



## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 2<sup>nd</sup> Floor, Islington Town Hall  
 Upper Street  
 LONDON N1 2UD

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B2</b>
<b>Date:</b>	15 <sup>th</sup> October 2019	<b>NON-EXEMPT</b>

Application number	P2018/1229/FUL
Application type	Full Planning Permission
Ward	Clerkenwell
Listed building	Adjacent to Grade II Listed Building (no. 42 St John's Square) to west Adjacent to Grade I Listed Building (The Grand Priory Church of the Order of St John) to the south west and (associated Priory Church Garden) to the south Opposite the Grade II Listed Building (nos. 148 and 156-162 (Cannon Brewery) St John Street)
Conservation area	Clerkenwell Green Conservation Area Hat and Feathers Conservation Area 40m away to the east
Development Plan Context	Locally Listed Buildings (nos. 144 and 146 St John Street, front gates of Priory Church Garden) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Employment Priority Areas (General) Central Activities Zone (CAZ) Clerkenwell Archaeological Priority Area Local view from Archway Road Local view from Archway Bridge Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral Heathrow Safeguarding Area Article 4 Direction A1-A2 Article 4 Direction B1(c) to C3
Licensing Implications	None

Site Address	145 - 157 St John Street, London, EC1V 4QJ
Proposal	Refurbishment and extension of existing building including additional seventh floor level as well as an extension to the rear of the existing building (from ground level to roof level) and front and rear roof terraces at the upper level, replacement of the building's facade to accommodate retail (Class A1) / professional and financial services (Class A2) and office space (B1(a) use) on the ground floor and office space (Class B1(a)) in the remainder of the building, with public highway improvements and other associated works.

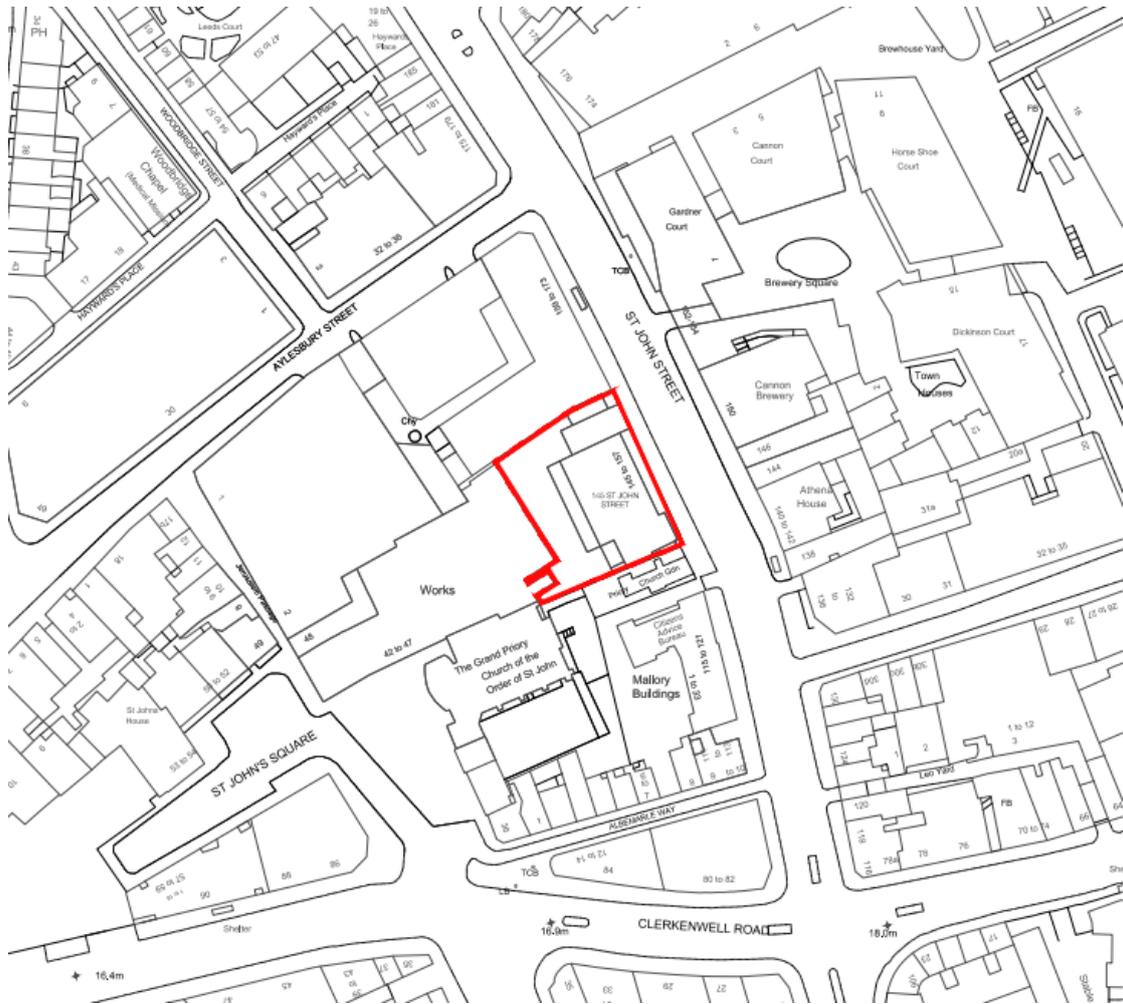
Case Officer	Daniel Jeffries
Applicant	Meritcape Limited
Agent	GSC Solicitors - Mr Philip Kratz

## 1. **RECOMMENDATION**

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

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

## 2. SITE PLAN (site outlined in red)



### 3. PHOTOS OF SITE/STREET

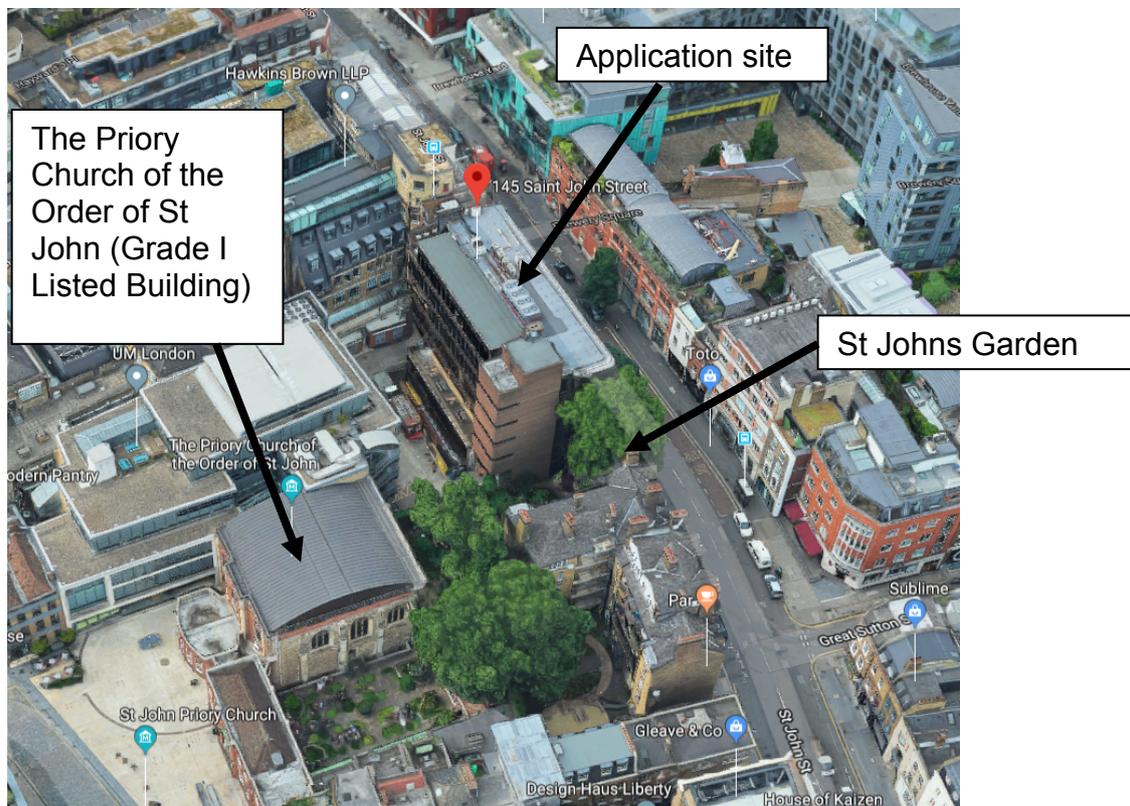


Image 1: Aerial photograph facing north



Image 2: Photograph from St John Street facing north showing front (east) and part of side (south) elevation of the host building



