.39 & 8.40);**
- Clarity needed on floor levels in relation to existing residential **(Officer comment: annotated sections have been submitted by the applicant showing the relationship with surrounding buildings);**
- Aerial photos and location plans do not show this building as they are out of date **(Officer comment: The aerial photos are out of date but this has not impacted upon the assessment of the scheme as the plans and elevations are up to date and officers have carried out site visits);**
- Error in daylight/sunlight report as Silverdale Court is 4 storeys at boundary and is not taller than the proposed development **(Officer comment: The daylight/sunlight report has been corrected);**

### **Trees**

- Impact on trees at Seward Street Playground **(see para. 8.22-8.25);**

### **Use**

- No need for offices in the area but there is a need for housing instead **(see paras. 8.2-8.4);**

### **Transport**

- Pear Tree Street should be reverted to one way traffic due to the increase in traffic, the narrowness of the road and the presence of a nursery in the square adjacent to the Orchard Building **(see para. 8.61);**

### **Construction impact**

- Construction impact on road surface as after months of repair work the road is now in excellent condition **(see paras. 8.55 & 8.56);**
- Construction hours should be restricted **(see paras. 8.55 & 8.56);**
- Construction would block emergency vehicles **(see paras. 8.55 & 8.56);**

### **General**

- Inaccuracy of drawings – existing elevation 3 (north) is inaccurate as not all windows are shown and reglit glass planks do not exist **(officer comment: The drawings have been amended and are now correct);**
- There is a litter problem in the area and the proposal will increase this. The new building should be required to provide adequate rubbish bins **(see para. 8.52).**

### **External Consultees**

#### **5.3 Transport for London**

- TfL notes that the office use proposed is car free, which is supported. The Council, in conjunction with the developer, should assess whether this development will trigger the need for additional blue badge parking.
- A car park will be provided for operational fleet vehicles associated with the existing National Grid building. The use of this car park solely for operation vehicles only should be secured in the planning conditions/Section 106 agreement.
- Car parking should also be equipped with electric vehicle charge points to accord with London Plan standards and occupants should also be exempt from parking



- permits in a Controlled Parking Zone (except for blue badge holders).
- Cycle parking should comply with London Plan standards (short stay and long stay provision).
- Cycle changing facilities (such as showers) should be provided for staff and secured by planning condition.
- A Construction and Logistics Plan and Delivery and Service Plan should be secured by condition.
- TfL also expects that a Travel Plan will be secured as part of the application.

### **Internal Consultees**

#### **5.4 Policy Officer**

- London Plan and Council Policies require residential accommodation to be provided on-site where major office developments are proposed in the CAZ. Only when on-site residential is not appropriate should an off-site financial contribution be considered. The applicants have justified making an off-site contribution due to the difficulty in providing on-site dwellings, primarily around the provision of separate entrances and cores. It is accepted that residential units are not appropriate at this site and a contribution lieu of on-site provision should be sought.
- There is a further policy requirement for residential when looking at the BC16 site allocation as a whole, which requires mixed use development. Previous consents have delivered residential which have satisfied this element.
- The BC16 site allocation refers to improved north-south access linking Pear Tree Street to Seward Street playground. The development of adjacent sites has provided this pedestrian link and therefore there is no requirement for this scheme to provide it.
- There is a significant uplift in B1 floorspace and this uplift is welcomed and supported in policy terms and appears to incorporate the maximum amount of business floorspace reasonably possible on site, in line with policy.
- Policies require the provision of retail or leisure uses at ground floor, alongside non B1 floorspace, floorspace that may be suitable for accommodation by micro and small enterprises and/or affordable workspace. There is no retail or leisure proposed on the site but this is not of any concern given the overriding priority to maximise business floorspace and the close proximity of these uses elsewhere. Affordable or SME workspace should be secured via a S106.
- The scheme should be car free. Parking for non-residential development will only be permitted where it is operationally essential and integral to the nature of the business or service. It is understood that National Grid operates a fleet of vehicles already from this site, as its Central London Emergency Operations Centre. As this is a new development the parking proposed must be justified to satisfy policy and a S106 should be used to ensure that spaces are not used for ordinary staff parking.

#### **5.5 Design and Conservation Officer**

- The applicant has responded to some of the detailed design suggestions made at pre-app stage. Given that the principal new elevations are to the rear of the property and the designs proposed are in keeping with those of the adjacent properties, any improvements to the design can be secured by condition rather than refusing the application on design grounds.
  - Pv panels should not be visible from Seward Street;
  - High quality yellow stock brick should be used or a textured brick within the same/similar colour palette as the frontage building;
  - Window designs should be amended to avoid visual duality and the proportions of the windows could be amended by adding panes, mullions, transoms, horizontal or vertical panels; and
  - Terraces should be easily accessible.

## 5.6 Tree Officer

### Initial comments

- There are two London plane trees directly adjacent to the site that will be affected by the development. These trees contribute materially to the amenities of the locality, playing an important part in providing a sense of scale, maturity and textural diversity to the immediate vicinity. They are protected by a tree preservation order LBI TPO (NO.370) 2007 and pre-date the surrounding developments.
- The submitted detail does not adequately consider the above and below ground impacts on these trees and the tree constraints have not been adequately considered in the proposed design. The juxtaposition between the development and the trees creates conflicts which cannot be resolved other than by setting the building back further from the trees:

#### Below ground

- The root protection area (RPA) is shown as unobstructed circle and this should be amended to consider the underground constraints of the existing buildings and the existing boundary wall as they could have deflected the roots.
- The foundations for the new rear boundary wall will dissect the RPA of the trees and this is not mentioned in the assessment. The loss of roots and rooting volume will be inappropriate and unacceptable.
- The report suggests that the existing hard boundary and surface will be retained as protection for the RPA and this is not the case.
- There is limited detail on the proposed surface treatment within the RPAs. Although this detail will be irrelevant if all the root ingress onto the site is removed to facilitate the foundations.
- Spot levels for the proposed ground floor and the adjacent playground have not been included.

#### Above ground

- There is no proposed tree pruning to facilitate construction in the report, but from the measurements provided and the plans there is conflict between the canopy of T1 and the rear elevation at 1<sup>st</sup> and 2<sup>nd</sup> floors and pruning will be required to facilitate construction along with post development pressure on these trees for continued pruning.
- The trees have enjoyed largely unobstructed light from the aspect the proposal would now block. The impact of the loss of light on the trees and the playground do not appear to have been considered.

### Comments on revised details

- The construction method statement states that the boundary wall is to be retained and QuadraPile helical piles are to be used and this detail is sufficient to alleviate concerns regarding the proposed boundary treatment on the TPO trees. Above ground.
- The amended arboricultural assessment and an officer site visit has confirmed that the tree canopy is further away from the building than initially thought. The applicant has confirmed that the tree will be pruned to ensure a 2m clearance between the rear elevation and the tree canopy and this is acceptable.

## 5.7 Access Officer

- Accessible parking should be provided: there should be at least one space for visitors and one space for any employee who needs it.
- The gates that lead to the car park should be suitable for use by disabled people (preferably without the disabled person having to leave the car). The pedestrian gate should have a flush threshold and an effective clear width of at least 1000mm.
- Various requirements for minimum widths to internal and external doors including cycle storage doors as well as main entrances.

- Cycle parking area requires an adequate element of parking suitable for accessible/adapted bicycles and tricycles.
- Various requirements for the reception area and counter, WC/shower facilities, shared refreshment facilities, internal stairs will need to comply with Approved Documents M of the Building Regulations (ADM) and the Council's SPD.
- The route into the accessible WC is potentially awkward for wheelchair users as they have to negotiate the two doors and lobby.
- There do not appear to be any ambulant disabled WC cubicles provided.
- Welcome the provision of 2 lifts, one should be suitable for use for evacuation.

## 5.8 Energy Conservation Officer

### Initial comments

- The scheme meets London Plan target for regulated CO2 emission reduction and this is welcomed.
- The scheme falls short of the Council's policy requirement for total CO2 emission reduction at 23% rather than 39% where connection to a decentralised energy network is possible or 27% where it is not possible. Further measures to meet the council's CO2 reduction target should be explored (improved window u values.
- An CO2 offset contribution of £80,831 should be secured with a S106 agreement.
- BREEAM assessment shows an interim design stage score target of 72.02% (excellent).
- Dynamic thermal modelling results are required along with clarification on capacity output of boiler system; lighting system controls; further information on the cooling hierarchy.
- The report incorrectly states that the Bunhill Heat Network is not in operation and it has been in operation since 2012. Further evidence is needed regarding the viability of connection to the heat network.
- Further clarification required regarding communal heating viability and future proofing the site.
- PV panels are an appropriate choice for this development and the applicant has demonstrated how their use has been maximised.
- Green Performance Plan required.
- Clarification of current heating proposals for the commercial area.

### Comments on revised details

- The amended energy statement now proposes connection to the Bunhill Network and this is supported and the CO2 offset contribution of £80,831 should be secured with a S106 agreement

## 5.9 Street Environment Services

Satisfied with the proposal for refuse collection from Pear Tree Street.

## 6. RELEVANT POLICIES

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

### National Guidance

6.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online.

- 6.3 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

### **Development Plan**

- 6.5 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 6.6 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations June 2013.

#### **Islington Local Plan**

Bunhill & Clerkenwell Core Strategy key area  
Central Activities Zone  
Great Sutton Street Employment Priority Area (General)  
Within 50m of Hat and Feathers Conservation Area  
Site allocation BC16 "NCP car park, 1 Pear Tree Street"  
Within 50m of site allocation BC15 "Seward Street playground"

#### **London Plan**

Central Activities Zone

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

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

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

- 7.1 No EIA screening/ scoping opinion was requested by the applicant and no formal decision has been made by the Council. The development does not fall within 'Schedule 1' and is not within a sensitive area (SSSI, AONB, World Heritage Site). It does not fall within Schedule 2 (being an urban development project on a site smaller than the 0.5ha or 150 dwelling threshold). Using the criteria and thresholds for Schedule 2 schemes (characteristics of development, location of development and characteristics of the potential impact), it is considered that the scheme would not constitute a 'major development' of more than local importance, be within a 'environmentally sensitive location' or 'create any unusual or hazardous effects' pursuant to the selection criteria of Schedule 3 of the EIA 2011 regulations.

## **8. ASSESSMENT**

- 8.1 The main issues arising from this proposal relate to:
- Land use
  - Design and appearance
  - Amenity impacts
  - Accessibility
  - Highways and transportation
  - Sustainability, Energy Efficiency and Renewable Energy

### **Land-use** **Employment**

- 8.2 Core Strategy Policy CS7 states that employment development within Bunhill and Clerkenwell will contribute to a diverse local economy, which supports and complements the Central London economy. The entire site is within the designated Central Activities Zone (CAZ). Policy CS13 encourages new employment floorspace to locate in the CAZ, protects existing employment space and requires development to provide jobs and training opportunities.
- 8.3 The 'Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell)' June 2013 (FLP) is applicable for the site. FLP Policy BC8 'Achieving a balanced mix of uses', as supported by Figure 16, applies and identifies this site as being located within an Employment Priority Area (General) (the Great Sutton Street area). Part A(ii) requires proposals to incorporate the maximum amount of business floorspace reasonably possible on site. Part B states that the employment floorspace component of a development should not be unfettered office (B1a) use and must, where appropriate, include retail or leisure uses at ground floor alongside specified other uses such as non-B1 business or business-related floorspace (e.g. workshops, galleries); and/or small retail units/offices; and/or affordable workspace.
- 8.4 The additional office floorspace proposed is in line with policy and the maximum amount of business floorspace has been provided on site. The site is located off of a main road, with a minimal street frontage and the scheme provides two office entrances (one for the general office and one for the National Grid offices) as well as the National Grid operational parking. It is therefore considered that there is no scope to provide an additional use that requires a street frontage or entrance, just as retail or leisure.
- 8.5 The scheme includes the re-provision of the National Grid office floorspace which is associated with the existing depot use and is currently housed in single and 2 storey buildings within the site.
- 8.6 Site allocation BC16 states that for phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space should be provided. It is considered that, together, the development of the front part of the site for residential units (approved under P120025) and the application part of the site for office floorspace (with this current separate planning application) would achieve this overall site aim. Please also refer to the paragraphs 8.9-8.12 regarding the requirement for residential floorspace in line with policy DM5.1 and BC8.
- 8.7 Policy DM5.4 states that major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. Part B of Policy BC8 states that for proposals in excess of 10,000sqm this should be equivalent to at least 5% of the total amount of employment floorspace. The proposal is for approximately 3,220sqm (NIA) of office floorspace (including approximately 500sqm (GIA) replacement National Grid floorspace). In accordance with policy this includes approximately 161sqm of workspace suitable for small and micro enterprises (SME) at ground floor level, equivalent to 5% of the total amount of employment floorspace. This is provided as 2 units of less than 90sqm each (one at 90sqm and one at 71sqm) which are accessed via the main office entrance and are located behind the reception area.
- 8.8 A key issue is to ensure that this space is suitable for SME's and this will be secured with a S106 Head of Term to ensure that the space is leased in accordance with the provisions of policy DM5.4A and C and BC8B(ii) (either as small units or with information to demonstrate that the floorspace will meet the needs of small or micro enterprises). Conditions 3 and 4 are also recommended to ensure that the units cannot be let to a

single occupant or amalgamated with the rest of the office floorspace in the building.

### Residential

- 8.9 Part D of policy CS7 states that housing growth will be sought across the area with a wide range of dwelling types, affordable tenures and family sized homes. Part D of DM5.1 and part D of policy BC8 states that within the CAZ where major development proposals result in a net increase in office floorspace, housing should be included and the total amount of housing floorspace should be equivalent to at least 20% of the total net increase in office floorspace. Policy DM5.1 allows for a financial contribution towards affordable housing instead, where it is not appropriate for housing to be provided on site.
- 8.10 At pre-application stage options were submitted that included one floor of residential accommodation. These options illustrated the problems with providing the additional residential entrance and lift/stair core as the B1 office entrance would be unacceptably compromised and the residential entrance would also be of an unacceptable design. In addition the location of the necessary refuse and cycle storage areas for each use would be difficult to accommodate and access. Given these site constraints it is considered more appropriate to require a financial contribution towards the off-site provision of affordable housing in this instance. The financial contribution required is £264,000 and is calculated in line with the Planning Obligations SPD.
- 8.11 The applicant has agreed to this financial contribution and a viability assessment has therefore not been required. The contribution will be secured with a S106 legal agreement.
- 8.12 In summary, the land-use is considered to be acceptable as it will deliver a quality office development that would re-provide and improve the existing National Grid office floorspace as well as providing additional general office (B1a) floorspace on the site, and provide 2 small workspace units suitable for SME's. The application would contribute financially towards the Council's delivery of affordable housing on Council-owned sites with a contribution of £264,000 and secure an employment and training contribution of £33,175.

### Design and appearance

- 8.13 The site is surrounded by buildings along Pear Tree Street that are 4, 5 and 6 storeys in mainly recent developments, rising to a 10 storey element in phase 1 to the east. Goswell Road is predominantly 4 and 5 storeys. The Seward Street Playground to the rear of the site and is characterised by large mature trees.
- 8.14 The site is not located within a conservation area, but the adjacent buildings at Silverdale Court and a number of buildings on this part of Goswell Road are located within the Hat and Feathers Conservation Area. There is no policy basis for the retention of any of the buildings on site as they are not locally or statutorily listed. The demolition of the buildings is therefore not resisted.
- 8.15 The scheme has been subject to pre-application advice in Summer 2015. The proposal has been revised since the pre application discussions with the top floor set back in line with the adjacent recently constructed frontage building and the rear elevation design being worked up in more detail. During the course of this application the scheme has also been amended with a reduction in height at the front adjacent to the Orchard Building and the rear building line has been set by 1.8m away from the nearby TPO trees.
- 8.16 Policy DM2.1 requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character

of an area by creating an appropriate and durable fit that harmonises with their setting. New building should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.

#### Layout

- 8.17 The site allocation (BC16) refers to improved north-south access linking Pear Tree Street to Seward Street playground. The site allocation relates to a site larger than the application site and the new north-south access has already been provided as part of phase 1 to the east (Orchard Building/Dance Square). There is therefore no requirement to provide a separate pedestrian access/through route as part of this scheme.

#### Height

- 8.18 Policy BC9 (Tall Buildings and contextual considerations for building heights) sets out areas where tall buildings may be considered appropriate and this site is not within such a location. Elsewhere building heights must respond to the local context and the plan accompanying policy BC9 identifies this area as being characterised by a platform building height of around 6 storeys.
- 8.19 The proposal is for 5 storeys in total with the taller element being behind the existing building which fronts Pear Tree Street. The building has been stepped down towards the rear towards the Seward Street Playground and adjacent residential buildings. The top storey would be visible from surrounding residential buildings but would barely be visible from Pear Tree Street and neighbouring streets given the tight knit street layout. The development adjoins the Seward Street playground, which is already surrounded by residential buildings of a similar height to the east and west. The existing view from the playground looking south onto the application site is of the long, mainly blank, masonry rear elevation of the recently constructed adjacent frontage building. The view from the playground could therefore be enhanced with the new building. In addition, the ground floor wall facing the playground is proposed to have a decorative brick pattern in order to provide some visual interest at playground level.
- 8.20 Objections have been raised regarding the proposed height and the potential associated amenity impacts, along with requests that the building is reduced in height to overcome these potential impacts. The objections do not relate to the proposed design or height and the amenity impact issues is addressed below at paragraphs 8.28-8.38.

#### Elevation design and materials

- 8.21 The detailed design takes its cue from the industrial nature of the area and the new development to the east of the site. Yellow stock brick is proposed with large glazed windows of a similar size and vertical emphasis to adjacent buildings on Pear Tree Street. Condition 15 is proposed to secure appropriate materials. The submitted drawings show the ground floor wall facing the Seward Street playground to be demolished and rebuilt with a decorative brick pattern, with columns and blank 'windows' in order to provide some articulation to the playground. During the course of the application it has been confirmed that where the boundary wall still exists it will be retained. Condition 15 is therefore required to ensure details are submitted showing the retained and new elements.

#### Landscaping/trees/biodiversity

- 8.22 Site allocation BC15 states that the adjacent public open space (Seward Street playground) should be greened to provide amenity and informal play space with the potential to improve access for a greater range of users. The playground is due to re-open in Summer 2016 following a scheme to improve the playground and provide play

structures that are supported by the trees (which has been funded by S106 contributions in the area).

8.23 There are 6 trees protected by a Tree Preservation Order in the Seward Street playground, 3 of which are located close to the rear boundary of the application site. The applicant has submitted an Arboricultural report and Construction Method Statement to show that there will not be an impact from the proposed construction or the new building on the roots or tree canopy of these protected trees. During the course of the application the building was set back further at the rear at first and second floor levels by 1.8m away from these trees in order to keep enough clearance for the tree canopies. The applicant has also confirmed that the existing boundary wall with the Seward Street playground will be retained and that QuadraPile helical piles will be used. The Council's tree officer is happy with the information submitted and amendments made to the scheme and condition 14 is recommended to ensure that the scheme is carried out in accordance with the submitted details.

8.24 In accordance with policy DM6.5, the development should contribute to and enhance the landscape and biodiversity value and growing conditions of the site and surrounding area by maximising the inclusion of green roofs, ecological landscaping, greening of facades and artificial nesting sites. The proposal incorporates green/brown roofs on the top floor and 3<sup>rd</sup> floor and condition 25 is recommended to ensure that the details of these roofs are acceptable. Condition 27 is also recommended to secure bird and bat boxes, landscaping. Given the site's location adjacent to the playground and TPO trees the incorporation of shrubs and trees to the roof terraces will be secured with condition 26.

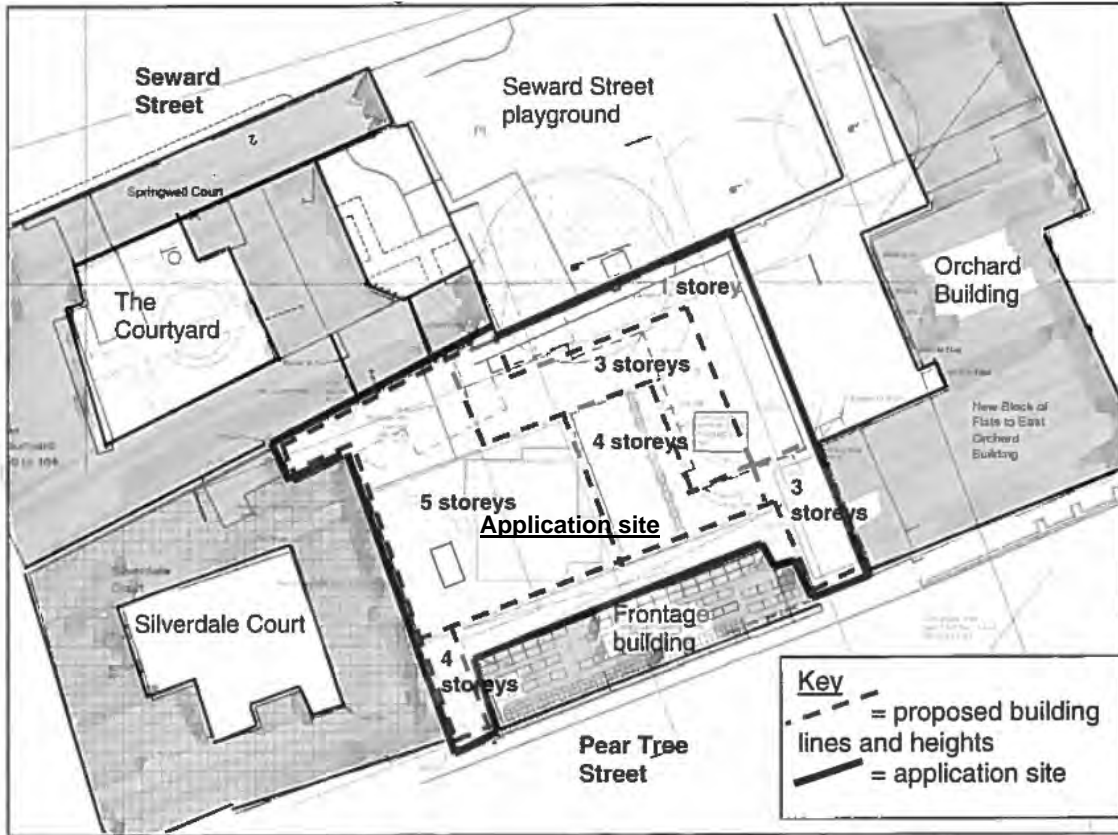
8.25 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2015, CS 1 and CS 9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Urban Design Guide.

#### **Neighbouring Amenity**

8.26 London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

8.27 The site is bounded by residential units on Pear Tree Street to the east (the Orchard Building) and by residential units on Goswell Road to the north and west (The Courtyard and Silverdale Court). To the south are residential units at the frontage building at 1 Pear Tree Street. These buildings are shown on the plan and photos below.





Orchard Building looking south across Seward Street playground



Orchard Building looking east from Pear Tree Street during construction (prior to construction of frontage building)



The Courtyard looking south across Seward St playground



The Courtyard viewed from within the site



Silverdale Court internal courtyard looking east



Silverdale Court Pear Tree Street elevation

### Sunlight and Daylight

8.28 A daylight and sunlight study has been submitted in support of this application, with windows being tested at residential properties at the Orchard Building (5 windows on each floor at ground, 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors), Silverdale Court (2 windows at each floor at ground, 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors) and at The Courtyard (2 windows/doors to roof terraces at 2<sup>nd</sup> and 3<sup>rd</sup> floors). The communal garden at the Orchard Building, the courtyard gardens at Silverdale Court and The Courtyard were also tested as well as the Seward Street playground.

8.29 The daylight/sunlight assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. 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.

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

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

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value. It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room.

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

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

*0.8 of its former hours during either period; and*

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

8.32 For gardens and amenity areas the BRE test is as follows:

*At least 50% of the garden/amenity area should receive at least 2 hours of sunlight on 21 March..... if a detailed calculation cannot be carried out and the area is a simple shape, it is suggested that the centre of the area should receive at least 2 hours of sunlight on 21 March. If as a result of a new development an existing garden/amenity space does not meet the above and the area which can receive 2 hours of sun on 21 March is less than 0.8times its former value, then the loss of sunlight is likely to be noticeable.*

8.33 Appendix F of the BRE guide allows for alternative values for daylight and sunlight to be assessed based on the special requirements of the proposed development or its location and states:

*“To ensure that new development matches the height and proportions of existing buildings, VSC and APSH targets for these windows could be set to those for a ‘mirror-image’ building of the same height and size, an equal distance away on the other side of the boundary”*

8.34 The daylight/sunlight report has therefore used the more traditional tests outlined in paragraphs 8.30, 8.31 and 8.32 for Silverdale Court, The Courtyard and Seward Street playground and the more site specific ‘mirror image’ test outlined in paragraph 8.33 for the Orchard Building. The report has concluded that the proposal is acceptable because there is no impact on adjoining residential units in terms of overshadowing. Officers have assessed the results of the Daylight/Sunlight report and agree with this conclusion. The results are discussed below:

#### The Orchard Building

Windows in the east facing elevation, which is approximately 12m away from the side boundary with the application site have been tested as well as the amenity space to the west of this building (in between the application site and the existing building at the Orchard Building). At ground floor level the 5 windows that have been tested serve 2 units (1 x 2b and 1 x 1b)

#### **Daylight**

- There is no impact on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- W2, W3, W4, W5 at ground floor windows meet the VSC criteria with reductions of 18% and 20%.
- W1 at ground floor does not meet the VSC criteria with a reduction of 23%.

#### **Sunlight**

- There is no impact on the 1st, 2nd, 3rd or 4th floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- W1, W2, and W4 do not meet the APSH with results of 6% (reduction of 63%), 12.5% (reduction of 34%), and 22% (reduction of 36%).
- The WSPH is met for W1, W2, W3 and W4 with results of 5%, 9.5%, 14% and 19%.
- W3 and W5 meet all the BRE criteria with a reduction of 20% and a result of 26% APSH and 19% and 20% WSPH respectively.
- At least 50% of the garden/amenity space does not receive at least 2 hours of sunlight on 21 March with results of 17% at noon and 29% at 2pm and a reduction of

44% and 49.2% respectively.

- 8.35 As noted above, the BRE guidance states that targets could justifiably be set to allow for a 'mirror-image' development to be located opposite a site. This then allows for a mirror image of the Orchard Building to be superimposed on the application site and for the results from such a building to be used as the targets for a proposed development. While the above daylight and sunlight impacts are recognised when compared to the 'mirror image' results the impact is within the BRE limits;

#### **Daylight**

- W1 meets the BRE criteria with the same result as the mirror image scheme which has a 23% impact.

#### **Sunlight**

- W1, W2, W3 and W4 meet the BRE criteria with the same or better results than the mirror image scheme with the mirror image results of:
  - APSH results of 6%, 12%, 19% and 22%.
  - WSPH results of 5%, 9%, 13% and 16%.
  - W4 APSH of 22% and WSPH of 16%.
- On 21 March the BRE criteria is met with better results than the mirror image scheme which receives 17% at noon and 27% at 2pm.

#### Silverdale Court

There are no windows in the side boundary wall adjoining the application site. The west facing elevation within the courtyard has therefore been tested as well as the courtyard garden itself (which is enclosed on 4 sides by the buildings at Silverdale Court).

#### **Daylight**

- There is no impact on the 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- On the ground and 1<sup>st</sup> floor the VSC test is met with reductions of 8.5% and 10% at ground floor and 8.5% and 12% at 1<sup>st</sup> floor. It should be noted that from the officer site visit there are no windows located in this elevation at ground floor, so it is only the 1<sup>st</sup> floor results that are relevant.

#### **Sunlight**

- Sunlight provision to the windows in the west elevation is not an issue since these are not within 90 degrees of south and do not need to be tested.
- On 21<sup>st</sup> March the courtyard area receives sunlight only after 11am and, because the application site is to the east of this courtyard, the sun will have passed the roof of the proposed development and there will be no reduction in sunlight to the courtyard.

#### The Courtyard

There are no windows in the side boundary wall adjoining the application site. The south facing elevation within the courtyard 2 roof terrace windows/doors have therefore been tested as well as the courtyard garden itself (which is enclosed on 4 sides by the buildings at The Courtyard).

#### **Daylight**

- There is no impact on the 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- The applicant has submitted a cross section through the existing buildings and this shows that the proposed building is not visible from the ground or 1<sup>st</sup> floor windows as it is blocked by the existing buildings. Therefore, there will be no overshadowing of these windows as a result of the development.
- The VSC test has been met for the windows/doors to the 2 roof terraces with results of 28.3% and 40%.

#### **Sunlight**

- The applicant has submitted a cross section through the existing buildings showing

that the proposed building is not visible from the ground or 1<sup>st</sup> floor windows on the south elevation facing the courtyard as it is blocked by the existing buildings. Therefore, there will be no overshadowing of these windows as a result of the development

- Sunlight provision to the roof terrace windows/doors is not an issue since these are not within 90 degrees of south and do not need to be tested.
- The submitted cross section through the existing buildings shows that the proposed building is not visible from the courtyard amenity space as it is blocked by the existing buildings. Therefore, there will be no overshadowing of the amenity space as a result of the development

#### Seward Street playground

- Over 50% of the playground receives at least 2 hours of sunlight on 21 March with results of 67% at 11am, 78% at noon, 74% at 1pm and 66% at 2pm.

### **Conclusion**

- 8.36 There are some failures of the traditional BRE tests with one ground floor window at The Orchard Building falling short of the VSC daylight test (W1 with a reduction of 23% rather than 20%) and 4 ground floor windows not achieving the APSH sunlight test (W1, W2, and W4 with results of 6% (63% reduction), 12.5% (34% reduction) and 22% (36% reduction). When compared to the 'mirror image' development these windows achieve the same or better results and therefore technically meet the 'mirror image' BRE test.
- 8.37 The BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character with the immediate surroundings. The building has been designed to step away from surrounding existing buildings at upper floors and the proposal would repair the urban grain by restoring appropriate building lines on Pear Tree Street on either side of the frontage building.
- 8.38 This situation therefore requires a balance to be struck and it is considered that making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of new office floorspace outweighs the degree of daylight/sunlight loss and resulting harm to the amenity of the two ground floor residential units at the Orchard Building.