Image 3: Photograph along St John Street facing south showing front (east) elevation of the host building



Image 4: Photograph from rear courtyard/car park facing south showing part of rear (west) elevation and lift core



Image 5: Photograph along St John Street facing west showing part of the front (east) elevation of the host building and existing undercroft providing access to rear car park



Image 6: Photograph along St John Street facing west showing part of front (east) elevation of the host building showing the relationship with adjacent property with no. 159-173 St John Street

#### **4. SUMMARY**

- 4.1 Subject to conditions and planning obligations (which are recommended) the proposed development on this highly accessible site in an Employment Priority Area in the CAZ is considered to be acceptable in land use terms. The provision of high quality Class B1 office accommodation would be consistent with the aims of the development plan.
- 4.2 The design of the recladding of the building and associated extensions in terms their height, scale, appearance and relationship to the street scene are considered to result in some harm to the associated heritage assets of the setting of the Grade I Listed church and the Clerkenwell Green Conservation Area, as a result of the additional visual prominence of the additional massing, when viewed from St Johns Square. However, given, the detailed design and

recessive nature of the roof level addition the proposal is considered to result in less than substantial harm to these heritage assets.

- 4.3 This less than substantial harm is considered to be outweighed by the public benefits provided including financial contributions towards the re-landscaping of the rear yard of the Grade I Listed Church and adjoining St John's Churchyard, as well as towards public highway improvements along St John's Street, and towards Affordable Workspace and Affordable Housing. Therefore, on balance, subject to appropriately worded conditions to secure aspects of the detailed design (such as materials), as well as section 106 legal agreement to secure these public benefits, the proposal is considered to be, on balance, acceptable in design terms.
- 4.4 The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 4.5 No 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.
- 4.6 In addition to the Mayoral and Islington Community Infrastructure Levy, the application is supported by a comprehensive set of planning obligations to mitigate the impacts of the scheme. For these reasons and all the detailed matters considered in this report, the scheme is considered acceptable subject to conditions, informatives and the finalisation of a s106 legal agreement.

## **5. SITE AND SURROUNDING**

- 5.1 The application site accommodates a six storey building (with basement level below) to the west side of St John Street and it is constructed of glass, steel and concrete. To the south west corner of the building there is a 7 storey brick clad lift overrun. The main entrance to the building is from the east.
- 5.2 The site is within the Clerkenwell Green Conservation Area, and is in close proximity to several statutory and locally listed buildings. The Clerkenwell area has the longest history of any part of the borough and its urban fabric derives from incremental development from Norman times to the present day, with surviving examples of buildings from nine different centuries, including monastic precincts. The area has a particularly strong relationship with neighbouring Smithfield, and has a special character and appearance which stems from its mix of uses, its architecture and its history, including a historic street pattern, with narrow side streets, courtyards and pedestrian alleyways.

- 5.3 The statutory listed buildings include the adjacent Grade I Listed Building of the Grand Priory Church of the Order of St John and associated Priory Church Garden, which are located to the south west and south respectively. The Grand Priory Church of the Order of St John is a multi-phased Anglican church. Whilst the original 12<sup>th</sup> century crypt has survived, the main part of the church was partly constructed in the 16<sup>th</sup> century, with interventions from 1723 (by Simon Mitchell), and restored in 1958 (by Lord Mottistone) following bomb damage in the Second World War.
- 5.4 Immediately to the front (west) of the church is St John's Square, which historically, formed the inner precinct of the Priory of the Order of St John of Jerusalem, and comprised a closed, high-status area. The buildings surrounding this space are now considerably varied in their architectural character, in terms of scale, massing and materiality. The square enables clear views towards the restored church, from the west and south. It is considered in these views, it is possible to appreciate the architectural quality of the listed building, which reinforces an understanding of its heritage significance.
- 5.5 There are also Grade II Listed Buildings adjoining the site to the west (no. 47 and 48 St John Square), being 18<sup>th</sup> century three storey red brick terraced properties, and identified as probably being associated with one of the post-Dissolution (1540) houses, and to the opposite side of St John Street (The Cannon Brewery and no. 148-154) to the east, consisting of the three and four storey red brick (over basement) terraced red brick brewery buildings constructed in the late 19<sup>th</sup> century.



Image 7: Map showing the application site in relation to the heritage assets (Grade I Listed in green, Grade II in khaki, and locally listed in purple)

- 5.6 The site has a PTAL rating of 6a (excellent) with a number of bus stops located within walking distance. The building is currently in use as an office (B1(a) use) with the ground floor in use as a showroom (A1 use) and reception area. It has a rear service yard and is accessed from St John Street via an undercroft area towards the north east corner of the building.

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

- 6.1 The application seeks planning permission for the internal refurbishment and extensions to the existing building, including extensions to the rear and an additional seventh floor level, as well as the replacement of the existing façade of the building to all elevations. This is along with improvements to associated access arrangements, cycle parking and refuse storage.
- 6.2 The above works will provide an additional 1,897 square metres (GIA) of floorspace (the proposal would result in a total of 5,026 square metres (GIA)) of office floorspace (Use Class B1(a)), and 150 square metres (GIA) of flexible retail/professional and financial services floorspace (Use Class A1/A2).
- 6.3 The proposed rear extension would extend partly into rear courtyard. The extended fifth floor would be setback by 1.5m, with the top floor (sixth floor) benefitting from a further 3.5m setback from the rear elevation. This proposed upper level extension would also have a setback of 3.5m from the front elevation. The proposed setbacks would allow for proposed roof terraces to the front and rear elevations.
- 6.4 The proposed replacement of the existing facades would result in the host building being designed in glazing with metal and faience spandrel panels on the front (east) elevation (on the second to fifth floors), separated by metal and glazed tiled columns, this is continued on the south elevation (second to fifth floors to the south east corner) and to the rear (west) elevation (first to fourth floors). The ground and first floor to the front and part of the south would be clad with full height glazing. The remaining parts of the fifth and sixth floors would consist of full height curtain walling glazing.



Image 8: Visual facing south along St John Street showing proposed front (east) elevation

## 7. RELEVANT HISTORY

7.1 The following previous planning applications relating to the application site are considered particularly relevant to the current proposal:

### **Planning Applications:**

7.2 P012425: New entrance to ground floor front elevation. The application was granted consent on 9 January 2002.

7.3 891443: Change of use of basement ground and mezzanine floors from showroom and storage to offices (701 sq.m) so that the whole building is offices. The application was granted consent on 7 February 1990.

7.4 881658: Retention of fourth floor as offices without complying with condition No. 2 on planning permission dated 20th October 1977 restricting use to one particular company. The application was granted on 31 May 1989.

### **Enforcement:**

7.5 There are no current live or historical enforcement cases that are relevant to the application site.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to the occupants of 203 adjoining and nearby properties including Aylesbury Street, Albermarle Way, St John Street, Clerkenwell Road, Jerusalem Passage, Great Sutton Street, St John Square, Leo Yard, Brewery Square and Brewhouse Yard. Site notices and a press advert were displayed on 4<sup>th</sup> July 2019 and the period of public consultation closed on 28<sup>th</sup> July 2019. It is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 In response to the consultation period, a total of 5 no. objections were submitted against the proposal.
- 8.3 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Proposal will result in an unacceptable height (paragraphs 10.34 to 10.36 and 10.50 to 10.62);
  - Requests that external shop signage at ground/first floor should be non-illuminated (paragraph 10.68);
  - Proposal will have an impact on the daylight and sunlight, and an overbearing impact on surrounding residential properties and office buildings (paragraphs 10.77 to 10.96);
  - Proposed roof terrace which would have a detrimental amenity impact on the surrounding properties, including increased overlooking to surrounding properties, as well as noise and should be restricted to working hours (paragraphs 10.97 to 10.100, and 10.103);
  - Requests that internal and external lighting of the building to be appropriate so as to not impact the surrounding area (paragraphs 10.105 to 10.107)
  - Proposal should include bird and bat boxes, and biodiversity roofs should be predominately wildlife-friendly species (paragraph 10.116)
  - Proposal will have an impact on the local highway network, in terms of the delivery, loading and refuse collection. Requests that refuse collection and deliveries should be restricted to between 8am and 6pm. (paragraphs 10.164 to 10.166)

- Proposals should include obligations to improve the public realm along St John Street immediately outside the property, including both sides of the public highway (paragraphs 10.72, 10.156 and 10.157)

### **External Consultees**

- 8.4 **Thames Water** have requested that the developer is made aware of the responsibility for making proper provision for drainage. Requested a condition (10) to request that no piling shall take place until a piling method statement has been submitted and approved. No objection in relation to sewerage and water infrastructure capacity. They have also recommended informatives relating to surface water drainage (4) and discharging into public sewers (5).
- 8.5 **Historic England (GLAAS)** have confirmed that they have no objections subject to two conditions relating to the details of the foundation design and construction method and a Written Scheme of Investigation to be submitted as well as informatives relating to follow Historic England on piling and archaeology.
- 8.6 **Historic England** advised that they do not wish to offer any comments and suggest that the views of the Council's specialist conservation advisers are taken into consideration.
- 8.7 **London Fire and Emergency Planning Authority** advised that they have no objections to the scheme, but strongly recommended that a sprinkler system be considered for the development. An informative (7) has been recommended that a sprinkler system is used.

### **Internal Consultees**

- 8.8 **Policy Officer** advised that the proposal would comply with land use policies, and considers that the proposal maximizes the provision of business floorspace, which is a policy requirement and welcomes the active frontage in the form of A1/A2 use at ground floor, subject to appropriate provision of financial contributions towards affordable workspace and housing.
- 8.9 **Inclusive Economy (Affordable Workspace) Officer** confirmed that given the small size of the affordable workspace and location at basement level it would not be accepted, and a financial contribution in lieu would be required.
- 8.10 **Design and Conservation Officer** confirmed that whilst the existing building has some merit in its design and detailing, but as a substantial curtain wall building with dark glass, it is very much incongruous with its context and detracts from the character of the Clerkenwell Green Conservation Area. Therefore, a high quality recladding has the potential to enhance the Conservation Area and setting of listed buildings. However, given its sensitive location (located within the Clerkenwell Green Conservation Area and the

setting of the Grade I Listed church) as well as the already large scale of the existing building, an increase in massing has the potential to result in harm to these heritage assets.

- 8.11 The Design Review Panel was comfortable with the principle of a roof extension, but raised some concerns in relation to its scale and expression, particularly at the rear. The design has been developed to address these concerns, by reducing the height of the extension by one storey and cutting back the seventh floor, and by making the glazing more recessive with the introduction of simple framing and a slight roof overhang. The proposed rooftop plant has been positioned so that it would be invisible from any public vantage point. Whilst Historic England raised no concerns with the proposed visual impacts on heritage assets as a result of the increasing in massing at roof level.
- 8.12 The proposed recladding is considered appropriate by the Design and Conservation Officer in the context of the historic development of the area, given that there are other buildings with glazed recladding which feature prominently along St John Street. The bay rhythm and asymmetry is considered to correspond to the structure of the existing building and is comparable to that of the neighbouring Pollard building. The vertical and horizontal emphases are considered to be well balanced.
- 8.13 The other options to the design of the corner such as a double column or chamfered corner were found to be unsuccessful. The use of projecting glazing at ground level is reminiscent of the existing building and gives a logic to the corner. It has been pushed back so that it sits behind the columns, following DRP comments.
- 8.14 The Design Officer confirmed that as the existing circulation core is being reused, this impacts on the form and expression of the southern elevation. It was decided to replicate the fenestration pattern with faience panels, which is considered to be an honest way of expressing its function, whilst ensuring a coherent and unified elevation.
- 8.15 The use of high quality materials proposed, including faience, cast metal and Crittall windows, are considered appropriate and are all harmonious with the local vernacular. The DRP recommended that the materials should be subject to a Chair's Review and a condition to this effect has been recommended.
- 8.16 In accordance with Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the impact of the proposal on the visual appearance and historic character of the heritage assets, being the Clerkenwell Green Conservation Area and setting of the Grade I and II Listed Buildings, have been assessed.

- 8.17 The Design and Conservation Officer has considered that the proposed massing would result in harm to the setting of the Grade I listed church and the Clerkenwell Green Conservation, due to its additional massing which would result in additional glimpses of the building from St Johns Square to the west. However, given visual prominence of the existing building, together with the recessive design of the top floor, and that it would largely be obscured from other viewpoints, the proposal is considered to result in less than substantial harm to these heritage assets.
- 8.18 In line with case-law where the harm identified is less than substantial (i.e. falls within paragraph 134 of the NPPF), that harm must still be given considerable importance and weight, and given that more than one heritage asset would be harmed by the proposed development, a balancing exercise has been undertaken against the public benefits to the scheme.
- 8.19 The public benefits include financial contributions towards heritage led re-landscaping of both the area to the rear of the Grand Priory Church of the Order of St John, to the south west, and associated Priory Church Garden, the improvements of public highway along St John Street, as well as contributions towards Affordable Workspace and Affordable Housing.
- 8.20 The Design and Conservation Officer has considered that, on balance, these public benefits would outweigh the less than substantial harm as a result of the proposal. He has therefore confirmed that subject to appropriate conditions including materials, light pollution and to prevent visible structures to the roof terraces, and a section 106 legal agreement to secure these heritage assets he has no objections to the proposal. Appendix 4 at the back of this report outlines how the applicant has addressed the DRP comments, and confirms that the Design and Conservation Officer is satisfied that these issues have been successfully resolved.
- 8.21 **Access Officer** confirmed that subject to the measures (condition 30) being implemented in full the proposal would meet the requirements set out in the Council's Inclusive Design SPD.
- 8.22 **Sustainability Officer** has confirmed that the targeting BREEAM 'Excellent' rating is welcomed, and recommended conditions relating to the submission of details of a pre-assessment for BREEAM Refurbishment and Fit out is provided to ensure this is also targeting an Excellent rating as well as the interim and final BREEAM certification documents under both schemes. The drainage proposals set out in the Flood Risk Assessment are welcomed and the maximum surface water runoff rate of 50l/s/ha should be targeted, and should be secured by condition (15). Recommends additional details are secured by condition (15) regarding how the drainage requirements will be achieved, including permeable paving and other SUDS measures as part of the landscaping, such as raingardens and bio-retention planters, so these should also be considered to provide additional attenuation in accordance

with policy to manage runoff as close to its source as possible. Confirmed that the proposed maximisation of biodiversity value is welcomed and the chosen planting should maximise biodiversity value. Requested conditions relating to the installation of bird/bat boxes (condition 16). Welcomes the proposed biodiverse green roof, but advised that the depth of the substrate should be secured by condition (7). Recommends that the green roof is combined with bio solar panels.