#### Privacy, Overlooking

- 8.39 Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms (living rooms and bedrooms, sometimes kitchens if they are large dining kitchens but excluding bathrooms and staircases). This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 8.40 There are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, because:
- The frontage building at 1 Pear Tree Street was designed with no habitable room windows to the rear elevation. The only windows on that rear elevation serve the corridor to access the flats and a secondary kitchen/dining/living room window to two flats, which have a main window to the front elevation as well. There are windows which face this elevation and condition 8 is recommended requiring these to be obscure glazed;
  - The only residential windows that face the site are those in the Orchard Building to the rear which are 20m away from the proposed office windows (these windows are approximately 13m away from the shared boundary and the proposed building is

- then set back a further 7m from the boundary);
- The balconies at the Orchard Building are projecting and are therefore closer to the application site but there is still a total distance of 19m between the proposed office windows and the balconies;
  - The proposed first floor roof terrace is 12m away from the first floor balconies at the Orchard Building and 14m away from the first floor windows at the Orchard Building at its closest point. There are different floor to ceiling heights proposed at the application site to the Orchard Building so the proposed terrace is approximately 1.5m higher than the Orchard Building balcony. To minimise overlooking condition 9 requires planting or screening to be erected along the side boundary of this terrace;
  - The proposed terraces to the rear at 3<sup>rd</sup> floor level are approximately 7m away from the 4<sup>th</sup> floor roof terrace at The Courtyard to the rear and the windows are approximately 10.5m away at their closest point. Condition 9 requires planting or screening to be erected along this boundary to prevent any overlooking;
  - The proposed terraces at 3<sup>rd</sup> floor level to the side are approximately 19m away from the 4<sup>th</sup> floor balconies at the Orchard Building and 20m from the 4<sup>th</sup> floor windows at the Orchard Building; and
  - The proposed windows at 4<sup>th</sup> floor level are approximately 4.3m away from an existing roof terrace at The Courtyard. These windows are at a higher level and are approximately 2.5m above the roof terrace. Condition 8 requires these windows to be obscure glazed.

### Outlook

- 8.41 There is only approximately 3m between the proposed building and the frontage building at 1 Pear Tree Street however, as described above, the frontage building at 1 Pear Tree Street was designed with no habitable room windows to the rear elevation. The new building will clearly be visible from the windows to the rear elevation of the frontage building but these windows serve the corridor to access the flats and a secondary kitchen/dining/living room to two flats. It is therefore considered that there will not be an unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these residential units.
- 8.42 There are stepped roof terraces at The Courtyard at 4<sup>th</sup> and 5<sup>th</sup> floor level to the rear of the site (equivalent to 3<sup>rd</sup> and 4<sup>th</sup> floor levels at the application site because of the different floor to ceiling heights). These have windows doors in the east elevation facing the roof terrace and have amenity space taking up approximately 3m of the roof terrace areas. At the 4<sup>th</sup> floor level (2<sup>nd</sup>/3<sup>rd</sup> floor at the application site) the proposed building extends approximately 4m along the side boundary of the roof area. Due to the different floor levels at both sites the proposal is only 1.4m in height along this boundary and is therefore no different to a garden wall. At 5<sup>th</sup> floor level (3<sup>rd</sup>/4<sup>th</sup> floor at the application site) the proposed building extends approximately 7.5m along the side boundary of the roof terrace. Because of the different floor levels the proposal is 2.4m in height along this boundary. Again this is similar in height to a high garden wall and the existing windows to this terrace have uninterrupted views the other way across the Seward Street playground as well as large windows serving the same unit along most of the northern elevation. It is therefore considered that there will not be an unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these residential units.

### Noise

- 8.43 Objections have been made by local residents regarding potential noise from the 24 hour operation by National Grid, specifically with noisy vans and waste bin collections. The 24 hour National Grid operation is already on site and takes place in an open car park area. The proposal is to enclose the parking/equipment storage/refuse storage

area and to re-provide the office and supporting uses within the building at part 1<sup>st</sup> and 2<sup>nd</sup> floor levels. Any noise from vehicles using the site, equipment being moved around on site, refuse collections etc. should therefore be greatly reduced if not disappear, because the ground floor use is to be entirely enclosed.

- 8.44 The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by objectors. Conditions requiring the submission of a Construction & Demolition Logistics Plan (No 12), a Construction Environmental Management Plan (No 13) and an informative advising of restriction to hours for 'noisy' works (No 6) have been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.
- 8.45 Roof terraces are proposed at 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floor levels to the rear which are relatively large and service the office uses. At the closest point at first floor level they are approximately 12m away from the residential balconies to the Orchard Building. They are likely to be used during the day and are unlikely to cause any noise or disturbance issues, however to ensure this is the case Condition 10 is recommended restricting the hours of use of the roof top terraces.

### **Accessibility**

- 8.46 The applicant has submitted a Design and Access Statement and has outlined how inclusive design has been considered, including level access from the street, 2 lifts in the office floorspace and 1 in the National Grid offices and accessible WCs.
- 8.47 There is a requirement for the provision of 7 wheelchair accessible spaces and there are none shown on site. There is potential for 1 or 2 spaces to be accommodated on site within the parking area, but it is appreciated that there are operational needs for these spaces. A S106 head of term is included as is usual, for the provision of these spaces or a financial contribution. The entrance gates need to be suitable for use by disabled people and the pedestrian gate should have a flush threshold and these have been secured with condition 18. There are outstanding questions from the Access Officer with regard to accessible bicycles and tricycles and these details are also secured by condition 18.

### **Highways and Transportation**

- 8.48 The proposal includes at ground floor vehicle parking associated with the existing National Grid use, which is proposed to remain on site. For the National Grid use the scheme reduces the number of vehicular spaces from the 22 existing to 14 proposed, along with areas for plant/machinery storage and a large refuse storage area. Cycle parking is proposed for all uses with 11 spaces within the National Grid entrance core and 49 within the office entrance core. The site has a PTAL rating of 6a (excellent) and is within walking distance of Barbican, Angel and Old Street stations and is close to many bus routes that run along Goswell Road.

### **Transport Statement**

- 8.49 A Transport Statement has been submitted with the application because of the unique nature of the National Grid use and the inclusion of operational parking spaces on site (the scheme is not large enough for a full transport assessment). This statement confirms that the site will continue to be used as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. The number of staff on site varies day by day and week to week based on the number of emergency call outs required and staff travel from other depots when needed. There are 16 permanent members of staff based on site, with 8 of these being 'on-call emergency responders' who travel to site with the National Grid vehicles with blue

flashing beacons. National Grid's requirement is for 14 operational vehicles on site made up of a mixture of vans and on call emergency responders. They also require storage space for trailers, mini-diggers, transformers, generators and traffic management equipment. The vehicles are parked on site until they are required to deal with incidents and once work has been carried out the vehicles and associated equipment are returned to the site.

- 8.50 Vehicle movements associated with the National Grid use will be similar to existing and for the new general office floorspace the Transport Statement concludes that the new office use will not generate additional private car trips as staff will either walk or use public transport.

#### Servicing

- 8.51 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.

- 8.52 A large refuse storage area is provided in the corner of the ground floor parking area for National Grid requirements and ancillary spaces are provided at ground floor level for the office use which could be used for refuse storage. The Transport Statement states that the site will continue to be serviced via Pear Tree Street as existing (for both the National Grid use and new office use). The applicant has explored whether it will be possible for refuse vehicles to use the ground floor parking area but because of the proposed supporting columns for the upper floors it is not possible for a refuse vehicle to turn within the site and exit in forward gear. National Grid require skips on site for the collection of large items of waste and the Transport Statement includes a swept path analysis to show that a skip lorry can turn around within the site and exit in forward gear.

#### Vehicle parking

- 8.53 The development would be car free, as required by Core Strategy Policy CS10 (in terms of the office and National Grid staff rather than the National Grid operational vehicle requirements). In order to ensure that the parking area is not used by National Grid or office staff for general parking, which is contrary to policy, conditions are recommended restricting the number of spaces on site to 14 and restricting the use of the parking area to National Grid vehicles only (conditions 6 and 7).

#### Cycle parking

- 8.54 Policy DM8.4 (Walking and cycling) requires the provision of 53 cycle parking spaces for the total floorspace (taking the National Grid floorspace as being equivalent to office floorspace). Cycle parking is proposed for all uses with a total of 60 spaces: 11 spaces at ground floor level within the National Grid entrance core (9 for staff and 2 for visitors) and 49 at ground floor level within the office entrance core (41 for staff and 8 for visitors).

#### Construction impact

- 8.55 Objections have been raised regarding hours of construction, impact on road surfaces that have recently been repaired and construction traffic blocking emergency vehicles. The applicant has submitted a draft Construction Management Plan, which includes the following:

- Works are likely to start on site in August 2016 and to be complete in January 2018;
- The document states that construction will take place between 8am and 7pm Monday



to Friday and Saturday morning between 8am and 1pm. Under the Control of Pollution Act 1974 any works that can be heard from the boundary of the site can only be carried out between 8am and 6pm Monday to Friday and 8am to 1pm on Saturday and the applicant is reminded of this with informative 6;

- Procedures will be in place to control site generated dust, noise and vibration
- The servicing point for the site will be via the existing entrance from Pear Tree Street which will be controlled by gates.
- A detailed Site Waste Management Plan will be prepared.

8.56 In addition condition 12 requires the submission of a Demolition and Construction Logistics plan to cover potential transport issues, condition 13 requires the submission of a Construction and Environment Management Plan to cover environmental health issues, there is a S106 Head of Term to secure highway reinstatement works and a S106 Head of Term to secure compliance with the Code of Construction Practice (and a monitoring fee). An informative is also included advising of the restriction to hours for 'noisy' works (No 6) have been included.

#### Two way traffic on Pear Tree Street

8.57 Objections have been received from local residents requesting that Pear Tree Street becomes one way instead of two way operation. It appears that the street was changed to one way operation (eastbound) in 2013 during construction of a number of nearby development and since these developments have been completed and occupied the street has reverted back to two way operation. Given the fact that the scheme does not increase vehicle trips because the existing National Grid operation is to be retained and the office use is unlikely to generate significant traffic (see paragraph 8.49), it is not considered necessary to require Pear Tree Street to become one way permanently (or for the applicant to fund such works through a S106 legal agreement).

8.58 In conclusion, there is not considered to be any adverse highways or transportation impact in terms of loss of servicing, car parking, cycle parking and construction impact, subject to the conditions set out in this report.

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

8.59 All major developments should achieve the highest feasible level of nationally recognised sustainable building standard (in Islington's case this is considered to be Code for Sustainable Homes (CFsH) level 4 and BREEAM Excellent or equivalent). This is set out in Core Strategy policy CS10 and Development Management policy DM7.4.

8.60 A BREEAM assessment has been submitted and the applicant has confirmed a commitment to achieve BREEAM 'excellent' with a score of 72%. Condition 23 is recommended in order to secure this.

8.61 In accordance with policy DM7.4 all credits for water efficiency in the relevant BREEAM scheme should be achieved. Low flow sanitary fittings are proposed throughout along with water meters and a water leak detection panel and this will achieve 7 out of 8 credits. A feasibility assessment of the possibility to include rainwater harvesting (CS10, DM6.6) is secured by condition 29.

8.62 The Council require all development to minimise the environmental impact of materials through sustainably sourced, low impact and recycled materials. This is set out within the BREEAM, with a requirement that 50% of the materials credits are achieved and the proposed development would deliver 8 out of 13 credits.

8.63 Development proposals should protect the existing ecology and make the fullest

contribution to enhancing biodiversity (CS10, DM6.5) e.g. by maximising the inclusion of green roofs, ecological landscaping, greening of facades and artificial nesting sites. Policy DM6.5 requires the maximisation of provision of green roofs and requires major developments to use all available roof space for green roofs (subject to other planning considerations). The scheme includes green roofs at fourth floor and main roof levels and it is considered that the amount of green roofs has been maximised. Condition 25 is required to ensure that the green roof details are acceptable (green roofs should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm).

- 8.64 Government legislation has recently changed with regards to sustainable urban drainage SUDs (6 April 2015) and the expectation is that where appropriate, SUDs should be provided for all major developments following consultation with the lead Local Flood Authority. Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and this new legislation gives additional weight to this as well as introducing the issue of maintenance of the SUDs system. The applicant has not addressed this policy and it is presumed that this is because the proposal is for a constrained site that is entirely covered by buildings. This is not considered acceptable as SUDs measures such as basement attenuation tanks could be provided. Condition 28 is therefore recommended requiring SUDs details to be submitted.

#### Energy Efficiency and Renewable Energy

- 8.65 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 30% saving compared with Building Regulations 2010 and 39% compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible.
- 8.66 The GLA's guidance on preparing energy assessments (April 2014) states, that the Mayor will apply a 35% carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 40% target beyond Part L 2010 of the Building Regulations, as specified in Policy 5.2 of the London Plan for 2013-2016.
- 8.67 The Sustainable Design and Construction Statement (dated 10/03/16) states that a 35% reduction in CO2 emissions (regulated) and a 23% reduction in CO2 emissions (regulated and unregulated based on 2013 Building Regulations baseline) can be achieved, with a Carbon offset financial contribution of £80,831. The proposal includes the use of 250sqm of Solar PVs for the renewable energy. The Council's Energy Officer has confirmed that this is in line with Policy.
- 8.68 Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a District Energy Network (DEN), and connection is required if a major development site is within 500 metres of an existing or a planned future DEN. The policy goes on to state that where connection to a DEN is not possible developments should connect to Shared Heat Network (SHN). Part J of Core Strategy policy CS7 and part F of Finsbury Local Plan policy BC2 set out aims and requirements relating to expansion of existing DENs. During the course of the application the applicant has changed their energy assessment and has confirmed that the scheme will

connect to the Bunhill heat network. There is a S106 Head of Term to secure this.

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

- 8.69 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 8.70 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 8.71 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 8.72 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 8.73 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 8.74 The agreement will include the following agreed heads of terms:
- For proposals with an increase in office floorspace in the CAZ, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £264,000.
  - Securing the provision of small/micro workspace at ground floor level in accordance with the provisions of policy BC8B(ii)/DM5.4A and C (submission of details of unit sizes, design, management and marketing information including rent and service charges).
  - A contribution towards Crossrail of £462,000.
  - The provision of 7 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £14,000.
  - Submission of a draft framework Travel Plan with the planning application, or a draft full Travel Plan for Council approval prior to occupations and of a full Travel Plan for

Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).

- CO2 offset contribution of £80,831
- Connection to the Bunhill heat network.
- Payment towards employment and training for local residents of a commuted sum of £33,175.
- Compliance with Code of Employment and Training including delivery of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £3,800 and submission of a 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.
- Green Performance Plan.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

8.75 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £199,775.78 for the Mayoral CIL and £298,242.68 for the LBI CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented.

## 9. SUMMARY AND CONCLUSION

### Summary

9.1 In accordance with the above assessment the comments made by residents and consultee bodies have been taken into account and it is considered that the proposed development is consistent with national policies and the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents.

9.2 The proposal is considered to be acceptable in terms of land use, urban design, the quality and quantity of the proposed employment floorspace and sustainability/energy. Balancing the townscape and other benefits against the sunlight and daylight losses to the two ground floor residential units at The Orchard Building the harm is on-balance accepted. Conditions are recommended and a Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant.

### Conclusion

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

- For proposals with an increase in office floorspace in the CAZ, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £264,000.
- Securing the provision of small/micro workspace at ground floor level in accordance with the provisions of policy BC8B(ii)/DM5.4A and C (submission of details of unit sizes, design, management and marketing information including rent and service charges).
- A contribution towards Crossrail of £462,000.
- The provision of 7 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £14,000.
- Submission of a draft framework Travel Plan with the planning application, or a draft full Travel Plan for Council approval prior to occupations and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- CO2 offset contribution of £80,831
- Connection to the Bunhill heat network.
- Payment towards employment and training for local residents of a commuted sum of £33,175.
- Compliance with Code of Employment and Training including delivery of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £3,800 and submission of a 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.
- Green Performance Plan.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The

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

## RECOMMENDATION B

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

### List of Conditions:

1	<p><b>Commencement</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA10E; PA11B; PA12B; PA13C; PA14D; PA15E; PA20A; PA21C; PA22B; PA23A; PA24B; PA30B; PA31A; PA40; PA50A; PA51B; PA52A; PA53B; PA54B; Arboricultural Impact Assessment 1140_05_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design &amp; Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Small/Micro Workspace (Details)</b></p> <p>The small/micro workspace on the ground floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
4	<p><b>Small/Micro Workspace (Compliance)</b></p>

	<p>CONDITION: The small/micro workspace located on the ground floor shall not be amalgamated with the remainder of the office floorspace in the building</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
5	<p><b>Removal of Permitted Development rights (Compliance)</b></p> <p>CONDITION: Notwithstanding the provisions of Classes I, O or T of Part 3 or Class D or E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the ground floor retail floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.</p> <p>REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)</p>
6	<p><b>Vehicle parking area (compliance)</b></p> <p>CONDITION: The ground floor depot vehicle parking and equipment storage area hereby approved shall be used (by National Grid plc only or their successors in title) in association with the depot use on the site only and shall not be used independently or in association with the general office floorspace hereby approved.</p> <p>The ground floor depot vehicle parking area shall provide a maximum of 14 marked out vehicle spaces only and a maximum of 14 vehicles shall be parked at any one time.</p> <p>REASON: To ensure that the ground floor vehicle parking and equipment storage area is not used for general staff parking and to promote sustainable modes of transport.</p>
7	<p><b>Vehicle parking area (compliance)</b></p> <p>CONDITION: The ground floor depot vehicle parking and equipment storage area hereby approved shall be provided prior to the first occupation of the depot floorspace at 1<sup>st</sup> and 2<sup>nd</sup> floors and permanently retained in accordance with the approved plans thereafter.</p> <p>REASON: The ground floor vehicle parking and equipment storage area is considered to form an essential element of the depot use, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
8	<p><b>Windows Obscured and Fixed Shut (Compliance)</b></p> <p>CONDITION: All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the development:</p> <ul style="list-style-type: none"> <li>• South eastern elevation at all levels facing the lightwell between the frontage building at 1 Pear Tree Street.</li> <li>• Part of the north western elevation at fourth floor level facing the existing roof terrace at The Courtyard</li> </ul>

	<p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
9	<p><b>Roof terrace screening (details and compliance)</b></p> <p>CONDITION: Details of the boundary to</p> <ul style="list-style-type: none"> <li>• the first floor roof terrace (side boundary with the Orchard Building site); and</li> <li>• the fourth floor roof terrace (rear boundary with The Courtyard)</li> </ul> <p>shall be submitted prior to any superstructure works commencing on site. These details shall include a 1.7m high screen or planters and planting which shall be provided prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows or balconies.</p>
10	<p><b>Roof terraces hours (compliance)</b></p> <p>CONDITION: The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 on any day except in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
11	<p><b>Roof-Top Plant &amp; Lift Overrun (Details)</b></p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ol style="list-style-type: none"> <li>a) roof terrace planting</li> <li>b) roof-top plant;</li> <li>c) ancillary enclosures/structure; and</li> <li>d) lift overrun</li> </ol> <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>
12	<p><b>Demolition and Construction Logistics Plan (details)</b></p> <p>*CONDITION: A report assessing the planned demolition and construction vehicle routes and access to the site including addressing environmental impacts (including</p>



	<p>(but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to any works commencing on site.</p> <p>The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Holloway Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</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 highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.</p>
13	<p><b>Construction Environmental Management Plan (CEMP) (details)</b></p> <p>*CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</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 the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
14	<p><b>Trees and protection and potential details</b></p> <p>CONDITION: The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (April 2016 1140_05_APIII) and the Construction Method Statement (undated) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
15	<p><b>Materials</b></p> <p>CONDITION: Notwithstanding the approved drawings, no materials or material colours are approved with this consent. Details and samples, including manufacturer's details of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) solid brickwork (including brickwork and mortar courses) – which should</p>

	<p>ideally be a high quality yellow stock brick or match the frontage development at 1 Pear Tree Street</p> <p>b) The retention of the rear boundary wall adjoining the Seward Street Playground</p> <p>c) The decorated brick pattern to the ground floor wall facing the Seward Street playground</p> <p>d) render (including colour, texture and method of application)</p> <p>e) window treatment (including sections and reveals) – the proportions of the windows should be amended to avoid visual duality</p> <p>f) door treatment (including sections and reveals)</p> <p>g) Fairfaced concrete</p> <p>h) Roofing materials</p> <p>i) balustrading treatment (including sections) including to roof terraces;</p> <p>j) metal gates – the entrance gates should provide some decoration via design, colour or materials as utilitarian black gates are not appropriate in this location;</p> <p>k) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
16	<p><b>Photovoltaic panels (details)</b></p>
	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Seward Street:</p> <ul style="list-style-type: none"> <li>• Location;</li> <li>• Area of panels; and</li> <li>• Design (including angle of panels and elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
17	<p><b>Pipes (compliance)</b></p>
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
18	<p><b>Access (compliance)</b></p>
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/</p>

	<p>a) Vehicular and pedestrian gates that are suitable for use by disabled people;</p> <p>b) Flush thresholds to all entrances and gated entrances</p> <p>c) Accessible/adapted bicycle and tricycle spaces</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 order to facilitate and promote inclusive and sustainable communities.</p>
19	<p><b>Cycle Parking Provision (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) shown on drawing No. 4205/PA10D hereby approved, shall be secure and provide for no less than 17 bicycle spaces and 1 disability tricycle space and 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>
20	<p><b>Waste Management</b></p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 4205/PA10D 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>
21	<p><b>Noise (details)</b></p> <p>CONDITION: 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 with condition 22. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and any noise mitigation measures shall be installed before commencement of the uses hereby permitted and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the neighbouring occupiers.</p>
22	<p><b>Plant Noise and Fixed Plant</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
23	<p><b>BREEAM (compliance)</b></p> <p>CONDITION: The development shall achieve 'Excellent' under BREEAM New Construction (2011).</p>

	REASON: In the interest of addressing climate change and to secure sustainable development.
24	<p><b>Energy Strategy (compliance/details)</b></p> <p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 35% on-site regulated CO2 emissions and a 23% on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013. Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The revised energy strategy shall provide for no less than a 35% on-site regulated CO2 emissions and a 23% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>
25	<p><b>Green and Brown Roofs (Details)</b></p> <p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be maximised and be:</p> <ol style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with and no less than shown on plans 4205/PA14C and 15C 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> </ol> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) 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>
26	<p><b>Landscaping (details)</b></p> <p>CONDITION: A landscaping scheme for the roof terraces (accessible and maintenance only areas, but excluding the green roofs) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> <li>a) a biodiversity statement detailing how the landscaping scheme maximises</li> </ol>

	<p>biodiversity;</p> <p>b) soft planting: including planters, grass and turf areas, shrub and herbaceous areas;</p> <p>c) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>e) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>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>
27	<p><b>Bird / bat boxes (details)</b></p>
	<p>CONDITION: Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any superstructure works commencing. The details shall include the exact location, specification and design of the installations. The boxes/bricks shall be installed prior to the first occupation and permanently retained thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>
28	<p><b>Sustainable Urban Drainage System (SUDS) (details)</b></p>
	<p>CONDITION: Details of a detailed drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ol style="list-style-type: none"> <li>i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li> <li>ii. include a timetable for its implementation; and</li> <li>iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.</li> </ol> <p>The drainage system shall be installed operational prior to the first occupation of the</p>

	<p>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: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
29	<p><b>Rainwater / greywater recycling (Details)</b></p> <p>CONDITION: Details of a rainwater/greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>

**List of Informatives:**

1	<p><b>S106</b></p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>

	<p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an ‘asterix’ * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Car-Free Development</b></p> <p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5.	<p><b>Roof top plant</b></p> <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
6	<p><b>Construction works</b></p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <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>
7	<p><b>Highways Requirements</b></p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p>

Temporary crossover licenses to be acquired from [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

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 [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk)

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.

### 1 **National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online

### 2. **Development Plan**

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

#### **A) The London Plan 2015 – Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

##### **1 Context and strategy**

1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

2.9 Inner London

2.10 CAZ – Strategic priorities

2.11 CAZ – Strategic functions

2.12 CAZ – Predominantly local activities

2.13 Opportunity areas and intensification areas

2.14 Areas for regeneration

2.15 Town centres

##### **3 London's people**

3.9 Mixed and balanced communities

3.10 Definition of affordable housing

3.11 Affordable housing targets

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

3.13 Affordable housing thresholds

3.15 Coordination of housing development and investment

3.16 Protection and enhancement of social infrastructure

##### **4 London's economy**

4.1 Developing London's economy

4.2 Offices

4.3 Mixed use development and offices

4.10 New and emerging economic sectors

4.12 Improving opportunities for all

5.10 Urban greening

5.11 Green roofs and development site environs

5.12 Flood risk management

5.13 Sustainable drainage

5.14 Water quality and wastewater infrastructure

5.15 Water use and supplies

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

##### **6 London's transport**

6.1 Strategic approach

6.2 Providing public transport capacity and safeguarding land for transport

6.3 Assessing effects of development on transport capacity

6.5 Funding Crossrail and other strategically important transport infrastructure

6.7 Better streets and surface transport

6.9 Cycling

6.10 Walking

6.11 Smoothing traffic flow and tackling congestion

6.13 Parking

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

7.1 Building London's neighbourhoods and communities

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local character

## **5 London's response to climate change**

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling

- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

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

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

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

### **Spatial Strategy**

- CS 7 Bunhill and Clerkenwell
- CS 8 Enhancing Islington's character

### **Strategic Policies**

- CS 9 Protecting and Enhancing Islington's Built and Historic Environment
- CS 10 Sustainable Design
- CS 11 Waste
- CS 12 Meeting the Housing Challenge

- CS 13 Employment spaces
- CS 15 Open Space and Green Infrastructure
- CS 16 Play Space

### **Infrastructure and Implementation**

- CS 18 Delivery and Infrastructure)
- CS 19 Health Impact Assessments
- CS 20 Partnership Working

## **C) Development Management Policies June 2013**

### **Design and Heritage**

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

### **Employment**

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

### **Health and open space**

- DM6.1 Healthy development
- DM6.2 New and improved public open space
- DM6.6 Flood prevention

### **Energy and Environmental Standards**

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

### **Transport**

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

### **Infrastructure**

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

BC1 King Square and St Luke's  
BC8 Achieving a balanced mix of uses  
BC9 Tall Buildings and contextual  
considerations for building heights  
BC10 Implementation

#### **D) Site Allocations June 2013**

SA1 Proposals within allocated sites	Within 50m of BC15 "Seward Street playground"
BC16 "NCP car park, 1 Pear Tree Street"	

#### **4. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations June 2013.

##### **Islington Local Plan**

Bunhill & Clerkenwell Core Strategy key area

Central Activities Zone

Great Sutton Street Employment Priority Area (General)

Site allocation BC16 "NCP car park, 1 Pear Tree Street"

Within 50m of site allocation BC15 "Seward Street  
playground"

Within 50m of Hat and Feathers Conservation Area

##### **London Plan**

Central Activities Zone

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

The following SPGs and/or SPDs are relevant:

##### **Islington Local Development Plan**

- Accessible Housing in Islington
- Car Free Housing
- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD
- Urban Design Guide SPD

##### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG (and Draft SPG)
- The Control of Dust and Emissions During Construction and Demolition SPG
- Housing SPG
- London Housing Design Guide (Interim Edition)
- Land for industry and Transport
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Draft Social Infrastructure SPG
- Sustainable Design and Construction SPG

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## PLANNING DECISION NOTICE

GML Architects  
 Unit 3  
 1-4 Christina Street  
 London  
 EC2A 4PA

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

**Case Officer:** Amanda Peck  
**T:** 0207 527 3876  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 30 October 2017  
**Application No:** P2015/4725/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

### BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	<b>National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB</b>
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<b>Application Type:</b>	<b>Full Planning Application</b>		
<b>Date of Application:</b>	09 November 2015	<b>Application Received:</b>	09 November 2015
<b>Application Valid:</b>	07 December 2015	<b>Application Target:</b>	07 March 2016

### DEVELOPMENT:

Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.

### PLAN NOS:

4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA10E; PA11B; PA12B; PA13C; PA14D; PA15E; PA20A; PA21C; PA22B; PA23A; PA24B; PA30B; PA31A; PA40; PA50A; PA51B; PA52A; PA53B; PA54B; Arboricultural Impact Assessment 1140\_05\_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design & Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML

**CONDITIONS:**

- 1 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA10E; PA11B; PA12B; PA13C; PA14D; PA15E; PA20A; PA21C; PA22B; PA23A; PA24B; PA30B; PA31A; PA40; PA50A; PA51B; PA52A; PA53B; PA54B; Arboricultural Impact Assessment 1140\_05\_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design & Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 The small/micro workspace on the ground floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.

REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).

- 4 CONDITION: The small/micro workspace located on the ground floor shall not be amalgamated with the remainder of the office floorspace in the building.

REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).

- 5 **CONDITION:** Notwithstanding the provisions of Classes I, O or T of Part 3 or Class D or E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the office floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

**REASON:** To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)

- 6 **CONDITION:** The ground floor depot vehicle parking and equipment storage area hereby approved shall be used (by National Grid plc only or their successors in title) in association with the depot use on the site only and shall not be used independently or in association with the general office floorspace hereby approved. The ground floor depot vehicle parking area shall provide a maximum of 14 marked out vehicle spaces only and a maximum of 14 vehicles shall be parked at any one time.

**REASON:** To ensure that the ground floor vehicle parking and equipment storage area is not used for general staff parking and to promote sustainable modes of transport.

- 7 **CONDITION:** The ground floor depot vehicle parking and equipment storage area hereby approved shall be provided prior to the first occupation of the depot floorspace at 1st and 2nd floors and permanently retained in accordance with the approved plans thereafter.

**REASON:** The ground floor vehicle parking and equipment storage area is considered to form an essential element of the depot use, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.

- 8 **CONDITION:** All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the development:

- South eastern elevation at all levels facing the lightwell between the frontage building at 1 Pear Tree Street.
- Part of the north western elevation at fourth floor level facing the existing roof terrace at The Courtyard

All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

**REASON:** To prevent the undue overlooking of neighbouring habitable room windows.

- 9 **CONDITION:** Details of the boundary to  
- the first floor roof terrace (side boundary with the Orchard Building site); and - the fourth floor roof terrace (rear boundary with The Courtyard)

shall be submitted prior to any superstructure works commencing on site. These details shall include a 1.7m high screen or planters and planting which shall be provided prior to first occupation of the development.

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

**REASON:** To prevent the undue overlooking of neighbouring habitable room windows or balconies.

- 10 **CONDITION:** The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 on any day except in the case of essential maintenance or repair, or escape in case of emergency.

**REASON:** To ensure that the amenity of residents is not adversely affected in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.

- 11 **CONDITION:** Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:  
a) roof terrace planting  
b) roof-top plant;  
c) ancillary enclosures/structure; and  
d) lift overrun

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

**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.

- 12 **\*CONDITION:** A report assessing the planned demolition and construction vehicle routes and access to the site including addressing environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to any works commencing on site.

The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Holloway Road, nearby residential amenity 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.

**REASON:** In order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.



- 13 \*CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

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 the interests of residential amenity, highway safety and the free flow of traffic on streets.

- 14 CONDITION: The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (April 2016 1140\_05\_APIII) and the Construction Method Statement (undated) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.

Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.

REASON: In the interest of the protection of trees and to safeguard visual amenities.

- 15 CONDITION: Notwithstanding the approved drawings, no materials or material colours are approved with this consent. Details and samples, including manufacturer's details 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:
- a) solid brickwork (including brick panels and mortar courses) - which should ideally be a high quality yellow stock brick or match the frontage development at 1 Pear Tree Street
  - b) The retention of the rear boundary wall adjoining the Seward Street Playground
  - c) The decorated brick pattern to the ground floor wall facing the Seward Street playground
  - d) render (including colour, texture and method of application)
  - e) window treatment (including sections and reveals) - the proportions of the windows should be amended to avoid visual duality
  - f) door treatment (including sections and reveals)
  - g) Fairfaced concrete
  - h) Roofing materials
  - i) balustrading treatment (including sections) including to roof terraces;
  - j) metal gates - the entrance gates should provide some decoration via design, colour or materials as utilitarian black gates are not appropriate in this location;
  - k) any other materials to be used.