- 8.23 **Energy Conservation Officer** has recommended a condition (29) to state they will target at least 28.1% reduction in total CO2 but investigate further options to improve on this given it falls short of the London Plans target of 35% and provide evidence that they have maximised all opportunities. The targeting BREEAM 'Excellent' rating is welcomed, and recommended condition (5) relating to the submission of details of a pre-assessment, as well as the interim and final BREEAM certification documents. However, confirmed that any assessment should consider the whole of the development (extensions and refurbishment). The proposed energy strategy is generally acceptable and the site should be futureproofed for connection to an energy network should it become viable in the future. A carbon offset contribution is to be secured by s106 legal agreement.
- 8.24 **Environmental Public Protection Team** have recommended conditions (8 and 9) with regard to mechanical plant to mitigate the impact of noise and a Construction Environmental Management Plan given the considerable works and construction proposed in order for the methods and mitigation to be carefully considered. In addition, a condition (27) has been recommended for an air quality assessment to be submitted.
- 8.25 **Local Highways Officer** have raised no objection to the proposed highways improvements but note that this would require a Section 278 Agreement. While some parking would be lost at the rear, given the car free policy, this will be acceptable. The size of the servicing areas is acceptable also.
- 8.26 **Crime Prevention Officer** has reviewed the 'Design Access Statement' which has been submitted and has no objections to the project. Consultation with the crime prevention officer regarding the physical security of the building resulted in recommendations which have been implemented within the design (condition 31).
- 8.27 **Biodiversity Officer** has reviewed the proposal and recommends the planting includes bushy shrubs that can be used by nesting birds. Also that bird boxes, including swift boxes (preferably swift bricks) should be included (condition 16) and that any external lighting needs to be sensitive to wildlife (condition 20). Also that the ongoing management of the landscaped areas will be crucial to their success and would recommend that a water feature accessible to wildlife is included.

- 8.28 **Public Realm Officer** has reviewed the landscaping designs and have welcomed the funding for the refurbishment of St Johns Garden, but recommended that the scheme is designed so that it is easily maintained.
- 8.29 **Tree Officer** has reviewed the submitted Arboricultural Impact Assessment and has confirmed that subject to a condition (17) to ensure the tree protection measures are implemented in accordance with the report, they have no objections to the scheme.

### **Other Consultees**

#### **Design Review Panel**

- 8.30 Islington's Design Review Panel considered the proposed development at application stage on 3 no. separate occasions on the 13<sup>th</sup> November 2018, 9<sup>th</sup> April 2019 and 28<sup>th</sup> May 2019.
- 8.31 The panel's written comments (issued on 27<sup>th</sup> November 2018) and full response in relation to the schemes review on the 13<sup>th</sup> November 2018 are summarised below and their response in full is attached under Appendix 3:

Although the Panel did not raise objections to the principle of extending the host building, they raised the following summarised concerns and suggestions:

- The original proposal, which was subsequently amended, has not fully considered the heritage assets in the surrounding area, and the value that the host building provides to the conservation area, particularly in relation to the height and massing of the proposal.
- The Panel suggested that additions would be better located towards the northern end of the roof, as the roofline is much less sensitive, and towards the rear of the building.
- It was advised that one additional set back floor may be acceptable, but this would need to be tested in key views.
- The Panel were concerned regarding the impact on the amenity of neighbouring buildings, and recommended that this should be assessed.
- The applicant was advised that the detailing, in terms of the design and materials, should be reviewed, as the proposal was considered to lack coherence.
- It was recommended that the scheme should improve accessibility, by funding level changes to the footway. The Panel also suggested the scheme fund improvements to the adjacent St Johns Garden immediately to the south.

Following the session with the DRP, the applicants continued their discussions with Planning and Design & Conservation officers through an

series of workshops and design charrettes. A series of options were explored as part of the design development of the proposal.

- 8.32 The scheme was subsequently represented to the Design Review Panel on the 9<sup>th</sup> April 2019. The panel's full response is attached under Appendix 3, however a summary of their response is below.

The Design Review Panel welcomed the progress made in relation to the revised proposal, including reducing the massing, increasing the separation distances from neighbouring properties, considering it a more sympathetic relationship. However, they raised the following summarised concerns and suggestions:

- The Panel remained concerned with the impact on the wider conservation area.
- They advised that the proposed roof addition was not fully resolved, and that the small cut away did not result in a recessive enough top floor. Some members were concerned that the use of full glazing would not work, and suggested a light framing and recessed glazing.
- The Panel recommended that the south and east elevations required further simplifying, making it a calmer and less assertive building. They suggested that the colour and architectural expression is explored to ensure it would be less dominant, and also that the south east corner required further work.
- They welcomed the public realm improvements proposed.

Following the session with the DRP, the applicants continued their discussions with Planning and Design & Conservation officers to address these concerns, through further series of workshops and design charrettes.

- 8.33 Following a number of amendments to the design, the proposal was subsequently represented to the Design Review Panel on the 28<sup>th</sup> May 2019. The full response is attached under Appendix 3, and their comments are summarised below.

The Design Review Panel unanimously agreed that the proposal has been designed to have a much lighter and less assertive feel, and that it therefore sat more comfortably in its context than previous iterations. They also considered that the asymmetric treatment of the southeast corner was potentially an elegant solution, which resolved its previous overly dominant character.

The Panel commended the careful thought given to the redesigned front and side elevations to St John Street.

Panel members suggested that the glazing at ground level should not be pushed out to the building line, as this was considered to detract from the proposed corner treatment.

*Officer response*

*[Following discussions with the Council Design Officer the entrance was redesigned so that the 'memory' of the existing building was retained. The glazing line as proposed, follows that of the existing building's reception & showroom, and through re-glazing with an active frontage proposed, a visual connection has been reinstated]*

The Panel also considered that the junction between the front and side elevations needed further thought, suggesting that the proposed cornice treatment could be improved.

*Officer response*

*[In response, and following detailed discussions with the Council's Design Officer, the proposal was designed to include a traditional cornice and parapet detail. The design changes are considered to have resolved the corner condition with improved coherency and consistency with the rest of the façade].*

Panel members recognised the proposed materials discussed for the re-cladding to be of high quality and potentially complementary to their context. The Panel considered that they would be critical to the success of the scheme, and therefore recommended that a Chair's Review of the proposed materials should be undertaken pending the outcome of the planning application, to ensure an appropriate outcome.

*Officer response*

*[In response drawings were provided identifying the proposed materials and section reveals which were considered to be acceptable by the Council's Design Officer. However, it is important to consider that given that exact colour, finishes, methods of fixing etc will not yet be defined, the Design Officer has requested that details and samples of the specific materials and window details should be submitted to the Local Planning Authority for review and controlled by condition. The acceptability of the materials would include a review with DRP Chair Review post-decision].*

Whilst Panel members were appreciative and in principle positive about the direction of design changes and simplification to the modelling of the sixth floor, these had not been tested or illustrated in the verified views previously presented. Panel members were therefore unable to comment on whether they considered the revised massing to have fully addressed their concerns.

*Officer response*

*[Further changes were made to the proposal following the second and final DRP, including the reduction of the height and setback of the 6<sup>th</sup> floor and lift overrun, as well as further alterations to the elevations requested by the Council's Design Officer. Verified views were submitted which included these amendments, and were considered by the Council's Design Officer to address the Panel's concerns in relation to the revised massing]*

Reservations were reiterated about the appearance and dominance of the 6th floor glazing in the long view from St. Johns Square and the Panel queried whether some form of roof overhang might help the glazing to appear more recessive. Similar concerns were expressed regarding the south east corner roof level glazing and the relationship to the stair/lift core behind.