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

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.

- 16 **CONDITION:** Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Seward Street:
- Location;
  - Area of panels; and
  - Design (including angle of panels and elevation plans).

The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.

**REASON:** In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.

- 17 **CONDITION:** Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.

Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.

**REASON:** The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.

- 18 **CONDITION:** Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:
- a) Vehicular and pedestrian gates that are suitable for use by disabled people;
  - b) Flush thresholds to all entrances and gated entrances
  - c) Accessible/adapted bicycle and tricycle spaces

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

**REASON:** In order to facilitate and promote inclusive and sustainable communities.

- 19 **CONDITION:** The bicycle storage area(s) shown on drawing No. 4205/PA10D hereby approved, shall be secure and provide for no less than 17 bicycle spaces and 1 disability tricycle space and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

**REASON:** To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 20 **CONDITION:** The dedicated refuse / recycling enclosure(s) shown on drawing no. 4205/PA10D shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

**REASON:** To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

- 21 **CONDITION:** A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 22. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and any noise mitigation measures shall be installed before commencement of the uses hereby permitted and permanently retained thereafter.

**REASON:** To protect the amenities of the neighbouring occupiers.

- 22 **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: 1997.

The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

**REASON:** To secure an appropriate internal residential environment.

- 23 **CONDITION:** The development shall achieve Excellent under BREEAM New Construction (2011).

**REASON:** In the interest of addressing climate change and to secure sustainable development.

- 24 **CONDITION:** The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 35% on-site regulated CO2 emissions and a 23% on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013. Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The revised energy strategy shall provide for no less than a 35% on-site regulated CO2 emissions and a 23% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.

The final agreed scheme shall be installed and operational prior to the first occupation of the development.

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

**REASON:** In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.

- 25 **CONDITION:** Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be maximised and be:
- a) biodiversity based with extensive substrate base (depth 80-150mm);
  - b) laid out in accordance with and no less than shown on plans 4205/PA14C and 15C hereby approved; and
  - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

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 roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

**REASON:** To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 26 **CONDITION:** A landscaping scheme for the roof terraces (accessible and maintenance only areas, but excluding the green roofs) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:
- a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
  - b) soft planting: including planters, grass and turf areas, shrub and herbaceous areas;
  - c) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
  - d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and
  - e) any other landscaping feature(s) forming part of the scheme.

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.

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

**REASON:** In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

- 27 EMAIL EXCHANGE 20 FEB 17 - COULD CHANGE TO 'PRIOR TO FIRST OCCUPATION' AWAITING REPLY FROM APPLICANT 3 MARCH 17.

CONDITION: Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any superstructure works commencing. The details shall include the exact location, specification and design of the installations. The boxes/bricks shall be installed prior to the first occupation and permanently retained thereafter.

REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.

- 28 CONDITION: Details of a detailed drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage system shall be installed/operational prior to the first occupation of the development.

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

REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.

- 29 CONDITION: Details of a rainwater/greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.

The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.

REASON: To ensure the sustainable use of water.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

- 2 DEFINITIONS: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
- 3 CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at [cil@islington.gov.uk](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Islington Council website at [www.islington.gov.uk/cilinfo](http://www.islington.gov.uk/cilinfo). Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

- 4 CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
- 5 The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
- 6 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email [pollution@islington.gov.uk](mailto:pollution@islington.gov.uk)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 7 Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). 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 [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). 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 [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk).

Compliance with sections 59 and 60 of the Highway Act, 1980 - "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk).

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact [highways.maintenance@islington.gov.uk](mailto:highways.maintenance@islington.gov.uk) Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

Temporary crossover licenses to be acquired from [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A handwritten signature in black ink, reading "Karen Sullivan", enclosed within a rectangular border.

**KAREN SULLIVAN  
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT  
AND PROPER OFFICER**

## SUBSEQUENT REQUIREMENTS FOLLOWING THE GRANT OF PERMISSION

### 1. The Building Acts and Building Regulations

To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.

T: 020 7527 5999

E: [building.control@islington.gov.uk](mailto:building.control@islington.gov.uk)

### 2. Street Naming and Numbering

If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.

T: 020 7527 2245 / 2611

E: [addressmanagement@islington.gov.uk](mailto:addressmanagement@islington.gov.uk)

### 3. Environmental Health, Trading Standards and Licensing

You may need to comply with various Acts and therefore you should contact Commercial and/or Residential Environmental Health and/or Trading Standards and/or Licensing. The Licensing Team deal with premises that sell alcohol, provide entertainment, late night refreshment, gambling and special treatments such as beauty therapies, tattoos and saunas.

T: 020 7527 3186 (Commercial/Residential/Trading Standards)

T: 020 7527 3031 (Licensing)

E: [Street.Trading@islington.gov.uk](mailto:Street.Trading@islington.gov.uk)

[Licensing@islington.gov.uk](mailto:Licensing@islington.gov.uk)

[Residential.Envh@islington.gov.uk](mailto:Residential.Envh@islington.gov.uk)

[Commercial.Envh@islington.gov.uk](mailto:Commercial.Envh@islington.gov.uk)

### 4. Inclusive Design and Access for Disabled People

The London Plan, Islington's Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:

§ Inclusive Mobility – [www.dft.gov.uk/publications/inclusive-mobility](http://www.dft.gov.uk/publications/inclusive-mobility)

§ Approved Document M – Access to and use of buildings

§ Islington's Accessible Housing SPD –

[http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Public-consultation/2011-2012/\(2012-03-03\)-Accessible-Housing-SPD-Adopted-March-09.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Public-consultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf)

§ Islington's Inclusive Landscape Design SPD -

[http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/\(2012-03-03\)-Inclusive-Landscape-Design-SPD-January-2010.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPD-January-2010.pdf)

§ BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people.

Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features.

T: 020 7527 2394

E: [planning@islington.gov.uk](mailto:planning@islington.gov.uk)



## **5. Highways**

In order to comply with the provisions of the Highways Act, and/or other Highways matters, you should contact Highways Services. Hoardings, scaffolding, skips, overhanging structures, anything on the public highway (tables and chairs for example) are regulated by the Streetworks Team.

T: 020 7527 2000

E: [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk)

## **6. Parking Suspensions**

In order to secure parking bays for the sole use of contractors on site, you should contact Parking and CCTV Services.

T: 020 7527 1377/6262/6129

E: [parkingsuspensions@islington.gov.uk](mailto:parkingsuspensions@islington.gov.uk)

## **7. Trees**

Any trees which are the subject of a Tree Preservation Order or within a conservation area may not be lopped, felled, uprooted or wilfully damaged without permission. Should you wish to undertake any such works contact the Tree Service.

T: 020 7527 2417/2150

E: [treeservice@islington.gov.uk](mailto:treeservice@islington.gov.uk)

## **8. Storage and Collection of Refuse**

In order to ensure the intended approach/strategy to refuse, recycling, waste removal is acceptable, you should contact Street Environment Services.

T: 020 7527 2000

E: [contact@islington.gov.uk](mailto:contact@islington.gov.uk)

## **9. Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:

§ 08:00 to 18:00 Monday to Friday

§ 08:00 to 13:00 Saturday

§ No work on Sundays and Public Holidays

If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.

T: 020 7527 7272

E: [pollution@islington.gov.uk](mailto:pollution@islington.gov.uk)

## **10. Fire Precautions**

If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade.

T: 020 8555 1200 (ext: 59163)

A: Eastern Command, Fire Safety Department

Units 5-6 City Forum

City Road,

LONDON EC1V 2FB

## **11. Petrol Storage**

To ensure compliance with the Petroleum (Consolidation) Act and for advice on the storage of petroleum spirit or petroleum mixture, you should contact the London Fire and Civil Defence Authority.

T: 020 8555 1200 (ext: 59163)

A: Eastern Command, Fire Safety Department

Units 5-6 City Forum  
City Road,  
LONDON EC1V 2FB

## APPLICANT'S RIGHTS FOLLOWING THE GRANT OR REFUSAL OF PERMISSION

### 1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- § **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- § **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- § **8 weeks:** Advertisement consent applications.
- § **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- § The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- § An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice..

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances. The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

### 2. Subsequent Application Fees

No planning fee would be payable should a revised application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- § the applicant is the same as the applicant of the original application
- § site boundary is the same as the site boundary of the original application
- § the nature of development remains the same.

### 3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission

subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council. This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

#### **4. Compensation**

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **5. General Information**

A planning permission does not constitute a listed building consent. Listed building consent is required before any works of development or alteration (internal or external) are undertaken to a building included on the Statutory List of Buildings of Architectural or Historic Interest.

A planning permission does not constitute a conservation area consent. Conservation area consent is required before any demolition works are undertaken to a building/structure within a designated conservation area – being the substantial demolition of a building/structure and/or demolition wall/fence fronting a public highway.

The grant of a permission does not relieve the applicant/developer of the necessity of complying with any local Acts, Regulations, Building By-laws, private legislation, and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements etc., applying to or affecting either the land to which the permission relates or any other land or the rights or any person(s) or authority(s) entitled to benefit thereof or holding an interest in the property.

A development for which permission is granted require new rights over other people's land such as: rights to receive light and air, rights of way, access, freeholder consent, party wall award. In such situations it is appropriate to seek professional advice – please be aware that as such matters relate are private law matters, the council cannot advise you. If planning permission is given in respect of land adjoining land belonging to the council or another public authority, you are advised to consult that authority in its capacity as landowner about your proposals. Examples of land belonging to the council include: Public Parks, Gardens, Housing Estates, Estate Roads and Public Buildings such as Council Offices, Libraries and Swimming Pools.

#### **6. If you require further advice please visits our website at [www.islington.gov.uk](http://www.islington.gov.uk) or contact the Planning Enquiries team on 020 7527 2000.**

**Planning Committee - 19 May 2016**

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 19 May 2016 at 7.30 pm.

**Present:**           **Councillors:**       Robert Khan (Chair), Alice Donovan (Vice-Chair),  
Martin Klute (Vice-Chair), Tim Nicholls, Una O'Halloran,  
Angela Picknell and David Poyser

**Councillor Robert Khan in the Chair**

**199**        **INTRODUCTIONS (Item A1)**

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

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

Apologies for absence were received from Councillor Convery.

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

None.

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

None.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 19 April 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them subject to Councillor Alice Donovan being marked as present.

**205**        **APPOINTMENT OF PLANNING SUB-COMMITTEES (Item A7)**

Members noted the tabled paper proposing the memberships of the Planning Sub-Committees.

**RESOLVED**

- a) That the Sub-Committees be confirmed as five member Sub-Committees and the Terms of Reference be noted.
- b) That it be noted that the allocation of seats was determined in accordance with the advice in the report.
- c) That Councillors Klute, Convery, Nicholls, O'Halloran and Poyser be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.

## Planning Committee - 19 May 2016

- d) That Councillors Donovan, Khan, Nick Ward, Chowdhury and Picknell be appointed as members of Planning Sub-Committee B for the current municipal year or until their successors are appointed.
- e) That it be noted that Councillor Klute had been appointed Chair of Planning Sub-Committee A and Councillor Donovan had been appointed Chair of Planning Sub-Committee B for the municipal year or until their successors are appointed.
- f) That it be noted that any member who was a member or substitute member of the Planning Committee could substitute at any meetings of either Sub-Committee if they had not been appointed as a member of the Sub-Committee.
- g) That Councillor Nicholls be appointed as Vice-Chair of Planning Sub-Committee A and Councillor Picknell be appointed as Vice-Chair of Planning Sub-Committee B for the current municipal year or until successors are appointed.

206

### **273 CAMDEN ROAD, LONDON, N7 0JN (Item B1)**

Demolition of existing building and erection of a 6 storey building to provide 21 residential units (8 x 1 bed, 12 x 2 bed and 1 x 3 bedroom flats) with associated landscaping and amenity space.

(Planning application number: P2015/5306/FUL)

In the discussion the following points were made:

- The planning officer advised that there should be an additional condition requiring the submission of a bat survey.
- The application had not been to the Design Review Panel.
- In response to a member's query about whether the existing building was built in commemoration of those who died in the war, the planning officer advised that the existing building was built on a bomb site but she understood it was not a memorial. Members could, if they chose, add a condition to require a plaque in the proposed development to commemorate those who died in the war.
- Concern was raised at the suggestion that adding more affordable housing units would require a separate servicing core which would result in a reduction in affordability.
- Concern was raised that the applicant had not yet signed the statutory declaration to verify the deliverability of the project. The applicant stated this was due to legal advice being sought.
- The proposed development was not considered to have a detrimental impact on the nearby Hillmarton Conservation Area.
- The planning officer advised that the existing building had a lawful development certificate in July 2013 to turn it from a public house into a shop. Therefore policies to protect public houses were not relevant. Planning permission would be required to turn the building back to a public house.
- In response to a member's question about the potential loss of the community use of the building, the planning officer advised that the lawful use of the building was as a retail unit. There was no planning permission for community use space. In relation to the benefit to the community of having the shop, there were other shops nearby.
- If the building had been designated as an asset of community value, this would give it more protection but it had not been.
- The committee were in agreement that as the council had not objected to the demolition of the existing building to the inspector, it still did not object.
- The proposed development was not policy compliant.

Councillor Khan proposed a motion to defer the consideration of the application to enable the applicant to sign a statutory declaration and to investigate the possibility of an increased

number of social rented units in the scheme. This was seconded by Councillor Klute and carried.

**RESOLVED:**

That consideration of the planning application be deferred for the reason outlined above.

207

**4-8 RODNEY STREET, LONDON, N1 9JH (Item B2)**

Redevelopment of the site to provide for a mixed use development comprising 2,601sqm (GEA) of Use Class B1 office floorspace (representing an uplift of 996 sqm on existing 1,605sqm office floorspace) and 1,208 sqm (GEA) of Use Class D1 education floorspace, including the erection of a part 5/part 6-storey building fronting Rodney Street with associated outdoor learning terrace at 6-storey level, along with partial demolition of the building to the rear and ground floor extensions covering the plot of the site, part 2/part 3-storey extensions adjoining the retained building to the rear of the site with external terrace areas at 2<sup>nd</sup> storey, 3<sup>rd</sup> storey and roof level, along with associated access and servicing/parking arrangements along Rodney Street.

(Planning application number: P2016/0199/FUL)

In the discussion the following points were made:

- The planning officer reported that Paragraph 10.43 Bullet Point 3 should state 3 out of 36 windows and not 5 as currently stated. Paragraph 10.43 Bullet Point 4 should state 2 windows would have losses between 22 and 53% of its former value.
- The proposed building was for D1 use. The prospective occupier would use it as a special needs school.
- The only outside space was on the roof. However there was a park next door.
- The planning officer confirmed the design officer's comments had been balanced against the requirement by the school for a certain amount of floorspace to gain funding and the relationship of the building with the building next door.
- Condition 7 required full details of the design and treatment of the entire north elevation to be submitted and approved in writing by the Local Planning Authority.
- The planning application was largely generally policy compliant.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 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.

208

**NATIONAL GRID SITE, 1 PEAR TREE STREET AND LAND ADJOINING, LONDON, EC1V 3SB (Item B3)**

Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.

(Planning application number: P2015/4725/FUL)

In the discussion the following points were made:

- A mirror image test had been carried out using the windows of the building next door to measure the daylight and sunlight.
- The application fitted the site allocations policy and provided the optimum use for the site.

**RESOLVED:**

That 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 case officer's report.

209

**ROYAL LONDON HOUSE, 22-25, FINSBURY SQUARE, LONDON, EC2A 1DX (Item B4)**

Use of existing building for Class C1 (hotel) and Class A3 (restaurant) purposes, and associated extensions and external alterations.

(Planning application number: P2015/4722/FUL)

In the discussion the following points were made:

- The planning officer reported that Paragraph 6.6 of the officer report should refer to 27 wheelchair accessible units and not 26 as currently stated.
- The level of training offer remained the same as in the previous scheme granted permission at appeal. The previous scheme had been implemented and the Section 106 money had already been paid and implemented.
- The application was consistent with policy.
- The addition of a restaurant created more jobs and meant more local residents could be employed.

**RESOLVED:**

That 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.

The meeting ended at 9.10 pm

**CHAIR**





# ISLINGTON

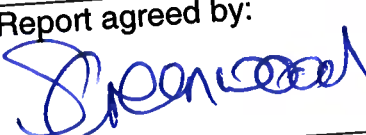
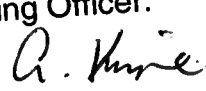
Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 333  
222 Upper Street  
LONDON N1 1YA

## DELEGATED REPORT

<b>Application number</b>	P2018/0909/S73
<b>Application type</b>	Section 73 (Minor Material Amendment)
<b>Site Address</b>	National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB
<b>Proposal</b>	<p>Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), conditions 6 and 7 (restrictions on use of depot area) and 27 (bird and bat boxes) of planning permission ref: P2015/4725/FUL.</p> <p>The proposed minor material amendments relate to changes to the floorplans to remove reference to Cadent/National Grid occupying office space on the upper floors, and to alter the condition wording to allow the ground floor parking and storage area to be used in association with Cadent/National Grid operations in office space on an adjoining site. Additionally, there would be minor changes to glazing, and additional windows installed. There is also a change to the trigger point for submission of bird/bat box information.</p>

### Constraints

- iCore Strategy Key Areas 170914
- iConservation Areas 170914
- iCentral Activities Zone 170914
- iEmployment Priority Areas (General) 170914
- iFinsbury Local Plan Area - 170914
- iSite Allocations 170914
- iSite Allocations 170914
- iWithin 50m of Conservation Area 170914
- iArticle 4 Direction A1-A2 (Rest of Borough)
- iArticle 4 Direction B1(c) to C3
- 7 Bunhill & Clerkenwell
- CA26 Hat and Feathers
- CAZ Central Activities Zone
- 14 Finsbury Local Plan policy BC8
- 1 Bunhill & Clerkenwell
- BC15 Seward Street playground, EC1V 3RF
- BC16 1 Pear Tree Street, EC1V 3SB
- 26 Hat and Feathers
- 45 23623111
- 76 CAZ

<b>RECOMMENDATION</b>	<b>Approve with conditions and legal agreement</b>	
<b>Report date</b>	20 July 2018	
<b>Case officer signature</b>	Matthew Duigan	<b>Date:</b>
<b>Report agreed by (signature)</b>	Report agreed by: 	<b>Date:</b> 31/10/18
<b>Authorising Officer signature</b>	Authorising Officer: 	<b>Date:</b> 31/10/18

**Proposal**

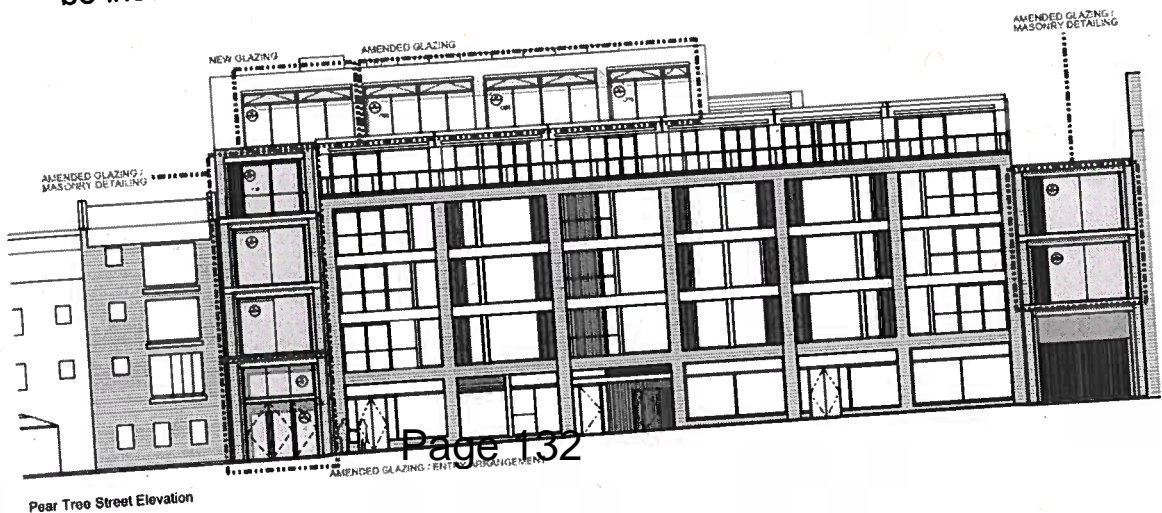
- Minor material amendment under Section 73 of the Town and Country Planning Act (1990) to vary Condition 2 (Plan Numbers), conditions 6 and 7 (restriction on parking area) and 27 (bird and bat boxes) of planning permission ref: P2015/4725/FUL.
- The changes to the original permission which are proposed are described below:

*Use of the ground floor*

- The existing site acts as a depot for Cadent (formerly National Grid). Cadent proposed to continue to use the site as a depot, occupying some space in the new building and using ground floor parking and storage.
- Conditions 6 and 7 of the original consent limits the use of the parking and storage at ground level to Cadent (formerly National Grid) in association with their occupation of office space at the site. Cadent still want to utilise the ground floor as a depot, but will be occupying office space in an adjoining building (Comice House). The wording of the conditions is to be varied accordingly.

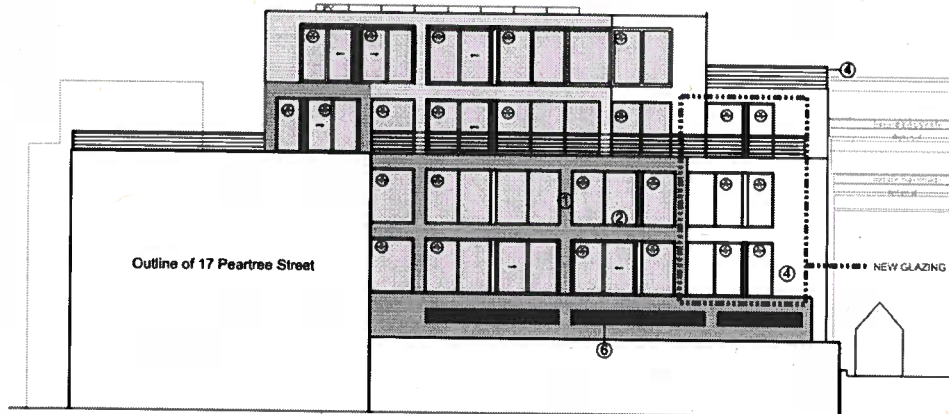
*South-eastern and south-western elevations facing Pear Tree Street*

- The glazing in the ground floor façade (south-western end of the building) was approved as a single pane above the entrance door. The proposal would see this single pane split into to 3 window panes above the door.
- At the first and second and third floor levels the pattern of glazing is to be altered on a minimal, and relate to the way masonry adjoins the windows.
- Glazing at the 4<sup>th</sup> floor level would also change, albeit the change is almost imperceptible over that originally approved, involving a slim, high level window pane to be inserted above the main 4<sup>th</sup> floor windows.



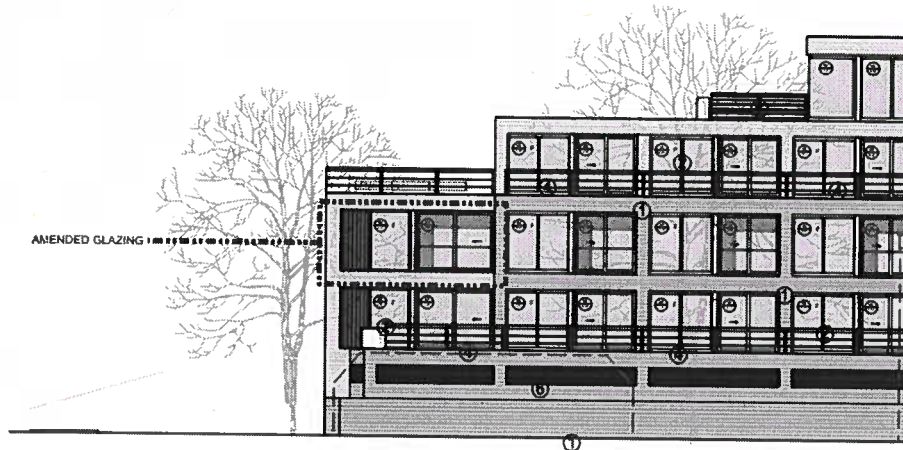
### *Eastern elevation*

- New/additional windows are proposed in the eastern elevation. One new window would be created at the 3rd floor level, facing into the lightwell between the proposed new building and the adjoining building known as Comice House.
- Additionally, 8 new windows would be installed in the eastern elevation (3 on the first floor, 3 on the second floor and 2 on the fourth floor).



### *Northern elevation*

- A set of 3 windows at the second floor level would be altered to match the pattern and arrangement of windows approved at the first floor level.



### **Original Permission**

3. Planning permission was granted under application reference ref: P2015/4725/FUL dated 0930/10/2017 for the demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.

### **The Site**

4. The application site is located on the northern side of Pear Tree Street between Goswell Road and Central Street. The site is currently in use as a Cadent (formerly National Grid) as a depot to support and carry out emergency repairs for gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, a car park and small single and

two storey buildings on site associated with the Cadent operation.

5. The surrounding area is mixed with residential apartments (many in recently completed developments) to the east along Pear Tree Street and in the adjacent buildings on Goswell Road. There are offices to the ground floor of some of the recent developments and a printing/packaging premises opposite the site on the southern side of Pear Tree Street.
6. The site is located close to the Hat and Feathers Conservation Area to the west, with the adjacent Silverdale Court and properties along Goswell Road falling within the Conservation Area. The site is also within Bunhill & Clerkenwell Core Strategy key area, the Central Activities Zone and the Great Sutton Street Employment Priority Area (General). The application site is phase 2 of site allocation BC16 and is adjacent to site allocation BC15 at the Seward Street playground.
7. Site allocation BC16 is for the large site on Pear Tree Street and the application site falls within the western end (phase 2). The eastern end has recently been developed as phase 1 of BC16 with residential buildings known as the Orchard Building and Dance Square and a new public square/route connecting Pear Tree Street and Seward Street (P110653 see planning history below). The site allocation acknowledges that planning permission has been granted for the eastern end as a phase 1 and refers to the western end as phase 2. For phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space is expected.
8. Phase 2 has consequently been divided further, with the narrow street frontage building on Pear Tree Street being recently redeveloped with a 5 storey building with commercial office space at ground and first floor and 8 flats to the upper floors (P120025 see planning history below). The application site is the remainder of phase 2, being bounded by the side and back elevations of surrounding developments (the Courtyard Building to the north, Silverdale Court to the west, the phase 2 street frontage building to the south and the Orchard Building/Dance Square to the east).

### **Consultations**

9. Letters were sent to 73 neighbouring occupiers on 8 May 2018, a site notice and press notice were in place on 10 May 2018. The consultation period therefore expired on 31 May 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision. No objections were received.
10. Following a revision to the application, a full re-consultation exercise was undertaken on 20 July 2018. The consultation period expired on 16 August 2018, again, it's worth noting that it is the Council's practice to continue to consider representations made up until the date of a decision. No objections were received in relation to the second round of consultation.
11. Conservation and Urban Design Officer: The proposed minor amendments to windows on the southern elevation, and the addition of new windows to the east elevation, are considered acceptable. It is recommended that the conditions relating to design are carried across as these remain unresolved.
12. Biodiversity Officer: No objection.

### **Scope of the Consideration of the Case Under Section 73 of the Act**

13. Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of [an] application to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
14. It is important to note that when assessing S73 applications the previously-granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
15. In this case, the applicant could develop the site in accordance with the 2017 permission (ref: P2015/4725/FUL dated 30 October 2017), and this fallback position is a material consideration to which significant weight must be given.
16. Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant’s ability to complete the originally approved development.

### **Policy context**

17. It is noted that, since the original planning permission was granted on 30/06/2017, the Mayor of London ‘Affordable Housing and Viability’ and ‘Culture and Night Time Economy’ SPGs been adopted, otherwise, no new planning policies at national, regional and local level (relevant to this application) have been adopted.
18. Policies relevant to land use and provision office floorspace include, policies 4.1, 4.2 and 4.4 of the London Plan 2016, Policies CS 6 and CS 13 of the Core Strategy and policies DM5.1 and DM5.3 of the Development Management Policies.
19. Design policies relevant to the proposed changes are set out in chapter 7 of the London Plan 2016, policies CS8 and CS9 in the Core Strategy 2011 and chapter 2 of the Development Management Policies 2013.
20. The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

#### **Islington Local Plan**

Bunhill & Clerkenwell Core Strategy key area  
 Central Activities Zone  
 Great Sutton Street Employment Priority Area (General)  
 Within 50m of Hat and Feathers Conservation Area  
 Within 50m of site allocation BC15 “Seward Street playground”  
 Site allocation BC16 “NCP car park, 1 Pear Tree Street”

#### **London Plan**

Central Activities Zone

### **Assessment**

21. While the assessment of the proposal covers all relevant material considerations, the main issues arising from this proposal relate to:
- Land use;
  - Design and conservation;
  - Neighbouring Amenity;
  - Biodiversity.

### **Land use**

22. The originally approved scheme included the provision of office space within the building for Cadent (formerly National Grid), which was to be associated with the use of the ground floor as a depot use (including parking and storage).
23. Conditions 6 and 7 of the original consent restrict the use of the ground floor depot space (parking and storage) to Cadent's business operations on site. The amended scheme (P2018/0909/S73) would see Cadent occupy office space in an adjoining building (rather than in the approved building on the application site).
24. It is proposed that the office space that would have been occupied by Cadent would become general use office space. It is noted that the site is allocated (Site allocation BC16) in the development plan for a substantial element of business floorspace, and as such there is no objection to the office space which would have been occupied by Cadent being for general business floor space.
25. Conditions 6 and 7 will be amended to restrict the use of the ground floor depot space to operations undertaken by Cadent, associated with their presence in the adjoining building (Comice House).
26. It should be noted that site allocation covers a wider area than the current site, and on adjoining sites, within the allocation (namely the front part of the site) residential units (approved under P120025) have been developed (meeting the mixed use element of the site allocation). There will be no reduction in the approved workspace suitable for small and micro enterprises (SME), which is at ground floor level, equivalent to 5% of the total amount of employment floorspace.
27. Part D of policy CS7 states that housing growth will be sought across the area with a wide range of dwelling types, affordable tenures and family sized homes. Part D of DM5.1 and part D of policy BC8 states that within the CAZ where major development proposals result in a net increase in office floorspace, housing should be included and the total amount of housing floorspace should be equivalent to at least 20% of the total net increase in office floorspace. Policy DM5.1 allows for a financial contribution towards affordable housing instead, where it is not appropriate for housing to be provided on site.
28. Options were submitted as part of the originally approved scheme that included residential accommodation. These options illustrated the problems with providing the additional residential entrance and lift/stair core as the B1 office entrance would be unacceptably compromised and the residential entrance would also be of an unacceptable design. In addition, the location of the necessary refuse and cycle storage areas for each use would be difficult to accommodate and access.
29. Given these site constraints it was agreed as part of the original approval that it would be more appropriate to require a financial contribution towards the off-site provision of affordable

housing in this instance. The financial contribution required is £264,000 and a deed of variation to the original s106 legal agreement is required to ensure the contribution is secured if the current scheme is approved.

### **Design and Conservation**

30. The site is not within a Conservation Area nor is the existing building, or any near by buildings historically listed. The changes to the Pear Tree Street façade are limited in scope, and are not considered to significantly change the appearance of the elevations. The changes to the Pear Tree Street elevations involve improving the visual interface between masonry and windows along with the introduction of slim high level windows at the 4<sup>th</sup> floor level. The changes have a neutral, if not beneficial, impact on the appearance of the building and as such no objection is raised to these changes.
31. Additional windows are proposed to be installed in the eastern elevation of the building. One would only be visible from the light well and no objection is raised to the impact to the appearance of the building from this additional window. A further 8 windows are also proposed in the eastern elevation, 3 at the first floor, 3 at the second floor and 2 at the third floor level. The additional windows are of the same proportion and follow the same rhythm of glazing as the windows shown in the approved elevations. The new windows would have a harmonious relationship to the fenestration of the rest of the building and would not be visible from the street. No objection is raised to the new glazing from a design or conservation perspective.
32. Changes are also proposed to 3 windows at the second floor level of the northern elevation. The changes would ensure the windows and façade treatment better relates to the rest of the northern façade.
33. The Council's Design and Conservation Officer considered the proposed changes and confirmed that the alterations would not cause any harm to the appearance of the building or wider street scene.

### **Neighbour amenity**

34. In terms of neighbour amenity, the changes would introduce additional windows into the external elevations, as such Officers have assessed whether or not there is the potential for overlooking of neighbouring occupiers to occur from the additional windows. In this case the new windows would be set sufficiently well back (over 35m) from neighbouring properties to prevent any loss of privacy.
35. There would be one new window installed in the eastern elevation with an outlook into the light well. There would be the potential for overlooking to occur from the new window to the high level windows in the rear of the frontage building on Pear Tree Street (being a 5 storey building with commercial office space at ground and first floor and 8 flats to the upper floors (approved under permission ref: P120025)). As such Condition 8 should be amended to ensure this window is obscure glazed below a height of 1.7m.

### **Biodiversity**

36. In accordance with policy DM6.5, the development should contribute to and enhance the biodiversity value of the site and surrounding area by maximising the inclusion of artificial nesting sites. Condition 27 of the original permission requires the Applicant to submit details

of bat and bird nesting boxes/bricks prior to commencement of superstructure works, with a further requirement that the approved bat/bird boxes be installed prior to occupation.

37. This application seeks to vary the timing for submission of details relating to artificial nesting sites, changing this to prior to occupation rather than prior to commencement of superstructure works. The change would not diminish the overall requirement to install acceptable artificial nesting sites before the building is occupied, and as such sufficient safeguards would remain in place to ensure the nesting sites are delivered. The amended wording of the condition was considered by the Council's Biodiversity team who raised no objection to the change.

### **Conditions**

38. The original consent had 29 conditions, all of which should be re-imposed, albeit, that some necessarily require re-wording (as discussed below).
39. Condition 1 of the previous permission relates to the timeframe for implementation (3 years from 30 October 2017). This condition has been reapplied, requiring commencement before 30 October 2020.
40. Condition 2 requires compliance with the plans and documents submitted in support of the application. Some plans have changed (for example to reflect the revised glazing details) and the list of plans will be updated to reflect the revised plan numbers.
41. Conditions 6 and 7 are to be re-worded to reflect the fact that Cadent (formerly National Grid) will be occupying office space in an adjoining building, rather than from space within the site itself.
42. Condition 8 would be amended to ensure the new light well window is obscure glazed.
43. Conditions 9 (terrace boundary screens), 12 (demolition and construction logistics), 13 (Construction Environmental Management Plan), 15 (facing materials) 24 (energy strategy), 25 (biodiversity roofs), 26 (landscaping), 28 (Sustainable Urban Drainage Systems) and 29 (rainwater/greywater recycling) have been discharged under planning permission reference P2015/4725/FUL). The wording of the corresponding conditions on the decision notice are to be altered requiring compliance with the approved details.
44. The plans reference in conditions 19, 20 and 25 would be updated.
45. Condition 27 relates to provision of bird and bat boxes, and the wording is to be altered, so that the timing for the submission of details relating to the nesting boxes is prior to occupation.

### **Planning Obligations**

46. A deed of variation to the original s106 legal agreement is required to ensure the obligations will continue to be secured if the current scheme is approved.
47. During the assessment of the updated energy strategy submitted the applicant to discharge condition 24, identified that the carbon off set contribution should be increased from £80,831 to £112,884. This change is to be secured within the Deed of Variation, should the current scheme be approved.

### **Conclusion**



48. The amendments are minor in nature, and do not raise significant concerns. The proposed amendments are therefore considered acceptable and it is recommended that it be agreed.

**Recommendation**

49. It is recommended that planning permission is granted, subject to conditions applied to the previous planning permission being re-applied to the new permission, with amendments and deletions as appropriate, as well as a deed of variation being finalised to secure necessary planning obligations.





## PLANNING DECISION NOTICE

GML Architects  
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 London  
 EC2A 4PA

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

**Case Officer:** Matthew Duigan  
**T:** 020 7527 2106  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date: 1 November 2018**  
**Application No: P2018/0909/S73**

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

#### **BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement**

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	<b>National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB</b>
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<b>Application Type:</b>	<b>Section 73 (Minor Material Amendment)</b>		
<b>Date of Application:</b>	12 March 2018	<b>Application Received:</b>	12 March 2018
<b>Application Valid:</b>	13 March 2018	<b>Application Target:</b>	12 June 2018

#### **DEVELOPMENT:**

Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), conditions 6 and 7 (restrictions on use of depot area) and 27 (bird and bat boxes) of planning permission ref: P2015/4725/FUL. The proposed minor material amendments relate to changes to the floorplans to remove reference to Cadent/National Grid occupying office space on the upper floors, and to alter the condition wording to allow the ground floor parking and storage area to be used in association with Cadent/National Grid operations in office space on an adjoining site. Additionally, there would be minor changes to glazing, and additional windows installed. There is also a change to the trigger point for submission of bird/bat box information.

#### **PLAN NOS:**

Plans and documents approved by Planning Permission P2015/4725/FUL:

4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA13C; PA14D; PA15E; PA23APA40; Arboricultural Impact Assessment 1140\_05\_APIII prepared by Hallwood Associates

dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design & Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.

Additional plans also hereby approved:

4515/S73/07a, 4515/S73/06a, 4515/S73/05a, 4515/S73/11, 4515/S73/08, 4515/S73/04, 4515/S73/03, 4515/S73/02, 4515/S73/01, 4205/PA01.

**CONDITIONS:**

- 1 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than 30 October 2020.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

Plans and documents approved by Planning Permission P2015/4725/FUL:

4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA13C; PA14D; PA15E; PA23APA40; Arboricultural Impact Assessment 1140\_05\_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design & Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.

Additional plans also hereby approved:

4515/S73/07a, 4515/S73/06a, 4515/S73/05a, 4515/S73/11, 4515/S73/08, 4515/S73/04, 4515/S73/03, 4515/S73/02, 4515/S73/01, 4205/PA01.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 **CONDITION:** The small/micro workspace on the ground floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.

**REASON:** In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).

- 4 **CONDITION:** The small/micro workspace located on the ground floor shall not be amalgamated with the remainder of the office floorspace in the building

**REASON:** In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).

- 5 **CONDITION:** Notwithstanding the provisions of Classes I, O or T of Part 3 or Class D or E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the office floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

**REASON:** To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013).

- 6 **CONDITION:** The ground floor vehicle parking and equipment storage area hereby approved shall be used by Cadent plc only, or an organisation performing the same functions as Cadent, in association with their occupation of the commercial premises at Comice House, 1 Pear Tree Street, London, EC1V 3SB only and shall not be used independently or in association with the general office floorspace hereby approved or in Comice House. The ground floor vehicle parking area shall provide a maximum of 14 marked out vehicle spaces only and a maximum of 14 vehicles shall be parked at any one time.

**REASON:** To ensure that the ground floor vehicle parking and equipment storage area is not used for general staff parking and to promote sustainable modes of transport.

- 7 **CONDITION:** The ground floor depot vehicle parking and equipment storage area shall be provided prior to the occupation of the remainder of the ground floor space hereby approved, and shall then be permanently retained in accordance with the approved plans thereafter.

**REASON:** The ground floor vehicle parking and equipment storage area is considered to form an essential element of the depot use, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.

8 CONDITION: All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the development:

- § Eastern and South eastern elevation at all levels facing the lightwell between the frontage building at 1 Pear Tree Street.
- § Part of the north western elevation at fourth floor level facing the existing roof terrace at The Courtyard

All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

9 CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a boundary screens to terraces previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).

REASON: To prevent the undue overlooking of neighbouring habitable room windows or balconies.

10 CONDITION: The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 on any day except in the case of essential maintenance or repair, or escape in case of emergency.

REASON: To ensure that the amenity of residents is not adversely affected in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.

11 CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:

- a) roof terrace planting
- b) roof-top plant;
- c) ancillary enclosures/structure; and
- d) lift overrun

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

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.

- 12 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the demolition and construction vehicle routes and access strategy previously approved by the Local Planning Authority by decision dated 04 May 2018 (application reference P2017/4390/AOD).

**REASON:** In order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.

- 13 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the Construction Environmental Management Plan (CEMP) previously approved by the Local Planning Authority by decision dated 04 May 2018 (application reference P2017/4390/AOD).

**REASON:** In the interests of residential amenity, highway safety and the free flow of traffic on streets.

- 14 **CONDITION:** The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (April 2016 1140\_05\_APIII) and the Construction Method Statement (undated) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.

Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.

**REASON:** In the interest of the protection of trees and to safeguard visual amenities.

- 15 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of facing materials previously approved by the Local Planning Authority by decision dated 24 July 2018 (application reference P2018/1539/AOD).

**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.

- 16 **CONDITION:** Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Seward Street:

- § Location;
- § Area of panels; and
- § Design (including angle of panels and elevation plans).

The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.

**REASON:** In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.

- 17 **CONDITION:** Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.

Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.

**REASON:** The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.

- 18 **CONDITION:** Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:

- a) Vehicular and pedestrian gates that are suitable for use by disabled people;
- b) Flush thresholds to all entrances and gated entrances
- c) Accessible/adapted bicycle and tricycle spaces

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

**REASON:** In order to facilitate and promote inclusive and sustainable communities.

- 19 **CONDITION:** The bicycle storage area(s) shown on drawing No. 4515/S73/11 hereby approved, shall be secure and provide for no less than 17 bicycle spaces and 1 disability tricycle space and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

**REASON:** To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

- 20 **CONDITION:** The dedicated refuse / recycling enclosure(s) shown on drawing no. 4515/S73/11 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

**REASON:** To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

- 21 **CONDITION:** A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 22. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and any noise mitigation measures shall be installed before commencement of the uses hereby permitted and permanently retained thereafter.

**REASON:** To protect the amenities of the neighbouring occupiers.



- 22 **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: 1997.

The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

**REASON:** To secure an appropriate internal residential environment.

- 23 **CONDITION:** The development shall achieve Excellent under BREEAM New Construction (2011).

**REASON:** In the interest of addressing climate change and to secure sustainable development.

- 24 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the Energy Strategy previously approved by the Local Planning Authority by decision dated 31 October 2018 (application reference P2018/0818/AOD).

**REASON:** In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.

- 25 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a biodiversity (green/brown) roof(s) previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).

**REASON:** To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 26 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of landscaping previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).

**REASON:** In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

- 27 **CONDITION:** Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The details shall include the exact location, specification and design of the installations, and the boxes/bricks shall be installed prior to the first occupation and permanently retained thereafter.

**REASON:** To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.

28 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a Sustainable Urban Drainage System previously approved by the Local Planning Authority by decision dated 21 December 2017 (application reference P2017/4390/AOD).

**REASON:** To ensure that sustainable management of water and minimise the potential for surface level flooding.

29 **CONDITION:** Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a rainwater/greywater recycling system previously approved by the Local Planning Authority by decision dated 24 July 2018 (application reference P2018/1659/AOD).

**REASON:** To ensure the sustainable use of water.

Your attention is drawn to any **INFORMATIVES** that may be listed below

1 **SECTION 106 AGREEMENT AND SUPERSEDED PLANS:** 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.

You are also advised that the following documents approved by Planning Permission P2015/4725/FUL are superseded by this notice:  
PA10E; PA11B; PA12B; PA20A; PA21C; PA22B; PA24B; PA30B; PA31A; PA50A; PA51B; PA52A; PA53B; PA54B.

2 **DEFINITIONS:** (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

3 **CIL Informative:** Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at [cil@islington.gov.uk](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Islington Council website at [www.islington.gov.uk/cilinfo](http://www.islington.gov.uk/cilinfo). Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

- 4 CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
- 5 The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
- 6 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email [pollution@islington.gov.uk](mailto:pollution@islington.gov.uk)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 7 Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). 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 [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). 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 [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk).

Compliance with sections 59 and 60 of the Highway Act, 1980 - "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk).

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact [highways.maintenance@islington.gov.uk](mailto:highways.maintenance@islington.gov.uk) Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

Temporary crossover licenses to be acquired from [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington

Certified that this document contains a true record of a decision of the Council

Yours faithfully



P-DEC-AP1

**KAREN SULLIVAN  
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT  
AND PROPER OFFICER**

## SUBSEQUENT REQUIREMENTS FOLLOWING THE GRANT OF PERMISSION

### 1. The Building Acts and Building Regulations

To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.

T: 020 7527 5999

E: [building.control@islington.gov.uk](mailto:building.control@islington.gov.uk)

### 2. Street Naming and Numbering

If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.

T: 020 7527 2245 / 2611

E: [address.management@islington.gov.uk](mailto:address.management@islington.gov.uk)

### 3. Environmental Health, Trading Standards and Licensing

You may need to comply with various Acts and therefore you should contact Commercial and/or Residential Environmental Health and/or Trading Standards and/or Licensing. The Licensing Team deal with premises that sell alcohol, provide entertainment, late night refreshment, gambling and special treatments such as beauty therapies, tattoos and saunas.

T: 020 7527 3186 (Commercial/Residential/Trading Standards)

T: 020 7527 3031 (Licensing)

E: [Street.Trading@islington.gov.uk](mailto:Street.Trading@islington.gov.uk)

[Licensing@islington.gov.uk](mailto:Licensing@islington.gov.uk)

[Residential.Envh@islington.gov.uk](mailto:Residential.Envh@islington.gov.uk)

[Commercial.Envh@islington.gov.uk](mailto:Commercial.Envh@islington.gov.uk)

### 4. Inclusive Design and Access for Disabled People

The London Plan, Islington's Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:

§ Inclusive Mobility – [www.dft.gov.uk/publications/inclusive-mobility](http://www.dft.gov.uk/publications/inclusive-mobility)

§ Approved Document M – Access to and use of buildings

§ Islington's Accessible Housing SPD –

[http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Public-consultation/2011-2012/\(2012-03-03\)-Accessible-Housing-SPD-Adopted-March-09.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Public-consultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf)

§ Islington's Inclusive Landscape Design SPD -

[http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/\(2012-03-03\)-Inclusive-Landscape-Design-SPD-January-2010.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPD-January-2010.pdf)

§ BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people.

Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features.

T: 020 7527 2394

E: [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

## **5. Highways**

In order to comply with the provisions of the Highways Act, and/or other Highways matters, you should contact Highways Services. Hoardings, scaffolding, skips, overhanging structures, anything on the public highway (tables and chairs for example) are regulated by the Streetworks Team.

T: 020 7527 2000

E: [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk)

## **6. Parking Suspensions**

In order to secure parking bays for the sole use of contractors on site, you should contact Parking and CCTV Services.

T: 020 7527 1377/6262/6129

E: [parkingsuspensions@islington.gov.uk](mailto:parkingsuspensions@islington.gov.uk)

## **7. Trees**

Any trees which are the subject of a Tree Preservation Order or within a conservation area may not be lopped, felled, uprooted or wilfully damaged without permission. Should you wish to undertake any such works contact the Tree Service.

T: 020 7527 2417/2150

E: [treeservice@islington.gov.uk](mailto:treeservice@islington.gov.uk)

## **8. Storage and Collection of Refuse**

In order to ensure the intended approach/strategy to refuse, recycling, waste removal is acceptable, you should contact Street Environment Services.

T: 020 7527 2000

E: [contact@islington.gov.uk](mailto:contact@islington.gov.uk)

## **9. Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:

§ 08:00 to 18:00 Monday to Friday

§ 08:00 to 13:00 Saturday

§ No work on Sundays and Public Holidays

If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.

T: 020 7527 7272

E: [pollution@islington.gov.uk](mailto:pollution@islington.gov.uk)

## **10. Fire Precautions**

If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade.

T: 020 8555 1200 (ext: 59163)

A: Eastern Command, Fire Safety Department

Units 5-6 City Forum

City Road,

LONDON EC1V 2FB

## **11. Petrol Storage**

To ensure compliance with the Petroleum (Consolidation) Act and for advice on the storage of petroleum spirit or petroleum mixture, you should contact the London Fire and Civil Defence Authority.

T: 020 8555 1200 (ext: 59163)

A: Eastern Command, Fire Safety Department

Units 5-6 City Forum  
City Road,  
LONDON EC1V 2FB

## Community Infrastructure Levy (CIL) Note Accompanying Planning Permission

1. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), a development which has been granted planning permission becomes a CIL chargeable development if it proposes one or more new dwellings, or more than 100sqm of new build floorspace.
2. Islington Council is the CIL Collecting Authority for developments in Islington and collects both the London Borough of Islington CIL and the Mayor of London's CIL, which goes towards funding Crossrail.
3. The Council will use the [CIL Additional Information form](#) submitted with the planning application, alongside other application documents, to determine whether the application is CIL chargeable and to calculate the CIL charge.
4. If your application is deemed to be CIL liable, the charges will be calculated in accordance with the Community Infrastructure Regulations 2010 (as amended) and the applicable CIL rates from the [Islington CIL Charging Schedule](#) and the [Mayor of London's CIL Charging Schedule](#).
5. The CIL is charged in pounds per square metre and is calculated by multiplying the applicable CIL rate by the proposed gross internal area (GIA) proposed by the development. The floorspace of existing buildings to be retained or demolished as part of the development will be deducted from the CIL chargeable area if part of the existing building has been in its lawful use for at least six months in the three years prior to permission being granted.
6. After permission is granted, the Council will issue a **CIL Liability Notice** if CIL liability has been triggered, which will set out the combined Islington CIL and Mayor of London CIL charge payable on commencement of the development. The CIL charge will also be registered as a Local Land Charge against the relevant land.
7. **One (or more) of the development parties must assume liability to pay CIL for a CIL chargeable development by submitting an [Assumption of Liability Notice](#).** In the absence of this form, liability will default to site owner(s).
8. A development may be eligible for relief or exemption from CIL if it includes affordable housing, is owned by a charity and will be used wholly or mainly for charitable purposes, or is a self-build project. Relief or exemption must be claimed prior to commencement by submitting the appropriate claim form. Further information can be found on the GOV.UK website at [www.gov.uk/guidance/community-infrastructure-levy#relief-and-exemptions](http://www.gov.uk/guidance/community-infrastructure-levy#relief-and-exemptions).
9. Islington Council and the Mayor of London do not have a policy for granting discretionary charitable relief or exceptional circumstances relief and will not accept claims made on this basis.
10. **You must inform the Council when the development is going to start by submitting a [Commencement Notice](#)**
11. Once the Council has been notified that development works have commenced, a **CIL Demand Notice** will be issued setting out the total amount payable, how to pay, and when payment is due.
12. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed, and you will not benefit from the 60 day payment window.
13. Late payment interest and surcharges will be imposed if payment is not received by the due date.
14. Continued failure to pay CIL liabilities due will result in the Council initiating enforcement action, including serving a CIL stop notice prohibiting further development on the site, and applying to a magistrates' court for a Liability Order to recover the debt through the seizure of assets.

Further information on CIL and all CIL forms are available on the Islington website at [www.islington.gov.uk/cil](http://www.islington.gov.uk/cil), and the Planning Portal website at <https://www.planningportal.co.uk/cil>. Guidance on the Community Infrastructure Levy can be found on the GOV.UK website at [www.gov.uk/guidance/community-infrastructure-levy](http://www.gov.uk/guidance/community-infrastructure-levy).

For further information on CIL please contact the Developer Contributions Team at [cil@islington.gov.uk](mailto:cil@islington.gov.uk).



## APPLICANT'S RIGHTS FOLLOWING THE GRANT OR REFUSAL OF PERMISSION

### 1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

§ **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.

§ **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.

§ **8 weeks:** Advertisement consent applications.

§ **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

§ The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**

§ An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice..

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances. The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

### 2. Subsequent Application Fees

No planning fee would be payable should a revised application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

§ the applicant is the same as the applicant of the original application

§ site boundary is the same as the site boundary of the original application

§ the nature of development remains the same.

### 3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council. This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

#### **4. Compensation**

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **5. General Information**

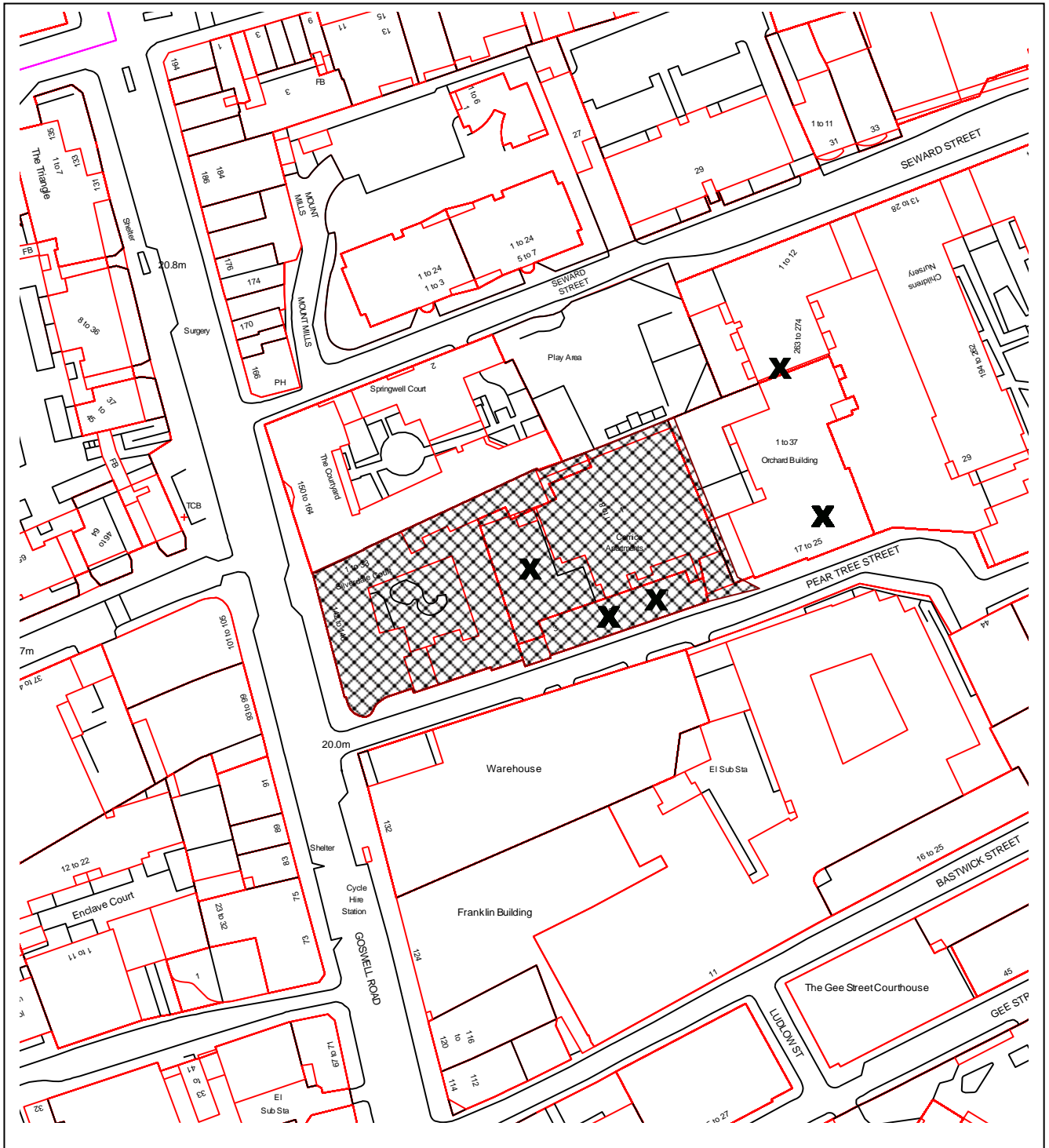
A planning permission does not constitute a listed building consent. Listed building consent is required before any works of development or alteration (internal or external) are undertaken to a building included on the Statutory List of Buildings of Architectural or Historic Interest.

The grant of a permission does not relieve the applicant/developer of the necessity of complying with any local Acts, Regulations, Building By-laws, private legislation, and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements etc., applying to or affecting either the land to which the permission relates or any other land or the rights or any person(s) or authority(s) entitled to benefit thereof or holding an interest in the property.

A development for which permission is granted require new rights over other people's land such as: rights to receive light and air, rights of way, access, freeholder consent, party wall award. In such situations it is appropriate to seek professional advice – please be aware that as such matters relate are private law matters, the council cannot advise you. If planning permission is given in respect of land adjoining land belonging to the council or another public authority, you are advised to consult that authority in its capacity as landowner about your proposals. Examples of land belonging to the council include: Public Parks, Gardens, Housing Estates, Estate Roads and Public Buildings such as Council Offices, Libraries and Swimming Pools.

- 6. If you require further advice please visits our website at [www.islington.gov.uk](http://www.islington.gov.uk) or contact the Planning Enquiries team on 020 7527 2000.**

# Islington SE GIS Print Template



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P2023/2345/S73

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**ADDENDUM TO  
 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>	19 March 2024	<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 Planning application P2022/2893/FUL was heard at the 18 July 2023, 12 October 2023 and 9 January 2024 Planning Committee meetings.

2.2 During the 18 July 2023 Planning Committee 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.

2.3 The application was subsequently heard at Planning Committee on 12 October 2023, following the submission of further details (including revised whole life carbon and circular economy assessments, and revised affordable workspace unit) and correspondence with the Greater London Authority. Following representations from objectors and deliberation of the Committee, Members deferred the item in order:

- to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements,
- the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and
- for the applicants to revisit their consultation with local stakeholders.

Details of these deliberations are recorded in the published minutes (appended to this report at Appendix 4).

2.4 The application was subsequently heard at Planning Committee on 9 January 2024, following the submission of revised plans/elevations/sections and additional detail such as a Daylight and Sunlight Addendum Report. Following representations from objectors and deliberation of the Committee, Member's deferred the item in order:

- to interrogate possible mitigation of the sunlight/daylight impact to the two buildings on Clere Street noting that the unavailability of evidence from the applicant regarding the claimed previous analysis of setbacks to those elevations and impact would have been helpful to the deliberation of the Committee.

2.5 Since the 9 January 2024 Planning Committee meeting, the applicant has submitted revised drawings and supporting documents as follows:

- Design and Access Statement Further Addendum A284-MCO-XX-XX-DS-A-01002 dated February 2024;
- Daylight & Sunlight Addendum dated 12 February 2024;

- A284-MCO-XX-L1-DR-A-06111 rev: P05 - Proposed L1 Floor Plan;
- A284-MCO-XX-L2-DR-A-06112 rev: P05 - Proposed L2 Floor Plan;
- A284-MCO-XX-L3-DR-A-06113 rev: P05 - Proposed L3 Floor Plan;
- A284-MCO-XX-L4-DR-A-06114 rev: P06 - Proposed L4 Floor Plan;
- A284-MCO-XX-L5-DR-A-06115 rev: P06 - Proposed L5 Floor Plan;
- A284-MCO-XX-L6-DR-A-06116 rev: P06 - Proposed L6 Floor Plan;
- A284-MCO-XX-R1-DR-A-06117 rev: P06 - Proposed R1 Floor Plan;
- A284-MCO-XX-R2-DR-A-06118 rev: P06 - Proposed R2 Floor Plan;
- A284-MCO-XX-XX-DR-A-06201 rev: P06 - Proposed North Elevation;
- A284-MCO-XX-XX-DR-A-06202 rev: P06 - Proposed East Elevation;
- A284-MCO-XX-XX-DR-A-06204 rev: P06 - Proposed West Elevation;
- A284-MCO-XX-XX-DR-A-06302 rev: P05 - Proposed Short Section;
- Landscape General Arrangement Level 04 – 8223\_L\_04\_001 rev C;
- Landscape General Arrangement Level 05 – 8223\_L\_05\_001 rev: C;
- Landscape General Arrangement Level 06 – 8223\_L\_06\_001 rev: C;
- Landscape General Arrangement Level 07 – 8223\_L\_07\_001 rev: C;
- Landscape General Arrangement All Terraces and Roof Levels – 8223\_L\_XX\_001 rev: C;
- Landscape General Arrangement Urban Green Factor Calculations – 8223\_L\_XX\_200 rev: C

- 2.6 The revised plans detail that the fifth floor is to be set back from the principle elevation (building shoulder) of Clere Street by a further 1.2 metres and the sixth floor is also to be set back by a further 2.5 metres. Additional documents submitted relate to the daylight and sunlight impacts to neighbouring properties and amended landscaping plan to the roofs.

### **3. LOCAL PLAN CONTEXT UPDATE**

- 3.1 For the avoidance of doubt, this section outlines the context of the Local Plan. 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 original officer report to Committee (Appendix 7) in July 2023 referred 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 previously undertaken consultation, the application was re-consulted upon for 14 days following the receipt of revised plans relating to the further setback of the upper two storeys to the northern elevation (Clere Street). Letters were sent to occupants of 1,346 adjoining and nearby properties. A site notice and press advert were also displayed giving a consultation expiry date of 7 March 2024.
- 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 9 January 2024 Planning Committee Report (Appendix 3) was published a further **18** objections were received, alongside updated objections from those who have already objected to the proposal. One further objection has been received during this re-consultation period. As such, the total number of objections received is **201** to date.
- 4.4 Further, updated objections from those who have already objected to the proposal include the following points based on the revised drawings and documents submitted, are surmised as follows:
- The applicant still has not addressed many of the points previously raised in objectors' representations, including the request for longer distance section drawings to be prepared showing that sightlines have been positioned correctly.
  - The applicant has simply resorted to another bare-minimum intervention by setting back the upper two floors on the Clere Street elevation so that they are symmetrical in form with equivalent adjustment made on the Epworth Street elevation. This has had the effect of reducing the overall size of the proposed development by only 133m<sup>2</sup> GIA (equating to 0.4%) and so it is of no great surprise that this amendment has had no positive impact whatsoever in alleviating these significant daylight/sunlight impacts. The objection to this planning application is maintained.
  - There are still homes on Epworth St, Tabernacle St and Paul St, whose light loss has not been properly addressed.
  - The applicant has not fully engaged with the community to take into account the major impact this development will have regarding provision to light and privacy for ALL existing residents living on Epworth, Tabernacle, Clere and Paul Streets. In my view these points have not been addressed.
- 4.5 Other responses from external stakeholders (Cross Rail, Transport for London and Thames Water) 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 7. It is noted that London Borough of Hackney have not responded during this re-consultation.