*Officer response*

*[Following detailed discussion with the Council's Design Officer, the scheme was revised to alter the 5<sup>th</sup> and 6<sup>th</sup> floor treatment to improve coherency across all external facades (east, south, west), declutter the proposed facades by omitting doors, balustrades, building services in the views from St. Johns Square. The applicant expressed a commitment to review this during construction to ensure they remain hidden from views. The proposal was also revised for an 'arcade' inspired fenestration design to the upper levels, which is an interpretation of the Priory of the Order of St. John's façade, to which these elevations serve as a very distant backdrop (6th floor west façade approx. 50m behind St. John Church; 65m to centre of St. John Square). The rhythm of the fenestration to the east and south façade has been extended across the retained stair & lift core with horizontal breaks introduced for façade coherency and continuity]*

The Panel reiterated that the visible massing in certain views from St John's Square was considered to be regrettable, particularly in light of the height restrictions within Council's Conservation Area Design Guidelines. The Panel considered that as much as possible should be done to mitigate this impact, and that the proposals should demonstrate significant public benefits in order to offset any conceivable harm arising, and to justify exceptional circumstances for an additional floor being considered acceptable. The Panel recognised the potential for the enhancement of the Conservation Area (a public benefit) through the proposed improvements to the public realm and high quality recladding of the existing building, in a more contextual idiom. However, Panel members encouraged that the provision for the re-landscaping of the former churchyard should go further, and include the small parcel of land beyond the gate, immediately adjacent to the eastern elevation of the church. Despite this not being publicly accessible, and accepting it may never be, it was considered to have strong visual connection with the Conservation Area.

*Officers response*

*[As outlined above the scheme has been amended to improve the buildings relationship with the surrounding area and heritage assets, in terms of the scale and massing, and materiality. This includes exploring how the 6th floor massing could be reduced and produced a study showing progress and final solution, and adopting BRE Standards when refining the massing and presented these results to the council. Multiple options have been tested for recessing the west facing glazing on the 6th floor, to understand how the façade behaved and the impact that could have to the background / periphery views from St. John Square.*

*The south and west elevations, was improved by extending the faience panelling around the lift & stair core. The 6th floor terrace was reduced and a door to the terrace was omitted (to simplify the visible façade from St. John Square). The façade has been studied in detail looking at the expression of vertical vs. horizontal breaks. All the proposed plant is shown on the drawings and it would be concealed from views.*

*The structural bracing to the south façade has been redesigned in order to step the façade further away from The Mallory Buildings and Cemetery Gardens. The 6th floor slab edge has been profiled so as to reduce the appearance of the slab face; the lift overrun is the minimum dimension achievable by the most efficient passenger/ fire fighting lift; the floor to ceiling heights are the minimum accepted. The submitted scheme, has been reduced at the 6th floor by 50sqm, between 200-450mm lower in height, and proposes a lighter faience cladding colour more similar to the adjacent buildings, as well as introducing a more refined and contemporary 'arcade' style to this top floor and would increase the amount of faience cladding by reducing the amount of (curtain wall) glazing.*

*In terms of the provision of re-landscaping in the adjoining church yard, an illustrative landscaping and planting scheme has been developed and refined to the adjacent public and private land that will improve accessibility, enhance public and private enjoyment and invigorate the public realm. This is following collaboration with English Heritage Gardens and The Priory of The Order of St. John to expand the original concept to include the additional landscaped area. The scheme has incorporated heritage, maintenance, ecology and access requirements]*

The Council's Design Officer has concluded that he is satisfied that the DRP comments have been adequately addressed by the amendments made to the proposal. The DRP comments and the officer's response, outlined above, together with the confirmation that the Council's Design Officer is satisfied with the information provided, is outlined within the table in Appendix 4 of this report.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES:**

- 9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
  - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990)
- 9.2 National Planning Policy Framework (NPPF) (2019): Paragraph 11 states: 'at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...'
- 9.3 At paragraph 8 the NPPF (2019) states: 'that sustainable development has an economic, social and environmental role'.
- 9.4 The NPPF (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF (2019) is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

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

9.8 Members of the committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

9.10 The Development Plan is comprised of the London Plan 2016, Islington 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**

9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Clerkenwell Green Conservation Area
- Hat and Feathers Conservation Area 40m away to the east
- Adjacent to Grade II Listed Building (no. 42 St John's Square) to west
- Adjacent to Grade I Listed Building (The Grand Priory Church of the Order of St John) to the south west and (associated Priory Church Garden) to the south
- Opposite Grade II Listed Buildings (nos. 148 and 156-162 (Cannon Brewery) St John Street) to the east
- Locally Listed Buildings (nos. 144 and 146 St John Street, front gates of Priory Church Garden)
- Bunhill & Clerkenwell Core Strategy Key Area
- Finsbury Local Plan Employment Priority Areas (General)
- Central Activities Zone (CAZ)
- Clerkenwell Archaeological Priority Area
- Local view from Archway Road
- Local view from Archway Bridge
- Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
- Heathrow Safeguarding Area
- Article 4 Direction A1-A2
- Article 4 Direction B1(c) to C3

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage Considerations
- Accessibility
- Neighbouring Amenity
- Landscaping, Trees and Biodiversity
- Sustainability, Energy Efficiency and Renewable Energy

- Archaeology
- Health and Air Quality
- Highways and Transportation
- Planning Obligations, Community Infrastructure Levy and local finance considerations

### **Land-use**

- 10.2 The existing building on the site provides for 3,129 square metres (GIA) of Use Class B1 business floorspace, and 150 square metres (GIA) of Use Class A1 (Retail). The existing Use Class A1 (retail) floorspace is located on the ground floor in the form of a showroom. The remaining part of the existing six storey building, including the lower ground floor level consists of office (Use Class B1(a)) accommodation.
- 10.3 The current application seeks permission for the refurbishment and extension of the existing building to provide a total of 5,026 square metres (GIA) of office floorspace (Use Class B1(a)) and 150 square metres (GIA) of flexible retail floorspace (Use Class A1) or financial and professional service floorspace (Use Class A2) on a site located within the London Central Activities Zone (CAZ).
- 10.4 London Plan (LP) Policy 2.10 recognises the ‘mixed’ nature of much of the CAZ and seeks to enhance and promote the unique international, national and London wide role of the CAZ through the promotion of a range of mixed uses including: ensuring that development of office provision is made for a range of occupiers, and; supporting and improving the retail offer of the CAZ to meet the needs of its residents, workers and visitors.
- 10.5 LP Policy 2.11 indicates that boroughs should ensure that development proposals to increase office space within the CAZ incorporate a mix of uses including housing, subject to compliance with other policies of the London Plan. This is reiterated in LP Policy 4.3.
- 10.6 Islington Core Strategy Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres where access to public transport is greatest. Furthermore, it seeks to safeguard existing business spaces throughout the borough by protecting the change of use to non-business uses, particularly in the CAZ. Additionally, development which improves the quality and quantity of existing provision will be encouraged.
- 10.7 The site is located in the Bunhill and Clerkenwell Core Strategy Key area and the provisions of the Finsbury Local Plan are applicable. Policy BC8 of the Finsbury Local Plan supports the provision of a mix of employment uses, (the definition includes offices, industry, warehousing, studios, workshops, showrooms, retail, entertainment and private educational, health and leisure

uses). In general terms it encourages office development (i.e. B1 (a) uses) throughout the designated area and the provision of a range of smaller floorplate, flexible and adaptable workspaces, alongside complementary uses. In addition, as the site also lies within the Employment Priority Area General, the relevant policy aims to sustain the existing level of business floorspace to support existing clusters of economic activity.