## 5. UPDATED ASSESSMENT

### Design and Appearance

- 5.1 Planning policies and guidance relevant to design, appearance and heritage are set out in the NPPF (2023), PPGs, chapter 3 of the London Plan (2021) and policies PLAN1, DH1, DH2, DH3 and DH4 of the Islington Local Plan (2023). Further guidance is found in Islington Urban Design Guide 2017, Historic England GPA2: Managing Significance in Decision-Taking in the Historic Environment (2015), Historic England GPA3: The Setting of Heritage Assets (2017) and Historic England Advice Note 4: Tall Buildings (2022).
- 5.2 The assessment of the deferred proposal in regard to design, appearance, and impact upon heritage assets was set out from paragraph 9.81 of the original Planning Committee Report of 18 July 2023 at Appendix 7.
- 5.3 The revised proposal seeks to increase the set back of the two upper most floors (fifth and sixth) at the northern (Clere Street) elevation. At fifth floor level, this has been set back by a further 1.2 metres whilst the sixth floor has been set back a further 2.5 metres, as shown in Figure 1 below.
- 5.4 The revisions are considered to be beneficial with regard to the impact on the setting of the more immediate context and also maintain the outstanding architectural quality of the earlier scheme.
- 5.5 The top two floors to the northern part of the building have been recessed further from the northern (Clere Street) elevation. The visual impact of this change is considered beneficial as the upper two floors are further removed from sight from multiple vantage points from within the adjacent public realm along Paul Street, Clere Street and Tabernacle Street.



- 5.6 The impact on the architectural quality of the scheme as a whole following all revisions (including those previously secured and presented to the 9 January 2024 committee) are considered to be neutral with regard to their impact to heritage and acceptable as a result.
- 5.7 The below images details the revisions to the scheme from the most recently deferral scheme. The revised proposed images include a black dotted line where the building line and massing was previously proposed.

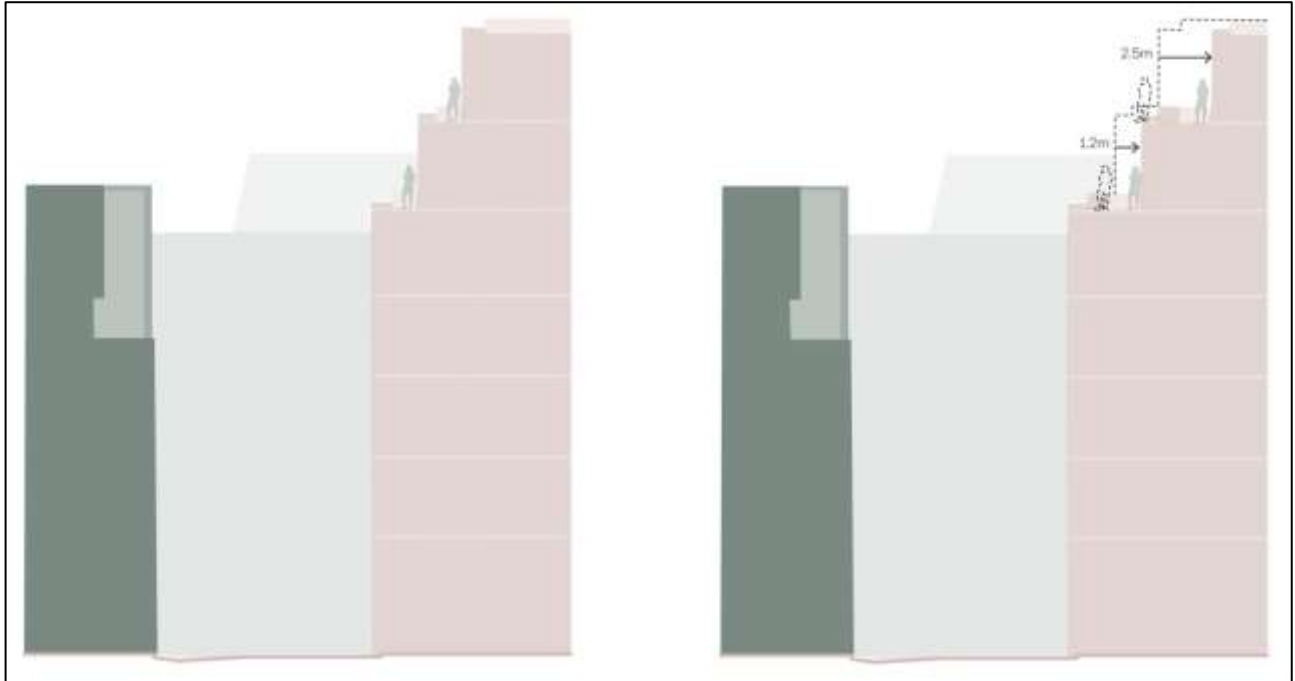


Figure 1: Section showing the northern elevation of the previously proposed building (to the left) and the revised proposed building to the right



Figure 2: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking south along Paul Street



*Figure 3: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking east along Clere Street*

#### Daylight & Sunlight

- 5.8 Following the previous deferrals a further Daylight and Sunlight Addendum dated 12 February 2024 prepared by Delva Patman Redler has been submitted.
- 5.9 In the schemes presented to the 18 July 2023 and 12 October 2023 Planning Committees, daylight and sunlight reporting was undertaken by Avison Young, however, in October 2023, Avison Young entered into a partnership with Delva Patman Redler ('DPR'). As a result of the partnership, the daylight and sunlight team has joined DPR and subsequently now lead as the daylight consultants. It was noted that a number of the existing baseline values have been amended due to improved data on the neighbouring properties (such as layouts and window dimensions); however, the assessment is still in accordance with BRE guidance methodology.
- 5.10 As highlighted within the 9 January 2024 Committee Report from paragraphs 5.14, the scheme presented to the 9 January 2024 Committee saw a number of improvements to the daylight at properties on Epworth Street, and specifically 10 Epworth Street.
- 5.11 The application was deferred at the 9 January 2024 Committee specifically to interrogate possible mitigation of the sunlight/daylight impact to the two buildings on Clere Street, noting that the unavailability of evidence from the applicant regarding the claimed previous analysis of setbacks to those elevations and impact would have been helpful to the Committee's deliberation.
- 5.12 The proposed amendments since the 9 January 2024 Committee would see no changes to the transgressions reported to properties on Epworth Street or Paul Street.
- 5.13 The submitted Daylight and Sunlight Addendum dated 12 February 2024 highlights transgressions that are still reported to neighbouring 10 Epworth Street, 24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street. These are outlined and assessed in the 18 July 2023 Committee Report (Appendix 7) and 9 January 2024 Committee Report (Appendix 3) prior to the current revised scheme.
- 5.14 Following the revision to the proposed building, with increased setbacks at fifth and sixth floors to the northern elevation, there is improvements to the extent of the reductions seen at 17-18 Clere Street and 20 Clere Street. These are detailed below.

17-18 Clere Street

5.15 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).

5.16 59 windows and 13 rooms were tested. 39 (66%) windows and 10 (77%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in the Table below, with the previous results also displayed:

17-18 Clere St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)
<b>First Floor</b>										
R1 / W1	Living	26.1	23.2	11%	11%	93	92.5	92.5	0.01%	0
R1 / W2		29.2	26.3	10%	10%					
R1 / W3		27.1	25.7	5%	5%					
R1 / W4		29.7	27	n/a	n/a					
R1 / W5		30.4	27.6	n/a	n/a					
R1 / W6		31.4	28	n/a	n/a					
R1 / W7		31.1	27.3	n/a	n/a					
R1 / W8		31	26.9	13%	13%					
R1 / W9		30.6	26	15%	15%					
R1 / W10		30.3	25.2	17%	17%					
R1 / W11		22.9	8.5	<b>64%</b>	<b>63%</b>					
R1 / W12		22.9	8.7	<b>63.4%</b>	<b>62%</b>					
R1 / W13		22.7	8.7	<b>62.9%</b>	<b>62%</b>					
R2 / W14	Bedroom	22.4	8.9	<b>61.7%</b>	<b>60%</b>	18.2	13.4	6.9	<b>49%</b>	<b>49%</b>
R2 / W15		22.2	9.2	<b>59.8%</b>	<b>59%</b>					
<b>Second Floor</b>										
R1 / W1	Bedroom	28.3	25.4	10.6%	10%	n/a	n/a	n/a	0%	0%
R1 / W2		31.3	28.5	n/a	n/a					
R1 / W3		28.9	27.5	n/a	n/a					
R1 / W4		31.7	29.1	n/a	n/a					
R1 / W5		32.5	29.8	n/a	n/a					
R1 / W6		33.5	30.2	n/a	n/a					
R2 / W7	Living/ Kitchen/ Diner	33.3	29.6	n/a	n/a	n/a	n/a	n/a	5%	5%
R2 / W8		33.2	29.1	n/a	n/a					
R2 / W9		33	28.3	n/a	n/a					
R2 / W10		32.8	27.6	n/a	n/a					
R2 / W11		28.6	10.3	<b>64.3%</b>	<b>60%</b>					
R2 / W12		28.7	10.4	<b>63.9%</b>	<b>60%</b>					
R2 / W13		28.7	11.6	<b>63.4%</b>	<b>60%</b>					
R2 / W14		28.5	11.7	<b>62.7%</b>	<b>59%</b>					
R2 / W15		28.5	12	<b>61.3%</b>	<b>58%</b>					
R2 / W17		0	0	n/a	n/a					
R2 / W18		0	0	n/a	n/a					
R2 / W19		0	0	n/a	n/a					
<b>Third Floor</b>										
R1 / W1	Living	29.7	27	9.6%	n/a	93	93	92.4	0.6%	0%
R1 / W2		32.9	30.1	n/a	n/a					
R1 / W3		30.1	28.9	n/a	n/a					
R1 / W4		33.1	30.7	n/a	n/a					

R1 / W5		32.6	29.9	n/a	n/a					
R1 / W6		35.4	32	n/a	n/a					
R1 / W7		35.2	31.4	n/a	n/a					
R1 / W8		35.1	31	n/a	n/a					
R1 / W9		34.9	30.2	n/a	n/a					
R1 / W10		34.8	29.5	n/a	n/a					
R1 / W11		32.8	14.4	62.2%	56%					
R1 / W12		33	14.6	61.8%	56%					
R1 / W13		32.9	14.7	61.4%	55%					
R2 / W14	Bedroom	32.9	14.9	60.4%	55%	18.2	18.2	8.5	53.2%	53%
R2 / W15		33	15.2	59.2%	54%					
<b>Fourth Floor</b>										
R1 / W5	Bedroom	27.5	23.3	15.5%	14%	8.7	8.7	8.7	0	0
R1 / W6		30	14.7	52.9%	45%					
R2 / W7	Playroom	11.4	1.3	89.9%	89%	27	26.5	6	77.2%	77%
<b>Fifth Floor</b>										
R1 / W1	Kitchen	30.2	28.1	8%	n/a	102	101	101	0	0
OR1 / W2		31	20.5	41.1%	34%					
R1 / W3		30.5	20.6	39.5%	32%					
R1 / W4		30.2	20.2	40.2%	33%					

- 5.17 As shown in the above table, some improvements are reported to the reduction in daylight in VSC. The improvements are greater to the upper most floors of 17-18 Clere Street. With regards to NSL, the quantum of transgressions is the same as the transgressions reported to previous committee meetings.
- 5.18 It is noted that the habitable rooms affected, namely living, living/kitchen/diners and bedrooms. However, the main living spaces are large and wrap around the south-west corner of the building, with windows facing west and do not face the application site. The units are, therefore, considered dual aspect.
- 5.19 In addition to this, a lux assessment was provided within the submitted Daylight and Sunlight Addendum Report. The lux radiance-based tool undertaken is a supplementary assessment utilising the illuminance method for assessing daylight. This assessment visually illustrates the daylight illuminance levels within the rooms in both the existing and proposed conditions. This assessment highlights that 3 of the rooms would not meet BRE guidance in relation to internal illuminance.

### *20 Clere Street*

- 5.20 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.
- 5.21 33 windows and 12 rooms were tested. 19 (42%) windows and 1 (92%) room would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in the Table below:

20 Clere St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)
<b>First Floor</b>										
R1 / W1	Bedroom	20.5	10.4	50.3%	49%	12.1	8.1	9.2	-13.4%	-13%
R2 / W2	Living/ Kitchen/ Diner	19.6	13.5	31.2%	31%	43.5	43	43.1	-0.3%	-1%
R2 / W3		11.4	11.5	-1.5%	-1%					
R2 / W4		17.5	17.5	0	0					
R2 / W5		19.9	11.3	44.1%	43%					
R2 / W6		20	15.3	23.6%	23%					
<b>Second Floor</b>										
R1 / W1	Bedroom	26.4	12.9	53.6%	51%	12.1	11.8	9.4	20.4%	20%
R2 / W2	Living/ Kitchen/ Diner	25.9	14	48.6%	46%	43.5	43.1	43.1	-0.04%	-1%
R2 / W3		12.9	12.9	-0.2%	0					
R2 / W4		20.9	20.9	0	0					
R2 / W5		25.3	16.2	37.4%	36%					
R2 / W6		25.1	17.9	29.9%	29%					
<b>Third Floor</b>										
R1 / W1	Bedroom	32.1	16.1	53.8%	50%	12.1	11.9	9.7	19%	19%
R2 / W2	Living/ Kitchen/ Diner	31.7	17.2	49.4%	46%	43.5	43.3	43.2	0.2%	0%
R2 / W3		14.7	14.5	1%	1%					
R2 / W4		24.9	24.9	0	0					
R2 / W5		31	19.4	39.8%	37%					
R2 / W6		30.2	21	32.4%	30%					
<b>Fourth Floors</b>										
R1 / W1	Bedroom	34.8	19.8	48.1%	43%	12.1	11.9	10.1	15%	15%
R2 / W2	Living/ Kitchen/ Diner	34.5	21	43.7%	39%	43.5	43.3	43.2	0.2%	0
R2 / W3		16.6	16.6	1%	1					
R2 / W4		29.3	29.3	n/a	n/a					
R2 / W5		33.7	23.2	34.6%	31%					
R2 / W6		33	24.7	28.2%	25%					
<b>Fifth Floor</b>										
R1 / W1	Bedroom	35.8	24.5	35%	32%	24.4	24.1	20.9	13.3%	5%
<b>Sixth Floor</b>										
R1 / W1	Bedroom	34	26.6	25%	22%	24.4	24.1	21	12%	8%
R2 / W2	Living/ Kitchen/ Diner	25.5	19.1	29%	25%	n/a	n/a	n/a	0	0
R2 / W3		36.9	31.8	n/a	n/a					
R2 / W4		36.4	32.4	n/a	n/a					
R2 / W5		36.2	36.2	n/a	n/a					

5.22 As shown in the table above, the proposal would see the same quantum of transgressions in regard to both VSC and NSL. There are however slight improvements to the reductions, albeit minimal. Although windows at first floor level would see reductions in VSC, the NSL proposal would see a slight improvement in daylight distribution to the bedroom and living space of the unit.

5.23 It is noted that the impacted properties are dual aspect, with fenestration to bedrooms facing the application site to the south onto Clere Street and the living spaces facing east onto Paul Street.

5.24 Further, a lux assessment was provided within the submitted daylight and sunlight addendum report. The lux radiance-based tool undertaken is a supplementary assessment utilising the illuminance method for assessing daylight. This assessment visually illustrates the daylight illuminance levels within the rooms in both the existing and proposed conditions. This assessment

highlights that with the exception of the bedroom at first floor level, all other rooms would meet BRE guidance with relation to illuminance.

### *Alternative Targets*

- 5.25 Further to the above the BRE Guidelines suggests that, in some scenarios, it may be appropriate to test daylight and sunlight impacts with reference to a hypothetical mirror image of an impacted building. This concept is often referred to as “mirror massing” and involves a hypothetical building of the same height and size, and of an equal distance away from the site’s boundary (or centre line of the street), as the impacted building – this, arguably, represents the massing that might reasonably be found on a development site. The mirror massing concept involves setting the impacts of this hypothetical building as a bar or baseline, and then ascertaining how the impacts of a proposed development would worsen or improve on the hypothetical scenario.
- 5.26 The alternative mirror massing target has mirrored both 17-18 Clere Street and 20 Clere Street. The results of the mirror massing indicates that the majority of the windows tested would experience only minor additional VSC reductions over the mirror massing baseline. In some instances, windows at 20 Clere Street would see gains in VSC daylight from the proposed development, as opposed to the alternative mirror massing scheme.

### *Daylight and sunlight summary*

- 5.27 A comprehensive assessment and addendums of the revised proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. As highlighted within the scheme presented to 9 January 2024 Committee, 10 and 24 Epworth Street would see reductions in daylight beyond BRE guidance.
- 5.28 Since the 9 January 2024 Committee, further revisions to the northern elevation has seen the two upper most floors increase their setback from the building shoulder and main elevation. This has led to improvements to the transgressions reported to 17-18 and 20 Clere Street properties.
- 5.29 It is acknowledged that there would be impacts to neighbouring properties leading to reductions in daylight and/or sunlight and that this is regrettable. 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.

### Other Considerations

- 5.30 Within the scheme presented to 9 January 2024 Committee, due to the reduction in floorspace by way of the removal of storeys and further setbacks, respectively at fourth, fifth and sixth floor levels, the amount of proposed office floorspace was reduced by 411sqm. The revisions proposed now reduce the proposed office floorspace by a further 133sqm, as such, the total reduction since the original submission is 544sqm, representing 1.6%.
- 5.31 The consideration of land use is outlined in paragraphs 9.2 – 9.42 of the original 18 July 2023 Committee Report at Appendix 5.

5.32 The following table outlines the floorspace and uses following the revision:

Use	Existing (GIA)	Originally Proposed (GIA)	Revised Proposed (GIA) (February 2024 submission)	Percentage% of Proposed Scheme
Office – E(g)(i)	11,475sqm	28,441sqm	27,897sqm	87%
Retail – E(a)	0	1,149sqm	1,149sqm	13%
Café/Restaurant – E(b)	0	667sqm	667sqm	
Gym – E(d)	0	2,284sqm	2,284sqm	
<b>Total:</b>	<b>11,475sqm</b>	<b>32,541sqm</b>	<b>31,997sqm</b>	

5.33 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 Clerkenwell and Bunhill Area Action Plan. The intensification, renewal and modernisation of existing business floorspace would support higher employment densities and thus create additional employment opportunities within the borough and in particular the CAZ and EPA. Further, 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. The proposal would be in accordance with 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.

5.34 The proposed affordable workspace unit at basement and ground level has not been amended since either the 12 October 2023 or 9 January 2024 Committees and would therefore still have an area of 2,008sqm. Given the reduction in the overall floorspace of the building due to further setbacks and reduction in bulk to the upper floors, the area of 2,008sqm now represents 13.7% of the uplift in market office floorspace (or 12.2% in total uplift in Class E(g)i office floorspace), resulting in an increase over the previously proposed figure of 13.4% (or 12.1% in total uplift in Class E(g)i office floorspace). The proposal is, therefore, still in accordance with London Plan policy E1 and Islington Local Plan policy B4 with a marginally increased percentage offer following the revisions.

5.35 Members are reminded of the public sector equality duty ('PSED') found in s149 of the Equalities Act 2010 which 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.

5.36 As outlined in paragraphs 5.1 – 5.13 of the 12 October 2023 Planning Committee Report (Appendix 5), in which it was 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. In summary, it was and still 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 continue to 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. CONCLUSION**

- 6.1 Following the deferrals the applicant has revised the proposals to address the reason for deferral – namely increasing the set back of the fifth and sixth floors of the building to the northern elevation (Clere Street) to seek to address the deferral reason and improve the impact upon daylight and sunlight to neighbouring residential buildings on Clere Street.
- 6.2 Within the previously revised scheme presented to 9 January 2024 Committee, the chamfered corners along Paul Street (to the corner with Epworth Street to the south and to the corner of Clere Street to the north) at fifth and sixth floor level have had their setbacks increased so that they are further from the main elevation below. This has led to these chamfered corners being less visible in views along Paul Street. Further, to the southwest part of the building, opposite 10 Epworth Street, a storey has been removed and a further setback from the main elevation along Epworth Street to the 'Factory' element of the building. The removal of a storey (at fifth floor) and further setbacks (at fourth and sixth floors) to this part of the building, has led to a reduction in the transgressions in daylight reductions to 10 Epworth Street, which have been verified by the Applicant's Daylight sunlight consultants.
- 6.3 Since the 9 January 2024, further amendments to the northern elevation of the proposed building, setback to the two upper most floors to parts of the proposed building has led to further improvements to daylight transgressions to 17-18 Clere Street and 20 Clere Street.
- 6.4 It is considered that the amended proposals address the reason for deferral, which was to interrogate possible mitigation of the sunlight/daylight impact to the two buildings on Clere Street
- 6.5 It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in Appendix 1 – RECOMMENDATIONS.



# 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> <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;  <b>A284-MCO-XX-B1-DR-A-06109 rev: P04 - Proposed Lower Ground Plan;</b></p>

**A284-MCO-XX-L0-DR-A-06110 rev: P04 - Proposed Ground Floor Plan;**  
**A284-MCO-XX-L1-DR-A-06111 rev: P05 - Proposed L1 Floor Plan;**  
**A284-MCO-XX-L2-DR-A-06112 rev: P05 - Proposed L2 Floor Plan;**  
**A284-MCO-XX-L3-DR-A-06113 rev: P05 - Proposed L3 Floor Plan;**  
**A284-MCO-XX-L4-DR-A-06114 rev: P06 - Proposed L4 Floor Plan;**  
**A284-MCO-XX-L5-DR-A-06115 rev: P06 - Proposed L5 Floor Plan;**  
**A284-MCO-XX-L6-DR-A-06116 rev: P06 - Proposed L6 Floor Plan;**  
**A284-MCO-XX-R1-DR-A-06117 rev: P06 - Proposed R1 Floor Plan;**  
**A284-MCO-XX-R2-DR-A-06118 rev: P06 - Proposed R2 Floor Plan;**  
**A284-MCO-XX-XX-DR-A-06201 rev: P06 - Proposed North Elevation;**  
**A284-MCO-XX-XX-DR-A-06202 rev: P06 - Proposed East Elevation;**  
**A284-MCO-XX-XX-DR-A-06203 rev: P04 - Proposed South Elevation;**  
**A284-MCO-XX-XX-DR-A-06204 rev: P06 - Proposed West Elevation;**  
 A284-MCO-XX-XX-DR-A-06301 rev: P03 - Proposed Long Section;  
**A284-MCO-XX-XX-DR-A-06302 rev: P05 - 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;  
**Design and Access Statement Addendum A284-MCO-XX-XX-DS-A-01001 dated November 2023;**  
**Design and Access Statement Further Addendum A284-MCO-XX-XX-DS-A-01002 dated February 2024;**  
 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;  
**Landscape General Arrangement Level 04 – 8223\_L\_04\_001 rev C;**  
**Landscape General Arrangement Level 05 – 8223\_L\_05\_001 rev: C;**  
**Landscape General Arrangement Level 06 – 8223\_L\_06\_001 rev: C;**  
**Landscape General Arrangement Level 07 – 8223\_L\_07\_001 rev: C;**  
**Landscape General Arrangement All Terraces and Roof Levels – 8223\_L\_XX\_001 rev: C;**  
**Landscape General Arrangement Urban Green Factor Calculations – 8223\_L\_XX\_200 rev: C;**  
 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;

	<p>Transport Assessment dated July 2022 and Stage 1 Report – Applicant Response (Transport) dated 18 January 2023;  <b>Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215_Castle and Fitzroy House_wlca_assessment_template_planning_Rev08;</b>  <b>Circular Economy Statement revision 08 dated 28 September 2023 and gla_circular_economy_statements_template_Castle Fitzroy House _Rev05;</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>
<b>3</b>	<p><b>Materials (Detail and Samples)</b></p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure 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>	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>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>	<p><b>Refuse and Recycling (Compliance)</b></p> <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>	<p><b>Cycle Storage (Compliance)</b></p> <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>	<p><b>Flat Roofs (Compliance)</b></p>

	<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>	<p><b>Internal Lighting and Roller Blinds (Details and Compliance)</b></p> <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>	<p><b>External Lighting (Details)</b></p> <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>	<p><b>Delivery and Servicing Plan (Compliance)</b></p> <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>

**11 Demolition, Construction and Environmental Management Plan (Details)**

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.

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

	<p>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</p>



	<p>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 re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place 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</li> </ol>

	<p>out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
<b>24</b>	<p><b>Fire Safety Strategy (Compliance)</b></p> <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>	<p><b>Whole Life Carbon (Details)</b></p> <p>CONDITION: An updated Whole Life Carbon Assessment shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <ol style="list-style-type: none"> <li>a) Prior to demolition works and relating to the demolition phase; and</li> <li>b) Prior to construction works</li> </ol> <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</p>

	to GLA benchmarks in accordance with policy S4 of the London Plan.
<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</p>

	<p>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 a 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</p>

	<p>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> <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> </ol> <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>
<p><b>36</b></p>	<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 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> <ul 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 -</li></ul>

	<p>Recommendations</p> <p>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</p> <p>h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</p> <p>i. BS: 8601:2013 Specification for subsoil and requirements for use</p>
<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: <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>
	<p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>9</b>	<b>Alterations to the highway</b>
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. 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.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

The National Planning Policy Framework 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.

### Development Plan

The Development Plan is comprised of the London Plan 2021 and Islington Local Plan: Strategic and Development Management Policies 2023. 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>7. Heritage and Culture</b> <b>Policy HC1</b> Heritage conservation and growth
<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>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>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>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>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>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 2023</b>	
<b>1. PLAN01</b> Site appraisal, design principle and process	<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>2. Area Spatial Strategies</b> <b>Policy SP1</b> Bunhill & Clerkenwell	<b>8. Design and Heritage</b> <b>Policy DH1</b> Fostering innovation while protecting heritage
<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	



<p><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>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>
<p><b>C) Bunhill and Clerkenwell Area Action Plan 2023</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's Local Plan: Strategic and Development Management Policies 2023 and the Bunhill & Clerkenwell Area Action Plan 2023:

- 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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**ADDENDUM TO  
 PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>	<b>B1</b>
<b>Date:</b>	9 <sup>th</sup> January 2024	<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 Planning application P2022/2893/FUL was heard at the 18 July 2023 and 12 October 2023 Planning Committee meetings. During the 18 July 2023 Planning committee 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 The application was subsequently heard at Planning Committee on 12 October 2023, following the submission of further details (including revised whole life carbon and circular economy assessments, and revised affordable workspace unit) and correspondence with the Greater London Authority. Following representations from objectors and deliberation of the Committee, members deferred the item in order:

- to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements,
- the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and
- for the applicants to revisit their consultation with local stakeholders.

Details of these deliberations are recorded in the published minutes (appended to this report at Appendix 4).

2.3 Since the 12 October 2023 Planning Committee meeting, the Applicant has been involved in correspondence with local residents, which included a virtual meeting and a separate in-person meeting on 18 December 2023. Additional/revised details have been submitted as follows:

- Revised Level 4 Floor Plan (06114 rev: P04);
- Revised Level 5 Floor Plan (06115 rev: P04);
- Revised Level 6 Floor Plan (06116 rev: P04);
- Revised Roof Level 1 (06117 rev: P04);
- Revised Roof Level 2 (06118 rev: P04);
- Revised North Elevation (06201 rev: P04);
- Revised East Elevation (06202 rev: P04);
- Revised South Elevation (06203 rev: P04);
- Revised West Elevation (06204 rev: P04);
- Design and Access Statement Addendum November 2023;
- Daylight and Sunlight Addendum dated 28 November 2023;
- Landscaping Plans: Landscape General Arrangement Level 05 – 8223\_L\_05\_001 rev: B; Landscape General Arrangement Level 06 – 8223\_L\_06\_001 rev: B; Landscape General Arrangement Level 07 – 8223\_L\_07\_001 rev: B; Landscape General Arrangement All Terraces and Roof Levels – 8223\_L\_XX\_001 rev: B; Landscape General Arrangement Urban Green Factor Calculations – 8223\_L\_XX\_200 rev: B;

- 2.4 Further, on the 21 December 2023, updated section drawings (Existing + Updated Proposed Sections with Residential Units dated 20 December 2023 A284-10.01-120) with 'sightlines' from the pavements opposite the proposed building were submitted and uploaded to the Council website. It is noted that this document is not revising the proposal further from the drawings re-consulted on, it is additional detail with separation distance measurements and the sightlines from opposite pavements.

### **3. LOCAL PLAN CONTEXT UPDATE**

- 3.1 For the avoidance of doubt, this section outlines the context of the Local Plan. 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 previous report to Committee (Appendix 5) 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 following the receipt of revised plans relating to setback of the proposed building. Letters were sent again to occupants of 1,346 adjoining and nearby properties. A site notice and press advert were also displayed on 7 December 2023, giving a consultation expiry date of 21 December 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 12 October 2023 Planning Committee Report was published a further 13 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 **183** to date.
- 4.4 The 13 new objections received were received between 12 October 2023 and 09 November 2023, and as such prior to the submission of revised documents and the re-consultation period actioned by the Council. These further objections reiterate points and concerns raised previously and considered in both the 12 October 2023 Committee Report at (Appendix 3) and the 18 July 2023 Committee Report (Appendix 5).
- 4.5 Updated objections from those who have already objected to the proposal include the following points based on the revised proposal and submitted documents, are surmised as follows:
- Disappointing that the applicant has completely disregarded the expressed wish of planning committee that the residents be directly engaged on how this development proposal could be amended to potentially overcome their concerns before the application is formally amended and any revised plans are formally issued to the Council.
  - The meeting(s) (on 18 December 2023) between the applicant team and residents took place only 3 days prior to the expiry of the Council's re-consultation period of 21 December 2023.
  - Failure to adequately address the reasons for deferral of the previous committee.

- The extent of the now proposed amendments is simply confined to reducing some of the building mass on the Epworth Street elevation. In all other respects the proposed development remains unchanged.
- The upper two floors of the building have been set back, although in the absence of any clear detail on the issued drawings, it is unclear to what extent. It is also unclear whether the extent of the setbacks would result in the upper floors being fully concealed from public view at street level in more localised views, as the section drawing requested by members has seemingly not been produced.
- 24 Epworth Street, 17-18 Clere Street and 20 Clere Street would all continue to experience a substantial number of BRE transgressions and 'major-adverse' daylight/sunlight impacts, which ought reasonably to have been addressed.
- The identified daylight/sunlight impacts cannot be considered acceptable when taken as a whole and the extent of this identified harm is symptomatic of overdevelopment and would strongly merit a refusal of planning permission in this respect.
- Maintain their wider recorded objections to this planning application in that the applicant has not adequately justified the circular economy principles of the proposed development and the assertion that a full demolition and rebuild is the most carbon efficient outcome ahead of retention and refurbishment.
- Adverse noise impacts and disturbance that would arise from this substantially intensified use in terms of the increased comings and goings, the use of the external terraces, including the large, retained roof terrace at seventh floor level, the day-to-day operational impacts arising from the proposed introduction of the ground floor commercial uses and especially in terms increased deliveries, refuse collection and associated odour impacts.
- The proposed introduction of the large roof terrace also raises genuine overlooking concerns where the separation distance would be less than 18m. Indeed, one of the applicant's own CGIs shows a person looking directly towards no. 24 Epworth Street.
- Likely adverse flooding/surface water runoff impacts of excavating two large basement levels and the likely adverse noise and vibration impacts that neighbouring occupiers would experience generally over the scheduled 165-weeks construction programme and in conjunction with other recently approved major developments in the area, the cumulative impacts of which have simply not been addressed.