- 10.8 The proposal represents an uplift in business floorspace in accordance with the development plan policies, which is welcomed. Therefore, the proposed development complies with the above policies in so far as providing office floorspace on all floor levels above the ground level within the massing of the building that is appropriate in design terms, while retail/financial and professional service areas (A1 and A2 uses) would be located at ground floor level to provide for active frontages along St John Street.
- 10.9 Policy BC8 also stipulates that within the Employment Priority Area (General), the employment floorspace component of a development or change of use proposal should not be “*unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*
- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*
  - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
  - iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.”*
- 10.10 The incorporation of 150 square metres (GIA) of flexible retail/financial and professional services floorspace (Use Class A1/A2) would be consistent with policies 4.7 and 4.8 of the London Plan which seek to support a vibrant, diverse retail sector. The site is designated as a Priority Employment Area in the Finsbury Local Plan and the proposals would be consistent with Policy BC8 which seeks to provide a range of employment uses, particularly office uses with retail and leisure uses at street level to create vibrancy and interest on St John Street. The proposed ground floor retail element of the proposal has been designed as one unit and subject to a condition (25) prohibiting obscuring the shopfront glass would provide natural surveillance and an active frontage to this elevation of the building.
- 10.11 Policy BC8 requires office floorspace to be accompanied by either a portion of non-business floorspace (e.g. a gallery) or SME (Small Medium Enterprises) space or Affordable Workspace.
- 10.12 The applicant proposed the provision of 245 square metres (GIA) (5%) of office floorspace at basement level for occupation by micro and small enterprises.

- 10.13 Part F of Policy DM5.4 of Development Management Policies (2013) provides advice in relation to where in exceptional circumstances, the proportion of small, micro or affordable workspace to be provided on site does not meet the council's expectations. It notes that where it can be demonstrated that the on-site provision of such workspace is inappropriate, financial contributions will be sought to secure equivalent provision off-site, based on a cost per square metre of equivalent provision. In this instance, given that the SME provision does not meet the council's expectations (being small in size and in a basement), the use of financial contributions is considered appropriate.
- 10.14 The Council's Affordable Workspace Financial Contribution calculation is based upon a valuation formula known as 'Single rate years purchase for a number of years'. The Council's Viability Team have identified that the affordable workspace financial contribution calculation generates an Affordable Workspace Financial Contribution equating to £920,417. This contribution of £920,417 is to be secured via an obligation in the section 106 Agreement.
- 10.15 London Plan Policy 4.3 B (b) states that local planning authorities should "develop local approaches to mixed use development and offices provision taking into account the contribution that 'off-site contributions can make, especially to sustain strategically important clusters of commercial activities such as those in the City of London...." Given the situation, subject to the contribution being secured there would be no conflict with policy BC8.
- 10.16 Finsbury Local Plan Policy BC8 Part D states that "throughout the area, major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3. The policy seeks at least 20% of the net increase of floorspace to be used for housing. In this case, the site is within the CAZ. The policy also seeks the maximisation of business floorspace, therefore the two elements of this policy are in conflict, seeking both on-site residential provision as well as the maximisation of office floorspace.
- 10.17 A mixed use scheme would require separate access to the flats, including lift and stair cores, as well as storage cycle and refuse storage, for the residential units within the floors below. This would result in a significant portion of the both the proposed office accommodation and the ground floor retail unit being reduced in size and constrained in terms of the amount of useable accommodation. Therefore, it is considered that a mixed use scheme would be less desirable, given the policy requirement to maximise business floorspace in the CAZ, in comparison to additional office floorspace.
- 10.18 Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.". This contribution of equates to £303,520 and is to be secured via an obligation in the section 106 Agreement.

- 10.19 Notwithstanding the above compliance, it should be noted that the proposed rear addition would extend into part of the rear car park/service yard. Policy DM8.5 of Development Management Policies (2013) confirms in Part B(i) that *parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses)*. No objection is raised to the loss of parking. The Council's Highway engineer advises sufficient area will remain for servicing.
- 10.20 It is considered that the development is acceptable in land use terms with regard to the Development Plan and as such would make an efficient use of this site would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.

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

- 10.21 The existing building, known as Crusader House, is a six storey (with basement level below) predominately glazed building from the 1970s with its main frontage onto St John Street. The building has a set back at ground floor level, creating an overhang, supported by vertical columns, the building has a strong horizontal emphasis and well-proportioned fenestration and modest window reveals, cornicing and detailing. Located towards the north boundary, and fronting St John Street, there is an undercroft providing vehicular and pedestrian access to the rear of the building, providing servicing and vehicle parking for the host building in the existing situation.
- 10.22 Whilst the host building is not historically listed, the site is located within the Clerkenwell Green Conservation Area, and within 40m of the Hat and Feathers Conservation Area. Within the vicinity of host building there are a number of statutory listed buildings, being the Grand Priory Church of the Order of St John to the south west, and associated Priory Church Garden to the south (Grade I), opposite nos. 148 and 156-162 (Cannon Brewery) St John Street to the east (Grade II) and no. 42 St John's Square to the west (Grade II). Also the non-designated locally listed buildings are located opposite the site, nos. 144 and 146 St John Street, and the front gates of Priory Church Garden to the south along St John Street.

### *Policy Context*

- 10.23 Development Plan policies seek to secure sustainable development that is of high quality and contributes towards local character, legibility, permeability and accessibility of the neighbourhood. Developments should contribute to people's sense of place, safety and security. Development should have regard to the pattern and grain of spaces and streets in orientation, scale, proportion and mass and be human in scale with street level activity.

- 10.24 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).
- 10.25 NPPF Chapter 7 'Requiring good design' reinforces that this is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 7 also confirms that high quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development amongst other things, responds to local character and history and reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Also, that they are visually attractive as a result of good architecture and appropriate landscaping.
- 10.26 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 10.27 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.7 which addresses specific design issues associated with tall buildings; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character.
- 10.28 At a local level, Core Strategy Policy CS8 states that the scale of development will reflect the character of the area, while Policy CS9 requires new buildings to be of sympathetic scale and appearance and to be complementary to local identity; the historic significance of heritage assets and historic environment will be conserved whether they are designated or not; new buildings and developments to be based on a human scale and efficiently use a site which could mean some high density development; and tall buildings are generally inappropriate. This is further supported by Development Management policies DM2.1 (Design) and DM2.3 (Heritage).

### *Assessment*

- 10.29 The proposed scheme seeks planning permission for the extension and refurbishment of the existing building, including changing the external

materials. The extensions include an additional seventh floor level as well as an extension to the rear of the existing building (from ground level to roof level), with associated front and rear roof terraces at the upper level. The proposal would replace the building's façade and accommodate retail (Class A1) / professional and financial services (Class A2) as well as office space (B1(a) use) on the ground floor.

10.30 The current proposal has been amended significantly from the initial application submission, following discussions with Design & Conservation officers and the scheme was also submitted for comments from the Design Review Panel at three separate occasions.

10.31 The most notable amendments to the proposed scheme are as follows:

- Massing changes – removal of one storey and pushing back the massing at both the roof level from St John Street, to the east, and from St John Square, to the west. The projection and depth of the floors below have been reduced so that there is a greater separation distance between the nearby existing office buildings to the rear (nos. 42 to 47 St John's Square, to the west, and nos. 159-173 St John Street) and the proposal;
- Use – the proposal incorporates the introduction of a flexible A1/A2 uses making ground floor active;
- Architectural expression – the design of the elevations has been altered to improve its general coherence and relationship with neighbouring buildings and the surrounding area.

10.32 The recladding of the existing office building is considered acceptable in principle. The Buildings of England (Pevsner) describes it as 'tall ungainly 1970s offices'. It has some merit in its design and detailing, but as a substantial curtain wall building with dark glass, it is very much incongruous with its context and detracts from the character and appearance of the Conservation Area. Therefore, a high quality recladding has the potential to enhance the Conservation Area and setting of listed buildings. Equally, an increase in massing has the potential to result in harm to these heritage assets, given its sensitive location and the already large scale of the existing building.

10.33 It is also proposed to sensitively re-landscape the former churchyard which also has the potential to impact the Conservation Area and setting of listed buildings.