4.6 Further responses from the following consultees have also been received:

- 4.7 Design and Conservation Officer: These comments should be read as a supplement to the formal design and heritage observations as issued in October 2022 and previously highlighted to the planning committee. The proposed changes result in a considerable reduction to height and massing, particularly in relation to Epworth Street but also to views to Paul Street. The impact of such reductions is considered to be beneficial as they relate to the Epworth Street reductions, creating a more neighbourly relationship between the scheme and the properties to the south side of Epworth Street and to properties to Tabernacle Street to the west. The changes to the Paul Street edges are considered to have a neutral impact with regard to the quality of the architecture with the animated 'crown' being amended from that of a key architectural feature to a less prominent and visually recessive element. The architectural quality of the development is considered to remain of an outstanding quality and as such there are no design objections to the amended scheme.
- 4.8 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 5.

## 5. UPDATED ASSESSMENT

### Design and Appearance

- 5.1 Planning policies and guidance relevant to design, appearance and heritage are set out in the NPPF (2023), PPGs, chapter 3 of the London Plan (2021) and policies PLAN1, DH1, DH2, DH3 and DH4

of the Islington Local Plan (2023). Further guidance is found in Islington Urban Design Guide 2017, Historic England GPA2: Managing Significance in Decision-Taking in the Historic Environment (2015), Historic England GPA3: The Setting of Heritage Assets (2017) and Historic England Advice Note 4: Tall Buildings (2022).

- 5.2 The assessment of the deferred proposal in regard to design, appearance, and impact upon heritage assets was set out from paragraph 9.81 of the original planning committee report of 18 July 2023 at Appendix 5.
- 5.3 The revised proposal seeks to reduce the bulk and massing of the building to the south-west part, by partially removing a storey (at fifth floor) and reducing the height of the fourth floor. The sixth floor has been further set back from the main elevation of Epworth Street along the 'factory' element. Further, the fifth and sixth floor chamfered corners along the Paul Street elevation (to the corners of Epworth Street and Clere Street) have also been stepped-back further from the main elevation.
- 5.4 The revisions are considered to be beneficial with regard to the impact on the setting of the more immediate context and also maintain the outstanding architectural quality of the earlier scheme which is a further important consideration, and are therefore supported by Officers.
- 5.5 The reduction in height and mass to western most module to Epworth Street sees a substantial reduction in both height and mass. This creates an enhanced neighbourly relationship in relation to the properties on the opposite side of Epworth Street and to those buildings immediately to the west on Tabernacle Street. As a result, this change has a positive impact on the scheme itself and on its setting.
- 5.6 The top two floors have been recessed further from the front façade, and stepped. They will now align with the set back and stepped configuration of the top two floors to the 'Showroom' element. The visual impact of this change is highly beneficial with this high-level element being removed from sight from multiple vantage points from within the adjacent public realm. The architectural impact is considered to be beneficial as a result of the reduction of height and massing to the Epworth Street edge in this location.
- 5.7 Finally, the decorative two storey 'crown' to the showroom element, to its primary façade onto Paul Street, has been deeply chamfered at its corners. The result is that this crown element has been revised from a key architectural feature to one that is now visually and architecturally recessive.
- 5.8 The impact on the architectural quality of the scheme of this amendment is therefore considered to be neutral and acceptable as a result.
- 5.9 The below images indicate the revisions to the scheme from the deferred scheme. The revised proposed images include a black dotted line where the building line and massing was previously proposed.



*Figure 1: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking west along Scrutton Street*



*Figure 2: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking north along Paul Street*





*Figure 3: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking south along Paul Street*



*Figure 4: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) as seen from 10 Epworth Street*

5.10 Further, a number of section drawings and localised CGI views have been prepared which show that the two upper most floors (fifth and sixth) would not be visible at street level, and specifically from the opposite pavements along Paul Street and Clere Street. The upper two most floors would not be seen along the majority of the pavement opposite the building along Epworth Street, except for marginal views directly outside 10 Epworth Street, due to the revised reduction to the south-west element of the building. These are shown below for reference:

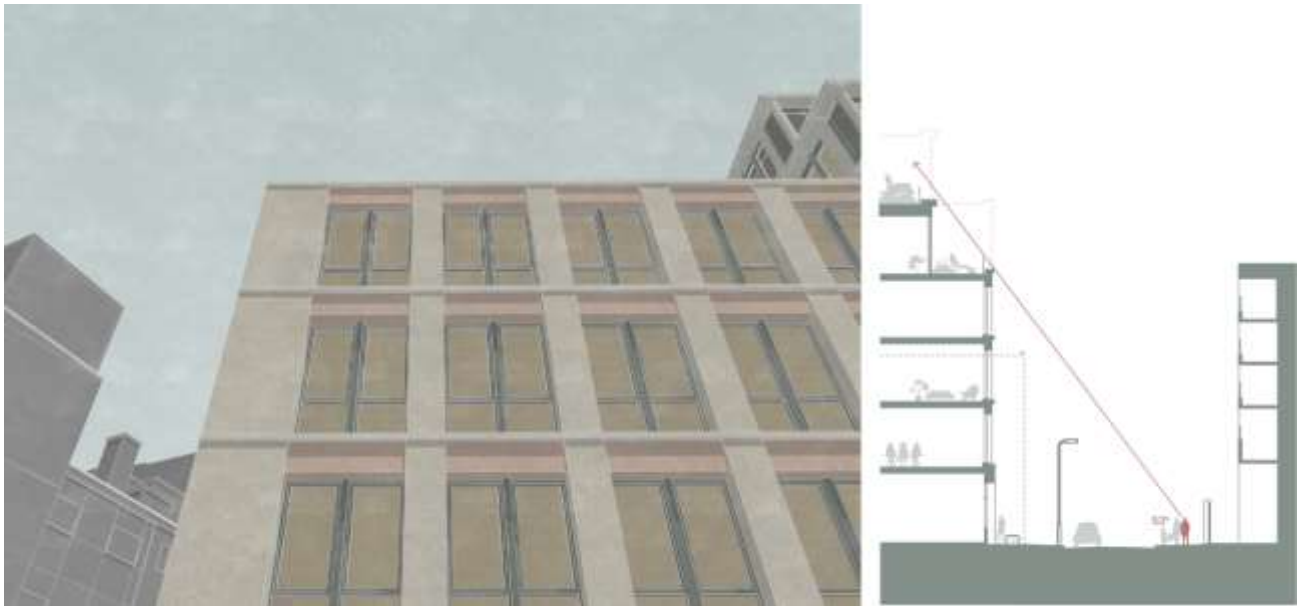


Figure 5: CGI of the 'sightline' from the pavement of the proposed building as seen from 10 Epworth Street



Figure 6: CGI of the 'sightline' from the pavement of the proposed building as seen from 24 Epworth Street



Figure 7: CGI of the 'sightline' from the pavement of the proposed building as seen from 28 Paul Street (The Fox)



Figure 8: CGI of the 'sightline' from the pavement of the proposed building as seen from 20 Clere Street

### Daylight & Sunlight

- 5.11 Following the 18 July 2023 and 12 October 2023 Planning Committees a Daylight and Sunlight Addendum dated 28 November 2023 prepared by Delva Patman Redler has been submitted.
- 5.12 In the schemes presented to the 18 July 2023 and 12 October 2023 Planning Committees, daylight and sunlight reporting was undertaken by Avison Young, however, in October 2023, Avison Young entered into a partnership with DPR. As a result of the partnership, the daylight and sunlight team has joined DPR and subsequently, the application has moved across to Delva Patman Redler. It is noted that a number of the existing baseline values have been amended due to an improved data on the neighbouring properties (such as layouts and window dimensions) however the assessment is still in accordance with BRE guidance methodology.
- 5.13 As shown in the below tables and commentary, the overall quantum of transgressions has decreased whilst a number of windows and rooms would see betterments to the reported reductions to neighbouring properties, specifically to 10 Epworth Street. It should be noted that non-habitable rooms (such as bathrooms, hallways and circulation space) have not been included within the below

transgression tables, although these were previously included by officers in the deferred planning committee reports.

5.14 Transgressions are still reported to neighbouring 10 Epworth Street, 24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street. These are outlined further below, with the previous results of the deferred scheme as outlined in the 18 July 2023 committee report (Appendix 5) prior to the current revised scheme also shown for reference:

10 Epworth Street		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)
<b>First Floor</b>										
R9 / W14	Bedroom	0.1	0.1	0	0	7.1	4.3	4.3	100%	0
R11 / W16	Kitchen	0.01	0.01	0	0	6.5	3.7	3.7	100%	0
R13 / W18	Bedroom	24.7	15.4	50%	38%	6.5	6.4	3.9	56%	38%
R14 / W19	Bedroom	25.3	15.1	53%	40%	12.8	10.8	5.6	63%	48%
<b>Second Floor</b>										
R9 / W16	Bedroom	0	0	0	0	7.1	0.8	0	100%	100%
R11 / W18	Kitchen	0.3	0.0	100%	100%	6.5	5.6	0.9	100%	83%
R13 / W21	Bedroom	28.6	18.8	48%	34%	5.8	5.7	4.7	45%	18%
R14 / W22	Bedroom	29.3	18.5	50%	37%	12.8	12.6	8.4	55%	33%
<b>Third Floor</b>										
R8 / W16	Bedroom	0.3	0	100%	100%	7.1	1	0	100%	100%
R10 / W18	Kitchen	1.2	0	100%	100%	6.5	5.6	2.8	84%	50%
R13 / W21	Bedroom	32.5	22.7	44%	30%	6	5.8	5.8	33%	0
R14 / W22	Bedroom	33	22.2	46%	33%	12.8	12.6	11	45%	13%
<b>Fourth Floor</b>										
R8 / W16	Bedroom	1.1	0	100%	100%	7.1	1	0.84	100%	16%
R10 / W18	Kitchen	1.4	0.1	100%	93%	6.5	4	3.9	68%	3%
R13 / W21	Bedroom	35.5	26.8	37%	25%	6	5.9	5.9	1.4%	0
R14 / W22	Bedroom	35.9	26.2	40%	27%	12.8	12.6	12.6	22%	0

5.15 As shown in the above table, improvements are reported to the reduction in daylight in both VSC and NSL. With regards to NSL, the quantum of transgressions contrary to BRE guidance has improved, with 7 transgressions reported, an improvement on the deferred scheme which would have seen 15 transgressions.

5.16 It is noted that the habitable rooms affected, namely bedrooms and kitchens which face the site, whilst the main living spaces are located facing south and do not face the application site. The units are therefore considered dual aspect. The rooms and windows identified in red are those located below the overhanging walkways.

5.17 Further, a lux assessment has been provided within the submitted daylight and sunlight report. The lux radiance-based tool undertaken is a supplementary assessment utilising the illuminance method for assessing daylight. This assessment visually illustrates the daylight illuminance levels within the rooms in both the existing and proposed conditions. This assessment highlights that there will be no meaningful alteration in illumination within the neighbouring rooms when compared to the existing condition.

5.18 Turning to other neighbouring properties (24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street), the quantum of transgression to both windows in VSC and rooms in NSL remains as the deferred scheme. There are minor improvements

in quality of the transgressions however, with minimal improvements of approximately 1% to windows and rooms.

- 5.19 With regards to sunlight, there is improvement to the quantum of transgressions to neighbouring windows at 17-18 Clere Street and 20 Clere Street. To 17-18 Clere Street, two windows would now not meet BRE guidance, serving a bedroom and playroom at fourth floor level. To 20 Clere Street, 1 window would now not meet BRE guidance, located at first floor level.

*Daylight and sunlight summary:*

- 5.20 A comprehensive assessment of the revised proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. 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. 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.
- 5.21 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.

Other Considerations

- 5.22 Due to the reduction in floorspace by way of the removal of storeys and further setbacks, respectively at fourth, fifth and sixth floor levels, the amount of proposed office floorspace has reduced by 411sqm. The consideration of land use is outlined in paragraphs 9.2 – 9.42 of the original 18 July 2023 Committee Report at Appendix 5.
- 5.23 The following table outlines the floorspace and uses.

Use	Existing (GIA)	Previous Proposed (GIA)	Revised Proposed (GIA)	Percentage% of Proposed Scheme
Office – E(g)(i)	11,475sqm	28,441sqm	28,030sqm	87%
Retail – E(a)	0	1,149sqm	1,149sqm	12%
Café/Restaurant – E(b)	0	667sqm	667sqm	
Gym – E(d)	0	2,284sqm	2,284sqm	
<b>Total:</b>	<b>11,475sqm</b>	<b>32,541sqm</b>	<b>32,130sqm</b>	

- 5.24 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 Clerkenwell and Bunhill Area Action Plan. The intensification, renewal and modernisation of existing business floorspace would support higher employment densities and thus create additional employment opportunities within the borough and in particular the CAZ and EPA. Further, 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. The proposal would be in accordance with 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.
- 5.25 The proposed affordable workspace unit at basement and ground level has not been amended since the 12 October 2023 committee and would therefore still have an area of 2,008sqm. Given the reduction in the overall floorspace of the building due to further setbacks and reduction in bulk to the upper floors, the area of 2,008sqm now represents 13.6% of the uplift in office floorspace, resulting in an increase over the previously proposed figure of 13.4% . The proposal is, therefore, still in accordance with London Plan policy E1 and Islington Local Plan policy B4 with a marginally increased percentage offer.

- 5.26 Members are reminded of the public sector equality duty ('PSED') found in s149 of the Equalities Act 2010 which 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.

5.27 As outlined in paragraphs 5.1 – 5.13 of the 12 October 2023 Planning Committee Report (Appendix 4), in which it was 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. In summary, it was and still 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 continue to 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. CONSULTATION BETWEEN APPLICANT AND PUBLIC**

- 6.1 In seeking to address the deferral reason for the applicants to revisit their consultation with local stakeholders, the applicant team sought to engage with neighbouring residents who spoke and made formal representations on the application.
- 6.2 It has been indicated by the applicant that 1,400 letter drops were undertaken by the applicant team surrounding the site. The applicant claims that the meeting took place in the evening of 18 December 2023 and over 20 local residents and business representatives attended. The revised scheme was presented to those in attendance by the applicant team and a Q&A session followed.

## **7. CONCLUSION**

- 7.1 Following the deferral of the application at the 18 July 2023 and 12 October 2023 Committee Meetings, the Applicant has revised the application with a number of amendments to the upper floors to parts of the proposed building. The chamfered corners along Paul Street (to the corner with Epworth Street to the south and to the corner of Clere Street to the north) at fifth and sixth floor level have had their setbacks increased so that they are further from the main elevation below. This has led to these chamfered corners being less visible in views along Paul Street.
- 7.2 Further, to the southwest part of the building, opposite 10 Epworth Street, a storey has been removed and a further setback from the main elevation along Epworth Street to the 'Factory' element of the building.
- 7.3 The removal of a storey (at fifth floor) and further setbacks (at fourth and sixth floors) to this part of the building, has led to less transgressions in daylight reductions to 10 Epworth Street which have been verified by the Applicant's Daylight sunlight consultants.
- 7.4 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. 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>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).



**2 APPROVED PLANS**

CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:

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: P04 - Proposed L4 Floor Plan;**  
**A284-MCO-XX-L5-DR-A-06115 rev: P04 - Proposed L5 Floor Plan;**  
**A284-MCO-XX-L6-DR-A-06116 rev: P04 - Proposed L6 Floor Plan;**  
**A284-MCO-XX-R1-DR-A-06117 rev: P04 - Proposed R1 Floor Plan;**  
**A284-MCO-XX-R2-DR-A-06118 rev: P04 - Proposed R2 Floor Plan;**  
**A284-MCO-XX-XX-DR-A-06201 rev: P04 - Proposed North Elevation;**  
**A284-MCO-XX-XX-DR-A-06202 rev: P04 - Proposed East Elevation;**  
**A284-MCO-XX-XX-DR-A-06203 rev: P04 - Proposed South Elevation;**  
**A284-MCO-XX-XX-DR-A-06204 rev: P04 - 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;  
**Design and Access Statement Addendum A284-MCO-XX-XX-DS-A-01001 dated November 2023;**  
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;  
**Landscape General Arrangement Level 05 – 8223\_L\_05\_001 rev: B;**  
**Landscape General Arrangement Level 06 – 8223\_L\_06\_001 rev: B;**  
**Landscape General Arrangement Level 07 – 8223\_L\_07\_001 rev: B;**  
**Landscape General Arrangement All Terraces and Roof Levels – 8223\_L\_XX\_001 rev: B;**  
**Landscape General Arrangement Urban Green Factor Calculations – 8223\_L\_XX\_200 rev: B;**  
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;

	<p>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;  <b>Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215_Castle and Fitzroy House_wlca_assessment_template_planning_Rev08;</b>  <b>Circular Economy Statement revision 08 dated 28 September 2023 and gla_circular_economy_statements_template_Castle Fitzroy House_Rev05;</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>
<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> <ol style="list-style-type: none"> <li>brickwork, bond and mortar courses for all facing bricks;</li> <li>render (including colour, texture and method of application);</li> <li>windows and doors (including sections and reveals);</li> <li>roofing materials (including facing materials);</li> <li>any balustrading treatment (including sections); and</li> <li>any other materials to be used.</li> </ol> <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>	<p><b>Flat Roofs (Compliance)</b></p> <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>	<p><b>Internal Lighting and Roller Blinds (Details and Compliance)</b></p> <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>	<p><b>External Lighting (Details)</b></p> <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>	<p><b>Delivery and Servicing Plan (Compliance)</b></p> <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>
<p><b>11</b></p>	<p><b>Demolition, Construction and Environmental Management Plan (Details)</b></p>
	<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> <li>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;</li> <li>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.)</li> <li>h) Details of any proposed external illumination and/or floodlighting during construction;</li> <li>i) Details of measures taken to prevent noise disturbance to surrounding residents;</li> <li>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;</li> <li>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</li> <li>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</li> <li>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</li> <li>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</li> <li>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;</li> <li>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.</li> </ul> <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> <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 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>	<p><b>Bird and Bat Boxes (Details and Compliance)</b></p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<p><b>Inclusive Design (Compliance)</b></p> <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>	<p><b>Sustainable Urban Drainage (Compliance)</b></p> <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>	<p><b>Piling Method Statement – Thames Water (Details)</b></p> <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>	<p><b>Basement Excavation (Compliance)</b></p> <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 re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place 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>	<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> </ol>

	<p>c. Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
<b>24</b>	<p><b>Fire Safety Strategy (Compliance)</b></p> <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>	<p><b>Whole Life Carbon (Details)</b></p> <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 a 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> <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> </ol> <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>BS: 3882:2015 Specification for topsoil</li><li>BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li><li>BS: 3998:2010 Tree work – Recommendations</li><li>BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li><li>BS: 4043:1989 Recommendations for Transplanting root-balled trees</li><li>BS: 5837 (2012) Trees in relation to demolition, design and construction -</li></ol>

	<p>Recommendations</p> <p>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</p> <p>h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</p> <p>i. BS: 8601:2013 Specification for subsoil and requirements for use</p>
<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: <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>
	<p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>9</b>	<b>Alterations to the highway</b>
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. 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.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

The National Planning Policy Framework 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.

### 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 2023</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>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 B5</b> Jobs and training opportunities <b>Policy R8</b> Location and Concentration of uses  <b>5. Green Infrastructure</b> <b>Policy G4</b> Biodiversity, landscape design and trees <b>Policy G5</b> Green roofs and vertical greening  <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	<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
<b>C) Bunhill and Clerkenwell Area Action Plan 2023</b>	
<b>2. Area wide policies</b> <b>Policy AAP1</b> Prioritising office use  <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	<b>3. Area Spatial Strategies</b> <b>Policy AAP3</b> City Fringe Opportunity

## 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

**APPENDIX 5 – 12 October 2023 Committee Report**



# ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	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

## 8. RECOMMENDATION

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

4. Subject to Conditions set out in **Appendix 1**;
5. 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
6. 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.

## 9. BACKGROUND OF DEFERRAL

9.1 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.

9.2 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;

9.3 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.

## 10. LOCAL PLAN UPDATE

10.1 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.

10.2 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.

10.3 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.

## 11. CONSULTATION

- 11.1 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.
- 11.2 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.
- 11.3 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.]*

- 11.4 The further objections received reiterate points and concerns raised previously and considered in the 18 July 2023 Committee Report at Appendix 3.
- 11.5 Further responses from the following consultees have also been received:
- 11.6 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.

- 11.7 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.

## 12. PUBLIC SECTOR EQUALITY DUTY

- 12.1 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.
- 12.2 The relevant protected characteristics are "age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, and sex and sexual orientation."
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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.

- 12.11 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.
- 12.12 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.
- 12.13 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.

### **13. UPDATED ASSESSMENT**

#### Whole Life Carbon

- 13.1 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.
- 13.2 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).
- 13.3 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.
- 13.4 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>2</sub>e/m<sup>2</sup>. This can be broken down into upfront carbon excl. demolition (642 kgCO<sub>2</sub>e/m<sup>2</sup>), demolition of existing building (15 kgCO<sub>2</sub>e/m<sup>2</sup>), embodied carbon in use and end-of-life (465 kgCO<sub>2</sub>e/m<sup>2</sup>), and operational carbon (1,192 kgCO<sub>2</sub>e/m<sup>2</sup>).
- 13.5 The proposal would achieve embodied carbon of 642 kgCO<sub>2</sub>e/m<sup>2</sup> which would meet the policy requirement WLC benchmark for material quantity and end of life scenarios of 950 kgCO<sub>2</sub>e/m<sup>2</sup>, however would exceed the aspirational target of 600 kgCO<sub>2</sub>e/m<sup>2</sup>.
- 13.6 For all embodied carbon WLC benchmark, the proposal would achieve 975 kgCO<sub>2</sub>e/m<sup>2</sup>, which would meet the policy requirement of 1400 kgCO<sub>2</sub>e/m<sup>2</sup>, however would exceed the aspirational target of 900 kgCO<sub>2</sub>e/m<sup>2</sup>.

- 13.7 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.
- 13.8 In order to work towards the aspirational benchmarks, further improvements via further design stages are sought through condition 25.

### Circular Economy

- 13.9 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.
- 13.10 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.
- 13.11 An updated Circular Economy ('CE') assessment (revision 08 dated 28 September 2023) with appendices and responses within the GLA Memo form has been submitted.
- 13.12 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.
- 13.13 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.
- 13.14 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.
- 13.15 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.
- 13.16 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.
- 13.17 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.

13.18 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.

13.19 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%

13.20 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.

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

13.22 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

13.23 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.

- 13.24 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.
- 13.25 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.
- 13.26 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.
- 13.27 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.
- 13.28 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.
- 13.29 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.

## **14. CONCLUSION**

- 14.1 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.
- 14.2 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:

- p. 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%;
- q. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- r. 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;
- s. Submission of a full Travel Plan;
- t. 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;
- u. 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;
- v. 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);
- w. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- x. 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;

- y. Compliance with the Code of Employment and Training;
- z. Compliance with the Code of Local Procurement;
- aa. 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;
- bb. Contribution towards employment and training for local residents of a commuted sum of: £183,777; and
- cc. 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*

- dd. 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 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</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> <ul style="list-style-type: none"> <li>d. A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</li> <li>e. A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried 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>f. Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</li> </ul>

	<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</p> <p>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:   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>q. Specific issues to be dealt with in the TPP and AMS:</li> <li>r. location and installation of services/ utilities/ drainage;</li> <li>s. methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;</li> <li>t. details of construction within the RPA or that may impact on the retained trees;</li> </ul>

	<ul style="list-style-type: none"> <li>u. a full specification for the installation of boundary treatment works;</li> <li>v. 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>w. 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>x. 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>y. a specification for scaffolding and ground protection within tree protection zones;</li> <li>z. tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</li> <li>aa. 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>bb. boundary treatments within the RPA;</li> <li>cc. methodology and detailed assessment of root pruning;</li> <li>dd. reporting of inspection and supervision;</li> <li>ee. methods to improve the rooting environment for retained and proposed trees and landscaping; and</li> <li>ff. 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>	<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

	<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-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: <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

## APPENDIX 6 – 12 October 2023 Planning Committee minutes

### 82 CASTLE HOUSE, 37-45 PAUL STREET, FITZROY HOUSE - 13-17 EPWORTH STREET & 1-15 CLERE STREET LONDON (Item B1)

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)

(Planning application number: P2022/2893/FUL)

In the discussion the following points were made:

- At the meeting of 18th July 2023, the Committee resolved to defer consideration of the application without hearing it, so as to provide both officers and applicants sufficient time to address concerns regarding the quality of affordable workspace, the whole life carbon assessment, and the impact to the protected characteristics of residents of Epworth Street, under the Equality Act. All of these issues had the potential to result in major redesigns of the scheme which would have made it difficult for the Committee to consider.
- The Planning Officer informed the meeting that since the Committee's deferral in considering the application, the applicant had worked closely with Council officers and the Greater London Authority (GLA) to revise the affordable workspace unit, whole life carbon assessments, and circular economy workspace statements.
- The meeting was also informed that the public sector equality duty concerning the protected characteristics of Epworth Street residents had been addressed in the addendum to the Committee Report at section five.
- Since the publication of the Committee report, there had been thirty-seven further objections made to the application, bringing the total to 170.
- The Planning Officer noted that Islington's Full Council adopted the new Local Plan on 28th September 2023. The application put forward to the Committee of 18th July 2023, had referred to policy that was current at that time. Officers have advised that the application had now been considered in light of the new Local Plan policies, which carry full weight, and have reached the same conclusions.
- The meeting was informed that the site was located within the Central Activities Zone, the City Fringe Opportunity Area the Bunhill and Clerkenwell Key Area, and an Employment Priority Area. It was presently an existing three to four storey building, in use as offices (Class E(g)), adjoining Epworth Street, Paul Street and Clere Street, which also bordered the London Borough of Hackney on two sides of the site.
- The meeting was informed that the key planning considerations included Land Use, Design and Appearance, Neighbouring Amenities, Transport and Highways, and Energy and Sustainability. The site had been designated Site Allocation BC48, highlighting the opportunity to intensify office use, provide level access and create an active frontage to the street.
- The Planning Officer also advised that there was to be a 13% uplift in affordable workspace, exceeding the 10% required in the Council's Local Plan. The affordable workspace unit was to be located at ground and basement level. This had been revised by way of an additional lightwell to the rear, and also relocating and expanding the lightwells to the front. Both the ground and basement level were accessible from Epworth Street and/or internally from the central atrium.
- The Planning Officer also noted that the proposed building was not located in an area designated suitable for tall buildings in the Local Plan, but that the building would have maximum height of 34.85 metres to the centre of the building. The building therefore represented a departure from the Local Plan as the maximum height did exceed 30 metres. Officers have considered proposals in line with the London Plan, and the Council's Local

Plan. Both officers of the Council and the Greater London Authority considered the visual impact and functional impact of the proposal (subject to mitigation from conditions) were acceptable and would not warrant a refusal.

- The site was not located within a conservation area and does not contain any statutory listed buildings/structures. The site was, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area. Heritage assets that may be affected by the proposal included the Grade I listed Church of St Michael, the Grade I-listed Wesley's Chapel, and the Grade I listed park and burial ground of Bunhill Fields.
- Members of the Committee asked whether the daylight reduction had been considered in the equalities impact assessments, to which the Committee were told that this had been undertaken as part of the Council's duty under the Equality Act, which had shown that residents would not be disproportionately or unacceptably impacted.
- Members of the Committee highlighted that the departure from the Local Plan had been justified by national policy framework allowing for this where a proposal would contribute significantly to the economy and asked for further detail. In response, the Planning Officer referred to the uplift in office and affordable workspace, as evidence of this.
- In response to Members' concerns that the scheme's benefits were nothing more than compliance with policy, the Planning Officer advised that site allocation does not have a target in terms of amount of floorspace to be provided, just an increase; that there would be an increase in accessibility, an increase in employment space and an active frontage at street level.
- Officers also cited the proximity of other consented schemes in the vicinity of similar height and massing.
- Objections were heard that included, that there had been inadequate consultation and engagement with the local community; that there had been miscommunication about the site already having received consent; that there had been a lack of site notices placed in the vicinity of the building; and that the departure from the Local Plan was contradictory to the Council's green policies.
- Objectors noted that they were not opposed to the development of the site in principle, but that it should preferentially be a retrofit/refurbishment rather than a rebuild, and that the scale and mass of development should be appropriate to the context of the local area and surrounding sites, as it was felt that this area was unsuitable for tall buildings and that the size and mass of the building outweighed any potential community value.
- The Committee also heard objections regarding the direct impact to 10 Epworth Street, specifically that through the adverse impact of daylight reduction and noise disruption, the proposed scheme would be of considerable harm to the block's high proportion of housebound residents, and that the developer's offer of access to the proposed new roof balcony was not enough to mitigate harm caused by the development.
- The Committee also heard from an elected member of Hackney Council, Councillor Kam Adams for Hoxton East & Shoreditch Ward, who voiced objections on the grounds of the proposals not being in the best interest of the wider community, on there being a lack of community feedback being taken into consideration, and on the proposal needing more time to be analysed and scrutinised.
- The written representation of a member of Islington Council, Councillor Valerie Bossman-Quarshie for Bunhill Ward, was read out by the Chair, in which their objection also referenced the harm to the Council's declaration of a climate emergency, the environmental impact from a rebuild, and a high office vacancy rate in the locality.
- In their response, the applicants informed the meeting that they were a family-owned business that had owned Fitzroy House for several decades and the decision to redevelop the site wasn't taken lightly.
- The applicant stated that they were aware of local concerns, but their assessments had concluded that the current building was not compliant with market demands or EPC rules and in poor physical condition.
- The applicant went on to note that their proposal would boost employment and attract high-profile businesses, and that they had a construction management plan that would ensure regular, consistent and effective communication with stakeholders during the process.

- Members noted that objectors had indicated a willingness to work alongside the applicants; in response, the applicant stated that they had engaged with local stakeholders and that while their consultation was extensive, their door remained open to further discussion.
- In response to questions from the Committee regarding the need for office space, the applicant stated that the site was in one of the most sustainable locations and that there was demand.
- In response to questions from the Committee concerning changes made based on consultation feedback, the applicant cited the revisions to height, the upper levels of the building, and the increased width of the pavement.
- The Planning Officer confirmed there was only a 5% difference for the site in terms of overall carbon cost between retrofit and redevelopment for a comparable scheme of equivalent area and accessibility.
- The Planning Officer confirmed that requests for copies of representations had unfortunately only been provided to objectors on the day of the meeting (12th October), due to both the significantly high volume and the requirement for officers to ensure that each complied with Data Protection regulations (redaction of all individual correspondent details) prior to disclosure. It was also clarified that objections form part of the application file and are made available on request.
- The applicants stated that they had explored how the design of the building could be architecturally sympathetic to its surroundings and went on to state that this scheme was the best means for this site to achieve national, Net Zero targets.
- The Chair requested advice of the Committee's Legal Advisor, with regard to the Public Sector Equality Duty. In response the Committee were advised that it was their duty, as the decision-making body, to have due regard to any adverse impacts on those with protected characteristics before reaching their decision.
- In deliberation, the Committee considered the protected characteristics of nearby residents, the revisions made to affordable workspace, additional lightwells and improved lighting and the argument of retrofit compared to redevelopment.
- The Committee also considered the strong imperative to deliver workspace at this location and the proximity of consented, neighbouring schemes of a similar design.