*Bulk, height and massing*

- 10.34 The proposal would add a rear extension, effectively extruding the existing floorplates, in addition to a seventh floor level roof extension.
- 10.35 The Design Review Panel was comfortable with the principle of a roof extension, but raised some concerns in relation to its scale and expression, particularly at the rear in their initial reviews. The design has been developed to address these concerns, resulting in the extension being reduced in height (by 1 no. storey) to now match the height of the lift core and by cutting back the seventh floor. Also the top glazing has been designed so that it would be more recessive, in comparison to its original incarnation, with the introduction of simple framing and a slight roof overhang. The rooftop plant has also been shown within the drawings and has been positioned so that it would be invisible from any public vantage point.
- 10.36 The consultation process has confirmed that Historic England have raised no concerns with the proposed visual impacts on heritage assets resulting from the increase in massing at roof level. However, the Council's Design and Conservation Officer considers there to be some harmful impacts as discussed below.

*Elevational treatment and materiality*

- 10.37 The proposed recladding takes inspiration primarily from early C20 commercial buildings, which is considered appropriate in the context of the historic development of the area, given there are other examples which feature prominently along St John Street. In some respects, the detailing is inspired by historic precedents, but this is not considered to result in a 'pastiche' development and the building will clearly read as contemporary.
- 10.38 The bay rhythm and asymmetry corresponds to the structure of the existing building and is comparable to that of the neighbouring Pollard building (no. 159-173 St John Street). The Council's Design and Conservation Officer has considered that this vertical and horizontal emphasis is considered to be well balanced.
- 10.39 The treatment of the corner has been the subject of much discussion, with the DRP and with the Council's Design Officer. The application has proposed to utilize the existing columns, which are considered to result in an asymmetric composition. Whilst other options were considered and explored, such as a double column or chamfered corner, these approaches were found to be unsuccessful. The proposed projecting glazing at ground level is considered to be reminiscent of the existing building, being pushed back so that the extension sits behind the existing columns. This approach is considered by the Design Officer to successfully resolve the DRP concerns and would give a logic to the corner of the building.

- 10.40 Given that the proposal would reuse the existing circulation core, this impacts on the form and expression of the southern elevation. Following discussions with the Council's Design Officer, the proposal was designed to replicate the fenestration pattern with faience panels, which the Design Officer has considered to be an honest way of expressing its function, whilst ensuring a coherent and unified elevation.
- 10.41 The visual appearance of the recladding of the host building and the proposed extensions would use high quality materials, including faience, cast metal and Crittall windows. These are considered by the Design Officer to be harmonious with the local vernacular. The Design Officer has considered that the proposal has a fine grain to the elevations, fenestration and materials, which complements the grain and proportions of neighbouring historic buildings.
- 10.42 As noted in the summary of the DRP, it was recommended that the materials should be subject to a Chair's Review. A condition to this effect has been recommended to include a condition for the details and samples of materials which includes this review. The Design Officer has identified that other aspects of the detailed design, such as the recessed glazing to the top floors, and treatment of the upper part of the circulation core, could also be considered as part of this review given that they remained areas of concern. However, these elements of the design have been amended following the final DRP, and are considered by the Design Officer to be a successful response to the concerns raised.

#### *Impacts on heritage assets*

- 10.43 As identified in paragraph 5.2, the site is located within the setting of listed buildings as well as being within a conservation area. Therefore, in the determination of the application, the assessment of the proposal must consider the impact of these heritage assets in accordance with the legislation set out in Section 66(1) and 72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA"). Which is outlined below:
- 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.

- Section 72(1) 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

10.44 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” means “doing no harm”.

10.45 The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker. However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development 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.

10.46 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. Paragraph 134 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 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.

10.47 The case-law also establishes that even where the harm identified is less than substantial (i.e. falls within paragraph 134 of the NPPF), that harm must still be given considerable importance and weight.

10.48 Paragraphs 5.2 to 5.4 of this report identifies the heritage assets associated with the application site, being the Grade I and Grade II Listed Buildings and the Clerkenwell Green Conservation and their significance.

10.49 Where more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the cumulative effect of those several harms to individual assets is properly considered. Historic England does not suggest that the cumulative effect of the individual instances of harm identified

amounts to substantial harm and officers do not consider that the total harm (i.e. the cumulative effect of the several instances of harm identified) amounts to substantial harm.

- 10.50 The proposed height is considered to broadly match the height of the adjacent Pollard Building at 159-173 St John Street. Historically this part of St John Street was and is home to larger scale commercial buildings which were built following the widening of the road by the LCC from c.1900.
- 10.51 The Council's Design and Conservation Officer has considered that in certain views from the south and west, the increase in scale is considered to result in an impact to the character and appearance of the conservation area, and to the setting of listed buildings. These impacts are considered in the paragraphs below.
- 10.52 As identified in paragraphs 5.2 to 5.4 of this report, the Grade I Listed Priory Church is of outstanding architectural and historical importance as part of the surviving built form associated with the Monastic Order of the Knights Hospitallers of St John of Jerusalem, including fabric from the 12<sup>th</sup> Century and multiple significant phases since. The reimagining of church and additions following bomb damage in the 1950s, by the architects Seely & Paget, adds to its special interest and also makes a strong positive contribution to the Conservation Area as a backdrop to St John's Square.
- 10.53 The Design and Conservation Officer considers that the low rise setting of the church is important to its appreciation. In its current form the host building is visible from St Johns Square to the west, with the brick clad lift core projecting beyond the roofline of the listed church.



Image 9: Verified view showing the (proposed) host building from St John's Square to the west

- 10.54 However, from this view to the west (shown within Image 9), the new seventh floor would be partly visible behind the 1950s neo-Georgian frontage to the Priory Church in certain medium range views. The existing brick circulation core is already partly visible in these views, but it is a smaller, more recessive element than the massing now proposed. Any seventh floor addition is considered to have a similar degree of visibility, owing to the requirement for it to be accessed via the existing circulation core.
- 10.55 The Officer has concluded that the additional visible glimpses in built form in the backdrop of the church that the proposals would introduce, is considered to result in a small level of harm to the setting of the Grade I Listed Church, as well as the wider Clerkenwell Green Conservation Area.
- 10.56 However, the Design Officer has considered that the design of the roof extension with its light weight design and recessive element, which would be subservient to the main body of the building below, would help mitigate this harmful impact.
- 10.57 The Design Officer has also considered that in most views from within St John Square, the additional massing is occluded by the church and in limited views where it is visible, the change in comparison to the existing situation, is not extensive. Therefore, the Officer has considered that the harmful impact is considered to be relatively minor. As at the front of the building, the roof terrace to the rear of the seventh floor has been reduced so that no doors, balustrade (or any other visual clutter associated with its operation) would be visible and care has also been taken to ensure that the roof terrace at the front has no visible manifestation in conservation area views. However, a condition has been recommended to ensure this. The proposed balustrade would be constructed in faience and would be read as part of the cornice below. As recommended by the DRP, a slight roof overhang and framing have been introduced to reduce the prominence of the glazing.
- 10.58 When looking at the site from the south, along St John Street, the increase in height resulting from the additional floor level and extended circulation core is considered by the Design and Conservation Officer to have a negative impact on the character and appearance of the conservation area. This is as a result of the building on the site becoming more dominant when viewed next to the neighbouring Mallory Building, also reducing the prominence of the latter's interesting roofline. However, the Design and Conservation Officer considers that in some respects there is enhancement to the conservation area in the same views, given the significant improvement on the existing elevations. He has also identified that there is enhancement in views from the north, where the proposal would have a much more harmonious relationship with the Pollard Building (no. 159-173 St John's Street) to the north and its roofline.