The Committee also expressed the view that the benefits of the scheme were not much greater than policy compliance, and that the scheme still had the potential to cause considerable harm to neighbouring residents.

Councillor North proposed a motion to defer to allow for further assessments on the impact to neighbouring properties. This was seconded by Councillor Hamdache.

Councillor Klute proposed that the top two floors are set back to a point to where they were not visible to the public realm. This was seconded by Councillor Clarke. Councillor Klute proposed a motion to defer to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements, the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and for the applicants to revisit their consultation with local stakeholders. This was seconded by Councillor Hamdache and carried.

**RESOLVED:**

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

## APPENDIX 6 – 9 January 2024 Planning Committee minutes

### 97 **CASTLE HOUSE, 37-45 PAUL STREET, FITZROY HOUSE - 13-17 EPWORTH STREET & 1-15 CLERE STREET LONDON (Item B1)**

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(Planning application number: P2022/2893/FUL)

In the discussion the following points were made:

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- The Planning Officer informed the meeting that since the Committee's deferral in considering the application, the applicant had worked closely with Council officers and the Greater London Authority (GLA) to revise the affordable workspace unit, whole life carbon assessments, and circular economy workspace statements.
- The meeting was also informed that the public sector equality duty concerning the protected characteristics of Epworth Street residents had been addressed in the addendum to the Committee Report at section five.
- Since the publication of the Committee report, there had been thirty-seven further objections made to the application, bringing the total to 170.
- The Planning Officer noted that Islington's Full Council adopted the new Local Plan on 28th September 2023. The application put forward to the Committee of 18th July 2023, had referred to policy that was current at that time. Officers have advised that the application had now been considered in light of the new Local Plan policies, which carry full weight, and have reached the same conclusions.
- The meeting was informed that the site was located within the Central Activities Zone, the City Fringe Opportunity Area the Bunhill and Clerkenwell Key Area, and an Employment Priority Area. It was presently an existing three to four storey building, in use as offices (Class E(g)), adjoining Epworth Street, Paul Street and Clere Street, which also bordered the London Borough of Hackney on two sides of the site.
- The meeting was informed that the key planning considerations included Land Use, Design and Appearance, Neighbouring Amenities, Transport and Highways, and Energy and Sustainability. The site had been designated Site Allocation BC48, highlighting the opportunity to intensify office use, provide level access and create an active frontage to the street.
- The Planning Officer also advised that there was to be a 13% uplift in affordable workspace, exceeding the 10% required in the Council's Local Plan. The affordable workspace unit was to be located at ground and basement level. This had been revised by way of an additional lightwell to the rear, and also relocating and expanding the lightwells to the front. Both the ground and basement level were accessible from Epworth Street and/or internally from the central atrium.
- The Planning Officer also noted that the proposed building was not located in an area designated suitable for tall buildings in the Local Plan, but that the building would have

maximum height of 34.85 metres to the centre of the building. The building therefore represented a departure from the Local Plan as the maximum height did exceed 30 metres. Officers have considered proposals in line with the London Plan, and the Council's Local Plan. Both officers of the Council and the Greater London Authority considered the visual impact and functional impact of the proposal (subject to mitigation from conditions) were acceptable and would not warrant a refusal.

- The site was not located within a conservation area and does not contain any statutory listed buildings/structures. The site was, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area. Heritage assets that may be affected by the proposal included the Grade I listed Church of St Michael, the Grade I-listed Wesley's Chapel, and the Grade I listed park and burial ground of Bunhill Fields.
- Members of the Committee asked whether the daylight reduction had been considered in the equalities impact assessments, to which the Committee were told that this had been undertaken as part of the Council's duty under the Equality Act, which had shown that residents would not be disproportionately or unacceptably impacted.
- Members of the Committee highlighted that the departure from the Local Plan had been justified by national policy framework allowing for this where a proposal would contribute significantly to the economy and asked for further detail. In response, the Planning Officer referred to the uplift in office and affordable workspace, as evidence of this.
- In response to Members' concerns that the scheme's benefits were nothing more than compliance with policy, the Planning Officer advised that site allocation does not have a target in terms of amount of floorspace to be provided, just an increase; that there would be an increase in accessibility, an increase in employment space and an active frontage at street level.
- Officers also cited the proximity of other consented schemes in the vicinity of similar height and massing.
- Objections were heard that included, that there had been inadequate consultation and engagement with the local community; that there had been miscommunication about the site already having received consent; that there had been a lack of site notices placed in the vicinity of the building; and that the departure from the Local Plan was contradictory to the Council's green policies.
- Objectors noted that they were not opposed to the development of the site in principle, but that it should preferentially be a retrofit/refurbishment rather than a rebuild, and that the scale and mass of development should be appropriate to the context of the local area and surrounding sites, as it was felt that this area was unsuitable for tall buildings and that the size and mass of the building outweighed any potential community value.
- The Committee also heard objections regarding the direct impact to 10 Epworth Street, specifically that through the adverse impact of daylight reduction and noise disruption, the proposed scheme would be of considerable harm to the block's high proportion of housebound residents, and that the developer's offer of access to the proposed new roof balcony was not enough to mitigate harm caused by the development.
- The Committee also heard from an elected member of Hackney Council, Councillor Kam Adams for Hoxton East & Shoreditch Ward, who voiced objections on the grounds of the proposals not being in the best interest of the wider community, on there being a lack of community feedback being taken into consideration, and on the proposal needing more time to be analysed and scrutinised.
- The written representation of a member of Islington Council, Councillor Valerie Bossman-Quarshie for Bunhill Ward, was read out by the Chair, in which their objection also referenced the harm to the Council's declaration of a climate emergency, the environmental impact from a rebuild, and a high office vacancy rate in the locality.
- In their response, the applicants informed the meeting that they were a family-owned business that had owned Fitzroy House for several decades and the decision to redevelop the site wasn't taken lightly.

- The applicant stated that they were aware of local concerns, but their assessments had concluded that the current building was not compliant with market demands or EPC rules and in poor physical condition.
- The applicant went on to note that their proposal would boost employment and attract high-profile businesses, and that they had a construction management plan that would ensure regular, consistent and effective communication with stakeholders during the process.
- Members noted that objectors had indicated a willingness to work alongside the applicants; in response, the applicant stated that they had engaged with local stakeholders and that while their consultation was extensive, their door remained open to further discussion.
- In response to questions from the Committee regarding the need for office space, the applicant stated that the site was in one of the most sustainable locations and that there was demand.
- In response to questions from the Committee concerning changes made based on consultation feedback, the applicant cited the revisions to height, the upper levels of the building, and the increased width of the pavement.
- The Planning Officer confirmed there was only a 5% difference for the site in terms of overall carbon cost between retrofit and redevelopment for a comparable scheme of equivalent area and accessibility.
- The Planning Officer confirmed that requests for copies of representations had unfortunately only been provided to objectors on the day of the meeting (12th October), due to both the significantly high volume and the requirement for officers to ensure that each complied with Data Protection regulations (redaction of all individual correspondent details) prior to disclosure. It was also clarified that objections form part of the application file and are made available on request.
- The applicants stated that they had explored how the design of the building could be architecturally sympathetic to its surroundings and went on to state that this scheme was the best means for this site to achieve national, Net Zero targets.
- The Chair requested advice of the Committee's Legal Advisor, with regard to the Public Sector Equality Duty. In response the Committee were advised that it was their duty, as the decision-making body, to have due regard to any adverse impacts on those with protected characteristics before reaching their decision.
- In deliberation, the Committee considered the protected characteristics of nearby residents, the revisions made to affordable workspace, additional lightwells and improved lighting and the argument of retrofit compared to redevelopment.
- The Committee also considered the strong imperative to deliver workspace at this location and the proximity of consented, neighbouring schemes of a similar design.
- Chair reminded meeting that following committee's decision to defer the application in October 2023 the whole application would not be revisited but consideration would be limited to the 3 reasons for deferral.
- Planning Officer informed the meeting that between the 12 October 2023 committee meeting to the publication of the agenda, 13 additional objections were received raising the number to the 183 reported in the deferral committee report. However since the publication of the deferral committee report, a further 16 representations have now been received raising the total number to 199.
- In terms of Affordable workspace, planning officer clarified that the scheme provides a 13.6% of the uplift in Class E(g)i office floorspace for market rent and a 12.1% of the total uplift in Class E(g)i office floorspace.
- Planning Officer reminded meeting reasons for deferral at the last meeting in October, to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements; the setback of the upper two floors to be increased and detailed on a separate section,

drawings to demonstrate that the sight lines have been positioned correctly and for the applicants to revisit their consultation with local stakeholders.

- The revised application shows that the sixth floor has been further set back from the main elevation of Epworth Street along the 'factory' element and the fifth and sixth floor chamfered corners along the Paul Street elevation have also been stepped back further from the main elevation.
- The Planning Officer stated that the reduction in height and mass to western most module to Epworth Street sees a substantial reduction in both height and mass which creates an enhanced neighbourly relationship in relation to the properties on the opposite side of Epworth Street and to those buildings immediately to the west on Tabernacle Street will provide a positive impact on the scheme itself and on its setting.
- Members were advised that transgressions are still reported to neighbouring 10 Epworth Street, 24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street, noting that the habitable rooms affected to 10 Epworth Street, namely bedrooms and kitchens face the site, while the main living spaces are located facing south and do not face the application site. All the units are considered dual aspect.
- Planning Officer stated that due to the reduction in floorspace by way of the removal of storeys and further setbacks, respectively at fourth, fifth and sixth floor levels, the amount of proposed office floorspace has reduced by 411sqm.
- An objector, resident of 24 Epworth street was concerned that developers had completely ignored committee's request regarding further consultation, the revision to the top 2 floors to ensure it is not visible from the public realm and improve the daylight and sunlight impact to all neighbouring residents and not only those with protected characteristics. Objector stated that applicants did not engage with residents in the proper sense, that residents were not privy to substantive documents such as draft plans, section drawings and daylight and sunlight assessment and an offer of a meeting was only made available 2-3 days to the end of the consultation period.
- In terms of massing, objectors expressed the view that this was a derisory 1.62% in overall reduction to the roof. Objector reminded committee that residents of Clere Street will still experience BRE transgressions which the developer continues to ignore despite Hackney Council's objections. Another issue raised was the developers preference for demolition rather than retrofitting, contrary to Council's commitment to reduce carbon emissions.
- Another resident living in 17/18 Clere Street was concerned that the upper floors would still be still visible from the public realm, that diagrams without scale makes it difficult to verify applicants drawing, and that the only noticeable changes to the previous scheme was the changes to the planting on the roof terrace. Members were reminded that the applicant has disregarded Islington policies on height of buildings, carbon emissions, consultation and drawing protocols. Objector also reiterated the need for the applicant to come back with a scaled down and appropriate building suitable for the location with less BRE transgressions to neighbouring properties.
- Another objector was concerned that the developer had not engaged with the community despite committee's recommendation at the October meeting, that the late meeting scheduled by the applicant in December was a farce; that developer failed to share its BRE figures following its decision to cut back, that reduction to the scheme was a mere 1.26%, that the residential properties above the pub will experience a high percentage of BRE failures and windows on the 4th floor will result in a 400% reduction in light. Objector stated that providing CGI images was an attempt by applicant to hide transgressions, reminding committee that the application is full of procedural defects and cost to the neighbourhood amenity would be too high.
- Another objector living in Tabernacle Street reiterated similar points above, specifically the 2 issues of community engagement and lack of respect to the community. Objector reminded meeting that residents did not have enough time to engage and scheduling a meeting 3 days before deadline indicates the lack of respect. Meeting was advised that attempt to invite Islington's Planning Officers to visit the area was not taken up, that



developer's response has been lacklustre, that residents felt betrayed and that noise assessment had not been carried out.

- In response the applicant reminded meeting that following its deferral the revised scheme has taken on board reasons for deferral, that the setback on the upper floor has resulted in the removal of over 4,500sqm with the result that it has significantly reduced the visual impact from the streets, that the change to the overall massing is to minimise the impact on vulnerable neighbours.
- The applicant reminded committee that changes has improved the outlook, that the removal of 2900sqm floor space opposite 10 Epworth Street and the height drop of 4.2m has improved the outlook for residents of 10 Epworth Street, that the impact of light levels is insignificant. Members were reminded that despite the scheme receiving support from both planning officers and Design Review Panel, the team listened to community concerns and introduced significant measures to protect residents especially those recognised as vulnerable.
- The applicant acknowledged that while adjustments may appear small it has a huge amount of benefit.
- On the issue of consultation with residents, the applicant reiterated all attempts to engage with residents since March 2022, that letters were sent out to key stakeholders including ward councillors, Executive Members and Community project groups, that a dedicated website was launched and flyers were letter dropped to over 1400 residents, pop up event was hosted and a virtual meeting was facilitated. Members were advised that since July 2023 18 separate dates was offered to residents.
- In terms of pre submission documents, meeting was advised all necessary documents were made available on the Planning Portal and on the dedicated website.
- Meeting was advised that feedback received from meeting with residents, fell into 2 categories, being denied access to information which already existed and a further reduction to the Clere Street elevation so as to mitigate daylight/sunlight loss. On the latter concern, applicant advised that technical analysis indicate that a cut back of a couple of metres would make no difference to the visual impact to daylight and sunlight loss as most of the units are dual aspect and that habitable rooms are not affected.
- The applicant stated that to achieve no harm from the proposed development as a result of BRE losses, the elevation would need to drop about 20metres on the boundary with the top upper floor and a set back of about 14metres which will be contrary to the local plan and asking for intensification of office use will not be deliverable.
- In response to a question on why set back to all elevations had not been considered besides the relatively small cutbacks that was carried out on the Clere Street elevation, the applicant indicated that there was an understanding from the committee's recommendation at the deferred meeting was to reduce the visual impact from the street level to the upper floors. It was also stated that in relation to BRE guidelines, the building is right for the site, that it will provide huge benefit to the local area noting that jobs and improvement to the public realm will offset the harm from the building.
- In response to Hackney Council's objection as noted at the October meeting, the Planning Officer advised that no further representation was received from Hackney Council.
- On the question of consultation between residents and developer, Planning Officer informed meeting that it is not a statutory or legal requirement for the local planning authority to be involved in.
- With regard to objectors claim that revised application had not been shared with the community groups before submission, applicant advised that following deferral in July and August 2023, meetings scheduled and an offer for site tour had not been taken up, and information requested by residents had already been considered at earlier meetings.
- In response to a question, meeting was advised that Planning officers had not been shown evidence of the applicant's claim that analysis of other elevation setbacks including the Clere Street elevation had been explored but not proposed. The reason for this analysis not being shared with officers was not clear.
- Members had concerns that other elevations had not been looked into besides the Epworth Street elevation, that Hackney Council's objection regarding the BRE transgressions to

Clere Street still remains. The Chair advised the meeting that although one of the reasons for deferral was for further consultation with the residents, this was more to foster good relationship between both parties going forward, and as highlighted by the legal officer was not a statutory obligation, and as such could not be used as a reason for refusal if the committee was so minded.

- Members acknowledged that although site is within urban setting and transgressions are expected, BRE guidance could not be strictly applied, however the committee considered that the applicants should explore further mitigating the light losses to those properties in Clere Street, as this formed part of the previous reason for deferral, and there was no evidence that this had been addressed.
- Cllr Convery moved a motion to defer the application for applicant to consider amendments that deal with transgressions in daylight/sunlight loss to 17-18 and 20 Clere Street properties. This was seconded by Councillor Poyser.
- The Chair in summary reminded meeting that the item is deferred again specifically to interrogate possible mitigation of the sunlight/daylight impact to the two buildings on Clere Street noting that the unavailability of evidence from the applicant regarding the claimed previous analysis of setbacks to those elevations and impact would have been helpful, and might have left the committee in a different position with regards to it's decision.

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

**RESOLVED:**

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

# 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> <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> </ol>

	<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>	
<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>
<b>B) Islington Local Plan Strategic and Development Management Policies 2013</b>	
<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>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</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>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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London Borough of Islington

**Planning Committee - 12 October 2023**

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 12 October 2023 at 7.30 pm.

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

**Councillor Martin Klute in the Chair**

**76      INTRODUCTIONS (Item A1)**

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

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

Apologies for absence were received from Councillor Jackson.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 11<sup>th</sup> September 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**82      CASTLE HOUSE, 37-45 PAUL STREET, FITZROY HOUSE - 13-17 EPWORTH STREET & 1-15 CLERE STREET LONDON (Item B1)**

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)

(Planning application number: P2022/2893/FUL)

In the discussion the following points were made:

- At the meeting of 18th July 2023, the Committee resolved to defer consideration of the application without hearing it, so as to provide both officers and applicants sufficient time to address concerns regarding the quality of affordable workspace, the whole life carbon assessment, and the impact to the protected characteristics of residents of Epworth Street, under the Equality Act. All of these issues had the potential to result in major redesigns of the scheme which would have made it difficult for the Committee to consider.
- The Planning Officer informed the meeting that since the Committee's deferral in considering the application, the applicant had worked closely with Council officers and the Greater London Authority (GLA) to revise the affordable workspace unit, whole life carbon assessments, and circular economy workspace statements.
- The meeting was also informed that the public sector equality duty concerning the protected characteristics of Epworth Street residents had been addressed in the addendum to the Committee Report at section five.
- Since the publication of the Committee report, there had been thirty-seven further objections made to the application, bringing the total to 170.
- The Planning Officer noted that Islington's Full Council adopted the new Local Plan on 28th September 2023. The application put forward to the Committee of 18th July 2023, had referred to policy that was current at that time. Officers have advised that the application had now been considered in light of the new Local Plan policies, which carry full weight, and have reached the same conclusions.
- The meeting was informed that the site was located within the Central Activities Zone, the City Fringe Opportunity Area the Bunhill and Clerkenwell Key Area, and an Employment Priority Area. It was presently an existing three to four storey building, in use as offices (Class E(g)), adjoining Epworth Street, Paul Street and Clere Street, which also bordered the London Borough of Hackney on two sides of the site.
- The meeting was informed that the key planning considerations included Land Use, Design and Appearance, Neighbouring Amenities, Transport and Highways, and Energy and Sustainability. The site had been designated Site Allocation BC48, highlighting the opportunity to intensify office use, provide level access and create an active frontage to the street.
- The Planning Officer also advised that there was to be a 13% uplift in affordable workspace, exceeding the 10% required in the Council's Local Plan. The affordable workspace unit was to be located at ground and basement level. This had been revised by way of an additional lightwell to the rear, and also relocating and expanding the lightwells to the front. Both the ground and basement level were accessible from Epworth Street and/or internally from the central atrium.
- The Planning Officer also noted that the proposed building was not located in an area designated suitable for tall buildings in the Local Plan, but that the building would have maximum height of 34.85 metres to the centre of the building. The building therefore represented a departure from the Local Plan as the maximum height did exceed 30 metres. Officers have considered

proposals in line with the London Plan, and the Council's Local Plan. Both officers of the Council and the Greater London Authority considered the visual impact and functional impact of the proposal (subject to mitigation from conditions) were acceptable and would not warrant a refusal.

- The site was not located within a conservation area and does not contain any statutory listed buildings/structures. The site was, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area. Heritage assets that may be affected by the proposal included the Grade I listed Church of St Michael, the Grade II-listed Wesley's Chapel, and the Grade I listed park and burial ground of Bunhill Fields.
- Members of the Committee asked whether the daylight reduction had been considered in the equalities impact assessments, to which the Committee were told that this had been undertaken as part of the Council's duty under the Equality Act, which had shown that residents would not be disproportionately or unacceptably impacted.
- Members of the Committee highlighted that the departure from the Local Plan had been justified by national policy framework allowing for this where a proposal would contribute significantly to the economy and asked for further detail. In response, the Planning Officer referred to the uplift in office and affordable workspace, as evidence of this.
- In response to Members' concerns that the scheme's benefits were nothing more than compliance with policy, the Planning Officer advised that site allocation does not have a target in terms of amount of floorspace to be provided, just an increase; that there would be an increase in accessibility, an increase in employment space and an active frontage at street level.
- Officers also cited the proximity of other consented schemes in the vicinity of similar height and massing.
- Objections were heard that included, that there had been inadequate consultation and engagement with the local community; that there had been miscommunication about the site already having received consent; that there had been a lack of site notices placed in the vicinity of the building; and that the departure from the Local Plan was contradictory to the Council's green policies.
- Objectors noted that they were not opposed to the development of the site in principle, but that it should preferentially be a retrofit/refurbishment rather than a rebuild, and that the scale and mass of development should be appropriate to the context of the local area and surrounding sites, as it was felt that this area was unsuitable for tall buildings and that the size and mass of the building outweighed any potential community value.
- The Committee also heard objections regarding the direct impact to 10 Epworth Street, specifically that through the adverse impact of daylight reduction and noise disruption, the proposed scheme would be of considerable harm to the block's high proportion of housebound residents, and that the developer's offer of access to the proposed new roof balcony was not enough to mitigate harm caused by the development.
- The Committee also heard from an elected member of Hackney Council, Councillor Kam Adams for Hoxton East & Shoreditch Ward, who voiced objections on the grounds of the proposals not being in the best interest of the wider community, on there being a lack of community feedback being

taken into consideration, and on the proposal needing more time to be analysed and scrutinised.

- The written representation of a member of Islington Council, Councillor Valerie Bossman-Quarshie for Bunhill Ward, was read out by the Chair, in which their objection also referenced the harm to the Council's declaration of a climate emergency, the environmental impact from a rebuild, and a high office vacancy rate in the locality.
- In their response, the applicants informed the meeting that they were a family-owned business that had owned Fitzroy House for several decades and the decision to redevelop the site wasn't taken lightly.
- The applicant stated that they were aware of local concerns, but their assessments had concluded that the current building was not compliant with market demands or EPC rules and in poor physical condition.
- The applicant went on to note that their proposal would boost employment and attract high-profile businesses, and that they had a construction management plan that would ensure regular, consistent and effective communication with stakeholders during the process.
- Members noted that objectors had indicated a willingness to work alongside the applicants; in response, the applicant stated that they had engaged with local stakeholders and that while their consultation was extensive, their door remained open to further discussion.
- In response to questions from the Committee regarding the need for office space, the applicant stated that the site was in one of the most sustainable locations and that there was demand.
- In response to questions from the Committee concerning changes made based on consultation feedback, the applicant cited the revisions to height, the upper levels of the building, and the increased width of the pavement.
- The Planning Officer confirmed there was only a 5% difference for the site in terms of overall carbon cost between retrofit and redevelopment for a comparable scheme of equivalent area and accessibility.
- The Planning Officer confirmed that requests for copies of representations had unfortunately only been provided to objectors on the day of the meeting (12<sup>th</sup> October), due to both the significantly high volume and the requirement for officers to ensure that each complied with Data Protection regulations (redaction of all individual correspondent details) prior to disclosure. It was also clarified that objections form part of the application file and are made available on request.
- The applicants stated that they had explored how the design of the building could be architecturally sympathetic to its surroundings and went on to state that this scheme was the best means for this site to achieve national, Net Zero targets.
- The Chair requested advice of the Committee's Legal Advisor, with regard to the Public Sector Equality Duty. In response the Committee were advised that it was their duty, as the decision-making body, to have due regard to any adverse impacts on those with protected characteristics before reaching their decision.
- In deliberation, the Committee considered the protected characteristics of nearby residents, the revisions made to affordable workspace, additional



lightwells and improved lighting and the argument of retrofit compared to redevelopment.

- The Committee also considered the strong imperative to deliver workspace at this location and the proximity of consented, neighbouring schemes of a similar design.
- The Committee also expressed the view that the benefits of the scheme were not much greater than policy compliance, and that the scheme still had the potential to cause considerable harm to neighbouring residents.

Councillor North proposed a motion to defer to allow for further assessments on the impact to neighbouring properties. This was seconded by Councillor Hamdache.

Councillor Klute proposed that the top two floors are set back to a point to where they were not visible to the public realm. This was seconded by Councillor Clarke.

Councillor Klute proposed a motion to defer to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements, the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and for the applicants to revisit their consultation with local stakeholders. This was seconded by Councillor Hamdache and carried.

**RESOLVED:**

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

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**CENTRAL FOUNDATION SCHOOL. 15 COWPER STREET, LONDON EC2A  
4SH (Item B2)**

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.

(Planning application number: P2023/2279/S73)

In the discussion the following points were made:

- The Planning Officer told the Committee that the application was for a material amendment (under section 73) to the previous planning permission, specifically to the consented commercial development located at the eastern

end of the site, in addition to a revised design approach amending the façade design and slightly increasing the height and massing, introduction of a roof terrace for improved amenity offer, and improvements to end-of-journey facilities, cycle parking and sustainability.

- The Planning Officer had also noted that there had been some amendments to wording of some conditions to make it clear what was the responsibility of the school and what was the responsibility of the developer, but no changes had been made to the scheme that was presented to members.
- The Planning Officer informed the meeting that the site was located within the Bunhill Fields and Finsbury Square Conservation Area (CA22), an Archaeological Priority Area, the Central Activities Zone (CAZ) and the 'Inner Core' of the City Fringe Opportunity Area. Although there were listed buildings within the wider site, the subject building however, was not a listed building. Officers were satisfied that the roof access would not be visible from public level.
- The Planning Officer also noted that the proposals were in keeping with the consented scheme, although there was an uplift in floor space on the consented scheme due to internal layouts and the proposed roof terrace.
- The Planning Officer advised that whilst no amendments had been made in terms of additional storeys other than that to the lift overruns and the staircase, there was a slight increase in terms of the building's height due to the roof terrace and additional plant equipment, but this would not result in a noticeably taller or more imposing building compared with the consented scheme. The Council's Design & Conservation Officer had reviewed the proposal and was not of the view that it would adversely impact heritage assets.
- The meeting was informed that the development was an enabling development that had allowed the school to carry out improvement works.
- The proposed facade proportions were more in keeping with street frontage and proposed frontage to the street level and was an improvement on the consented scheme.
- The proposed useable area of the roof terrace had been significantly recessed, would not be located in close proximity to neighbouring residential properties and therefore would not result in any material increases in overlooking to residential properties or the school. Additionally, an operation management plan had also been submitted, to manage the roof terrace.
- The Planning Officer advised that although the urban greening factor was below policy, it was considered an improvement on consented scheme. Other proposed improvements included the use of air source heat pumps.
- In response to questions from the Committee about whether it was appropriate for the space to overlook the school's communal area, the meeting was informed that this was at the request of the school, and they had provided two letters in support.
- In response to a question from the Committee seeking confirmation that the Design & Conservation Officer was fully satisfied with the amendments proposed, the Committee were advised that this was the case, and that the proposed amendments were more in keeping with the locality than the consented scheme.

## Planning Committee - 12 October 2023

- In response to questions from the Committee about whether more Section 73 amendments could be expected, the applicant advised that they didn't expect to make any further changes, and the reason for this amendment was because of their commitment to making sure the building was viable and as effective as it could be. The applicant also highlighted their close working relationship with the school on all aspects, including the design, and cited their letters of support as evidence of their satisfaction with the scheme.

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

### **RESOLVED:**

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

The meeting ended at 10.42 pm

**CHAIR**

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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

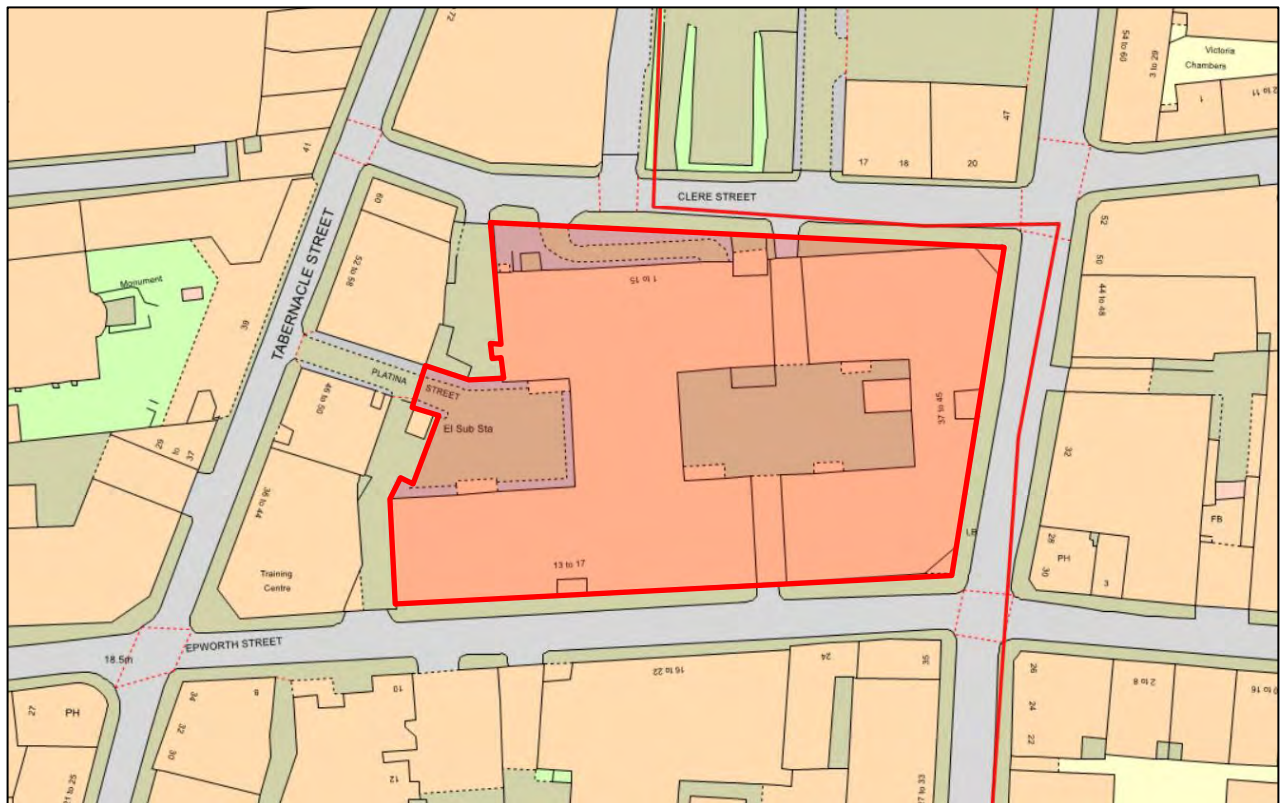


Figure 1: Site Location Plan

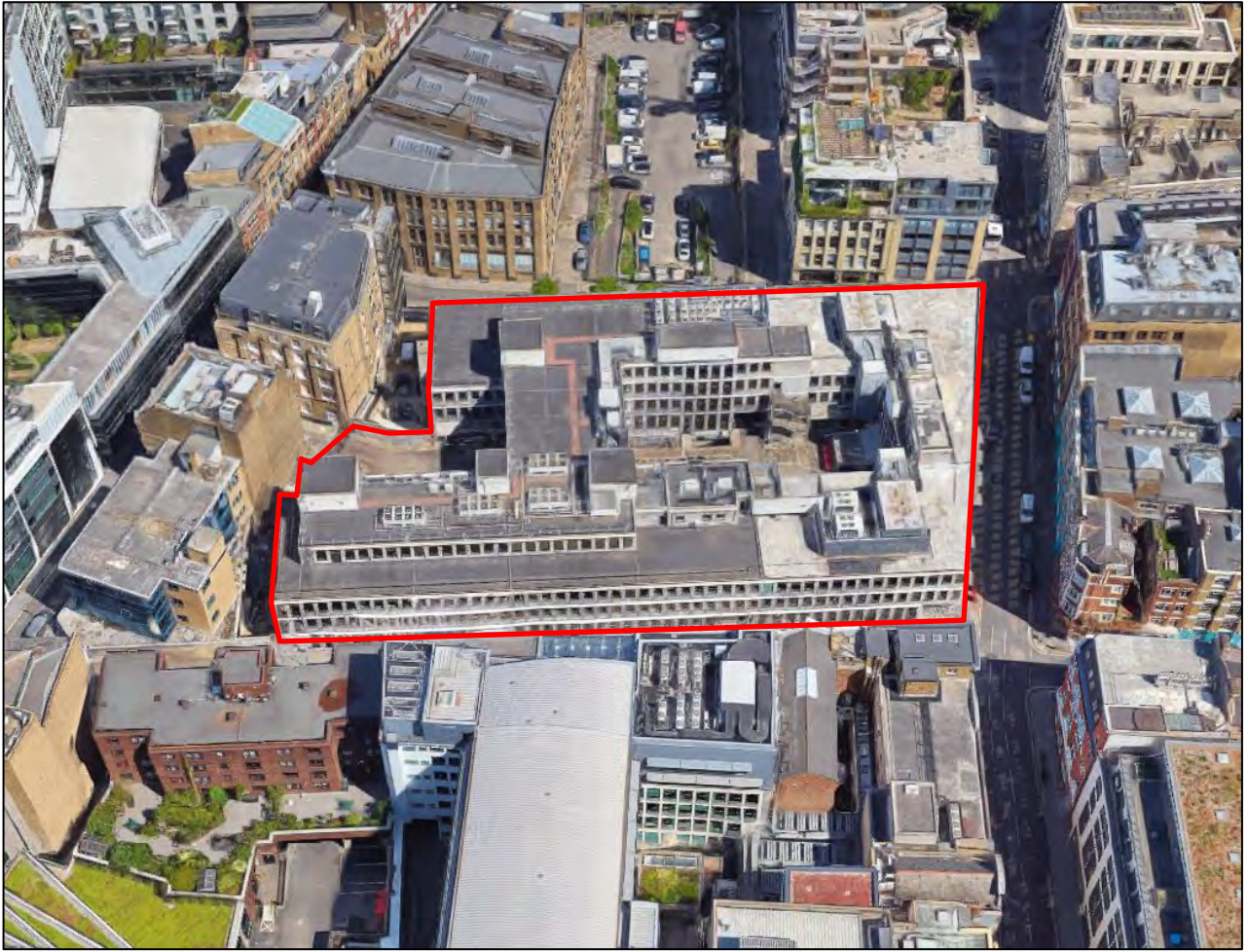


Figure 2: Aerial view of site (in red) from the south looking north

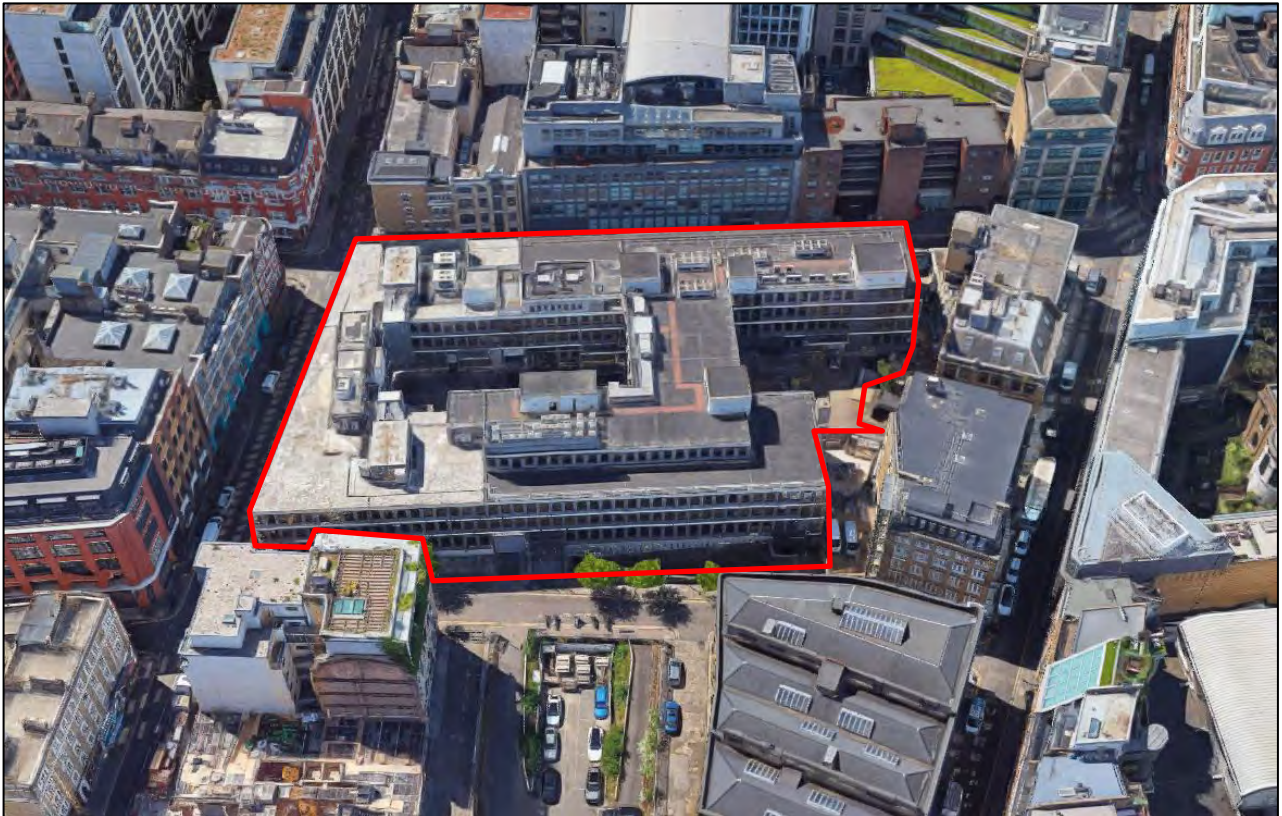


Figure 3: Aerial view of site (in red) from the north looking south

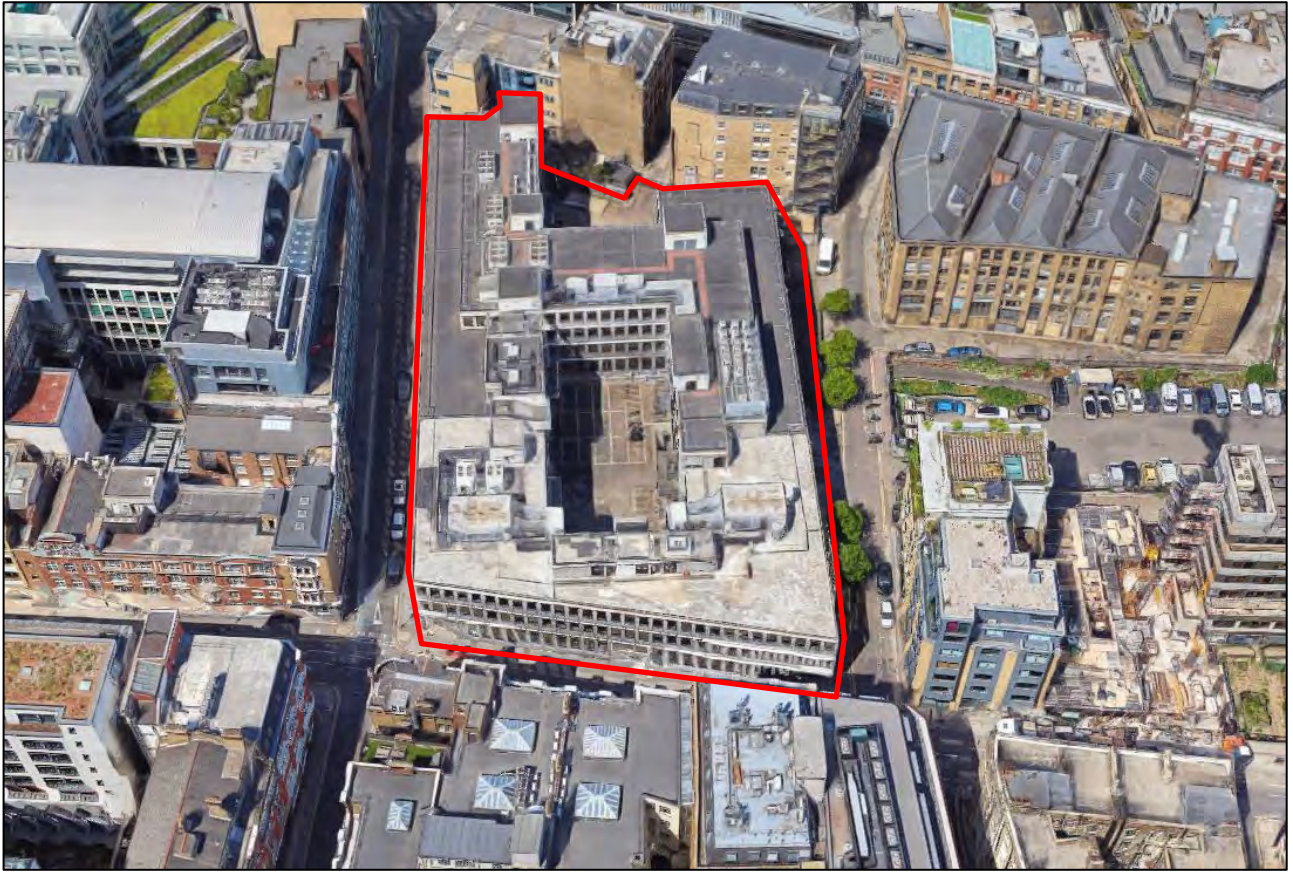


Figure 4: Aerial view of site (in red) from the east looking west

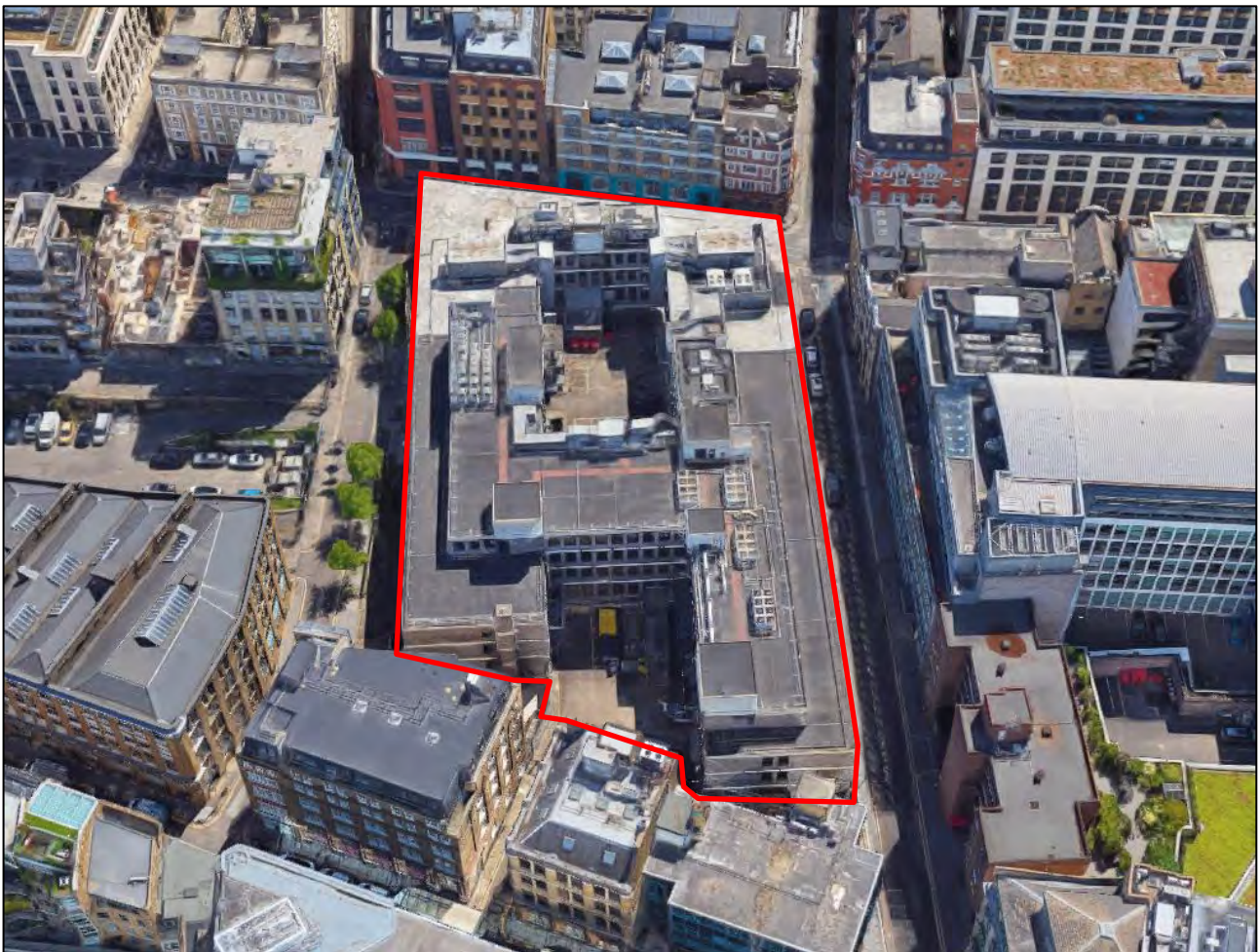


Figure 5: Aerial view of site (in red) from the west looking east



### 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 **Page 201** 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

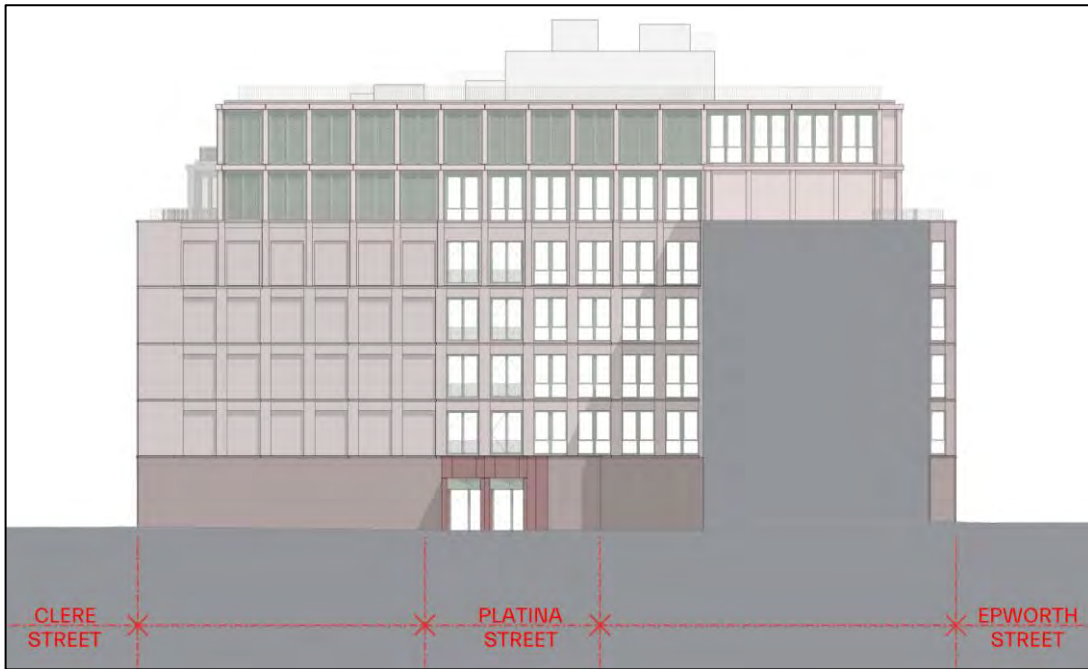


Figure 14: Proposed West (Platina Street) Elevation



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.

- 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.

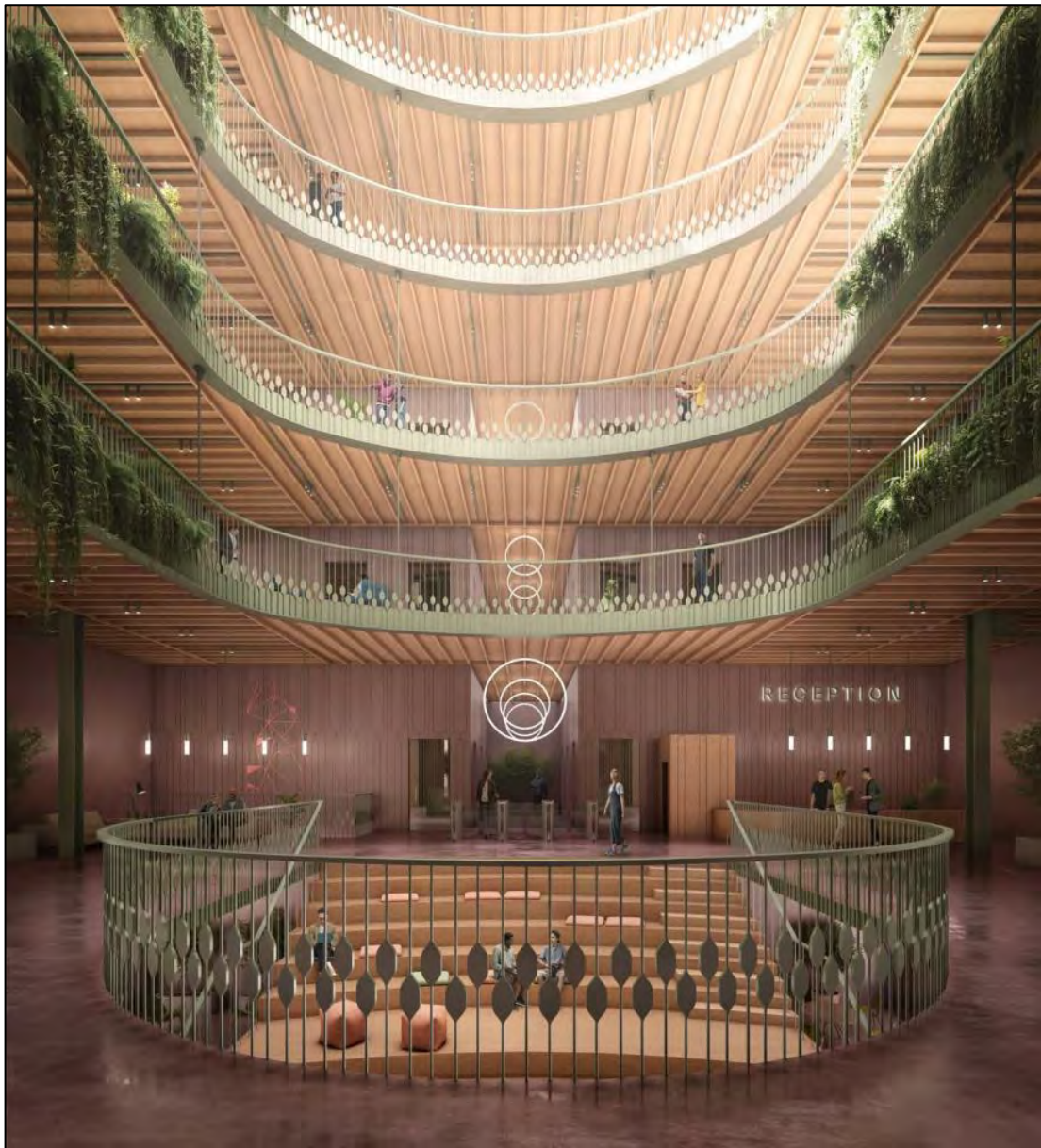


Figure 21: Indicative view of the internal atrium to the centre of the building, at ground floor level

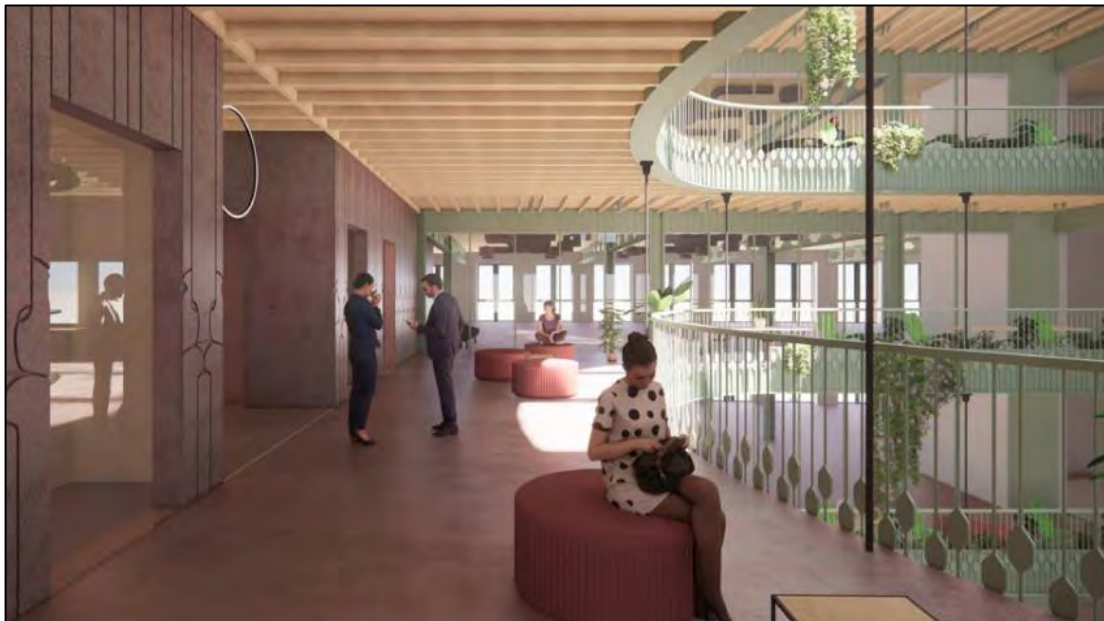


Figure 22: Indicative typical view of the internal atrium at upper floor levels

## 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 architectural 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.

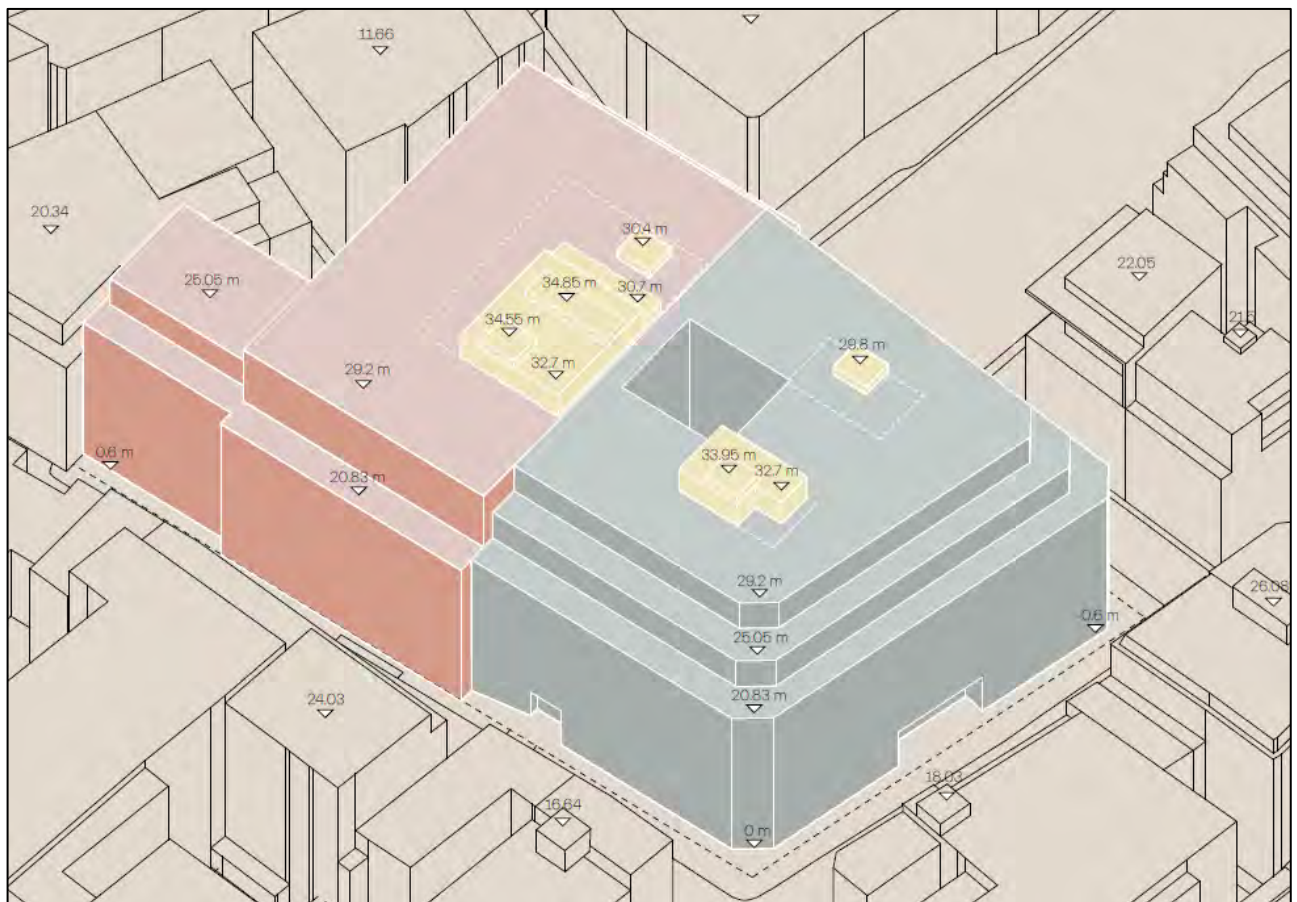


Figure 23: The 'spot heights' of the proposed building. The areas marked in yellow denote the parts of the building which exceed 30 metres in height.

- 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 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\*]).

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.

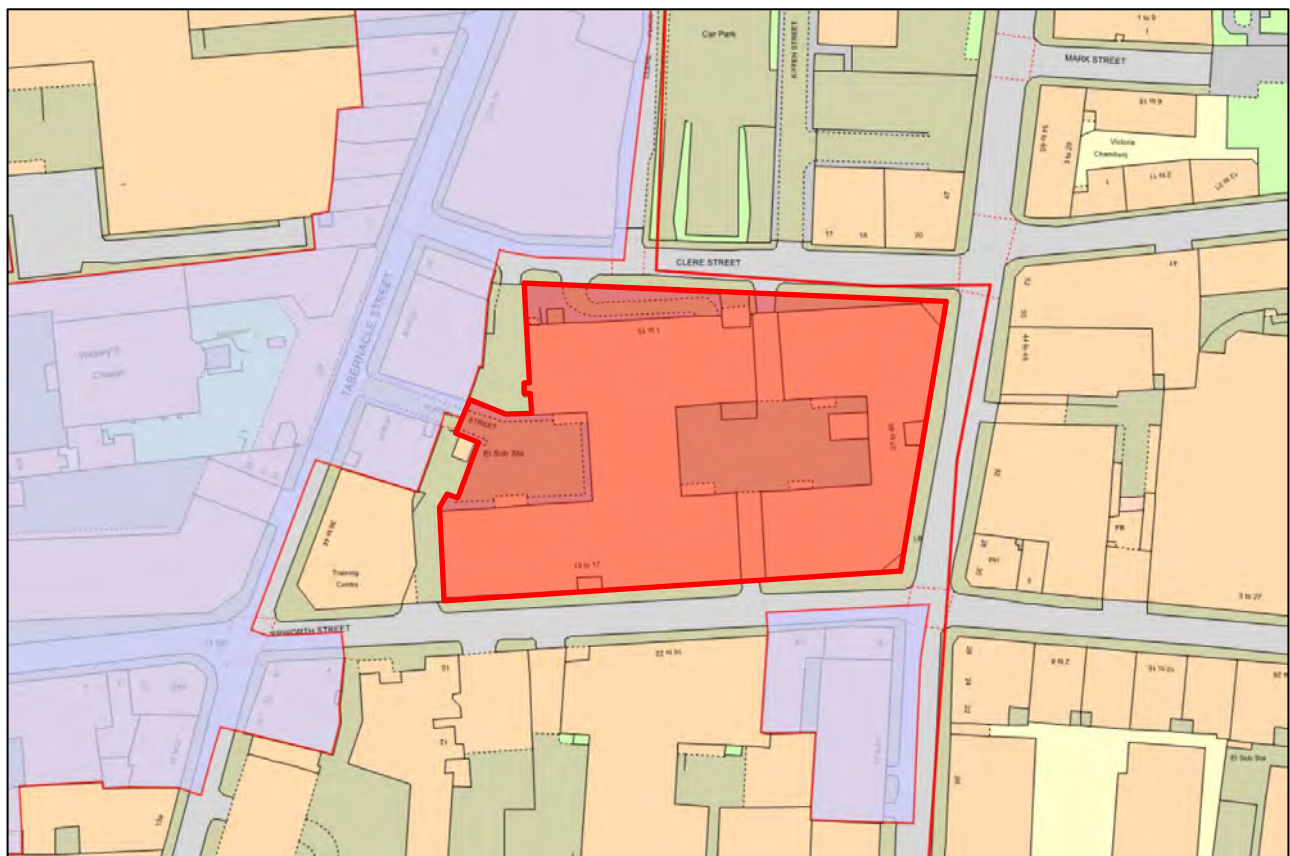


Figure 27: The site (in red) in regard to neighbouring conservation areas (in purple).

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	22.2	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	<b>64%</b>				
R1 / W12		23	8.4	<b>63.4%</b>				
R1 / W13		22.8	8.5	<b>62.9%</b>				
R2 / W14	Bedroom	22.5	8.6	<b>61.7%</b>	18.2	13.4	6.9	<b>48.4%</b>
R2 / W15		22.3	9	<b>59.8%</b>				
<b>Second Floor</b>								
R1 / W1	Living	28.2	25.2	10.6%	93	92.6	92.5	0.12%
R1 / W2		31.5	n/a	n/a				

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 35 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 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 will 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 transfers 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 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>
<p><b>3</b>     <b>Materials (Detail and Samples)</b></p>
<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure 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> <ol style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, 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> </ol>

	<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 a 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:  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;  Where appropriate, details of a programme for delivering related positive benefits;  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>	<p><b>Building Operation Management Plan (Details)</b></p> <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>	<p><b>Digital Connectivity (Details)</b></p> <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>	<p><b>Tree Protection (Details)</b></p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s)(TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <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> <ul 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> </ul>
<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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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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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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