Image 10: Verified view showing the (proposed) host building from St John Street to the south

- 10.59 In terms of the south elevation, it is acknowledged that the lift overrun is determined by the reuse of the existing circulation core. Therefore, its existing prominent location is unfortunate given that this is necessarily the tallest part of the building. Following discussions with the Design Officer, therefore it has been decided to incorporate the lift overruns into the overall mass of the circulation core (rather than treating them as roof top addition) which reads as a separate, albeit integrated part of the building, which is considered to reduce its prominence.
- 10.60 The Design and Conservation Officer has concluded that the increase in massing results in a level of harm to the Conservation Area and setting of the Grade I listed church. This is limited to certain views and is 'less than substantial' under the terms of the NPPF. The harm arising, however low, should be given great weight in weighing it against any public benefits arising from the proposals. These include, but are not limited to, an overall enhancement to the Conservation Area, arising from the high quality re-cladding of the existing building, in addition to the re-landscaping of the former churchyard. These could be considered exceptional circumstances for contravening the Conservation Area Design Guidelines, as the DRP noted.
- 10.61 Looking at the position as a whole, and as identified by the Design and Conservation Officer it is plain that there are adverse impacts on heritage features which individually and cumulatively result in less than substantial harm. However, less than substantial harm does not mean insignificant harm. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.

10.62 In addition to the recladding and extension of the existing building, the proposal includes financial contributions towards heritage led re-landscaping of both the area to the rear of the Grand Priory Church of the Order of St John, to the south west, and associated Priory Church Garden, which was historically the eastern approach to the church. The illustrative designs provided are considered by the Design and Conservation Officer to be very similar to the churchyard as it was in the late-C19 (perhaps laid out in connection with Scott's remodelling of the church). This is considered by the Design and Conservation Officer to represent an enhancement to the understanding of the significance of the church and its setting, in addition to the character and appearance of the Conservation Area.

*Assessment of harm versus benefits*

10.63 Public benefits are defined within the NPPG. It advises that public benefits:

*“may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature of scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.”*

10.64 The proposed heritage led landscaping of these areas are considered to be a public and heritage benefit to the scheme. The landscaping of Priory Church Garden, which is immediately adjacent to the site, is publicly accessible and the improvements would improve the environment of this area and as identified by the Design and Conservation Officer the illustrative designs provided similar to the churchyard as it was in the late-C19 (perhaps laid out in connection with Scott's remodelling of the church). Whilst the proposed landscaped area to the rear of the Grand Priory Church of the Order of St John is not publicly accessible, this area is visible from the existing cloister garden associated with the church, and is considered to contribute to the enjoyment of the church. The submitted illustrative designs have been costed and have identified that a financial contribution of £75,000 would be appropriate to carry out these works, which would be secured by a Section 106 legal agreement.

10.65 In addition, the proposal includes financial contributions towards the improvement of the existing footways along St John Street, to provide a more accessible entrance to the building, as well as financial contributions towards Affordable Workspace and Affordable Housing.

*Conclusion*

- 10.66 In conclusion, as identified by the Council's Design and Conservation Officer the proposals would result in harm to the visual appearance and historic character of the Grade I Listed church as well as the setting of the Clerkenwell Green Conservation Area, due to its visual prominence from St John's Square to the west.
- 10.67 As noted in paragraphs 10.64 and 10.65 above, whilst officers are mindful of the statutory duty, and place great weight on this, the proposal includes a number of public benefits which need to be weighed against this less than substantial harm. It is considered that these public benefits tip the balance in favour of permission being granted. The proposal is therefore considered to on balance be acceptable in design terms, providing these public benefits and details of the design of the proposal are secured with suitable conditions and/or Section 106 agreements.

#### *Other Matters*

- 10.68 This application does not include any proposed signage at ground/first floor of the development. However, in the event that the applicant wishes to display signage, a separate advertisement consent application would be required, which would be assessed against the relevant policies found within the Development Plan and any other material considerations.

#### **Accessibility**

- 10.69 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances. Such requirements are also required by Islington Core Strategy CS12. Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.70 The provision of level access throughout the building is considered to be fundamental to the fulfilment of this policy. The provision of wheelchair accessible lifts and accessible toilets on all floors would ensure the building offers highly accessible accommodation. Council's Inclusive Design officers have confirmed that the proposal would meet the Council's objectives in terms of providing accessible accommodation for future occupiers (condition 30).
- 10.71 As it is not possible to provide all the required disabled parking spaces on site as required by policy, a financial contribution towards the provision of a number of a disabled drop-off bays and on-street accessible parking bays in the vicinity of the site is considered to be acceptable. Where it might not be possible to implement the accessible parking bays on the street (e.g. as a result of opposition to amending the traffic management order), the

contribution would be used towards accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments.

- 10.72 To improve the accessibility of the site, and following the recommendations made by the DRP, the application seeks to improve existing footways along St John Street immediately in front of the host building. The existing footway consists of two different levels of pavement and is a narrow street with narrow footways that will need improvements to cope with the proposed application and other developments in the area. The Council's Inclusive Design Officer has welcomed this element of the proposal which would improve the existing arrangement. However, given this element of the proposal is outside the red line and application site the applicant should pay a reasonable and proportionate cost towards improving the footways in St John Street. The contribution for public realm improvements is captured through a s106 obligation.

### **Neighbouring Amenity**

- 10.73 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 10.74 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

### **Daylight and Sunlight**

- 10.75 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.76 BRE Guidelines paragraph 1.1 states: "*People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by*". Paragraph 1.6 states: "*The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives*

*numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*

*Daylight:*

- 10.77 The BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected if either:
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
  - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*
- 10.78 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 10.79 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.80 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 10.81 Paragraph 2.2.11 states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

10.82 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 degree. 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”*

10.83 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:

*‘Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*

*The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.’*

*Sunlight:*

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

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

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

10.85 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: “A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

10.86 They go on to state (paragraph 3.2.3): “... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.

*Residential properties*

10.87 The following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.

- No 150 St John Street
- No. 146 St John Street
- No. 144 St John Street
- The Mallory Building

10.88 These properties are all located along St John Street, being to the east, immediately opposite (nos. 144-150) and to the south (The Mallory Building) on the west side of the public highway.

10.89 The submitted and daylight report concludes that none of the windows to the properties to the east side of St John Street as a result of the development would have reductions further than 20% of their former value with regard to the Vertical Sky Component (VSC) test as set out in the BRE guidance.

10.90 The report concludes that 2 no. of the 26 no. windows assessed at The Mallory Buildings would have losses over 20% of their former values, in relation to VSC (Vertical Sky Component). These windows are labelled R8/W11 at ground floor level and R8/W10 at first floor level. The percentage loss of VSC will be 23.7% and 21.4% respectively and therefore only marginally above the BRE threshold of 20%. It should however be noted that

both of these rooms are dual-aspect rooms which have the benefit of a second principal window in the rear elevation facing west facing onto the Priory of St John.

- 10.91 The No Sky Line (NSL) test demonstrates that all of the windows would retain a good level of daylight distribution with no reductions further than 20% of their former value.
- 10.92 Additionally, all windows on this floor would meet the recommended BRE thresholds for annual and winter probable sunlight hours.

#### *Non-residential properties*

- 10.93 The height and massing of the proposal has taken into consideration the impact on the adjoining non-residential (B1(a) use office) buildings, to the north and west of the proposal area with an assessment in relation to Vertical Sky Component (VSC), Average Daylight Factor (ADF) and No-Sky Line (NSL – Daylight Distribution).
- 10.94 Paragraph 2.2.2 of the BRE Guidelines provides advice in relation to daylight to existing buildings: *‘the guidelines may also be applied to an existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices’*.
- 10.95 The BRE Guidelines advises (paragraph 3.2.1) that in relation to sunlight to existing buildings *‘care should be take to safeguard the access to sunlight both for existing dwellings, and for any nearby non-domestic buildings where there is a particular requirement for sunlight’*.
- 10.96 The non-residential buildings adjoining the site are currently occupied as B1(a) office accommodation. While the nearby offices would be impacted, the setbacks and separation will ensure light is still received.

#### Overlooking

- 10.97 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Therefore, with regard to the properties along the east side of St John Street, it is not considered that there would be an unacceptable impact on the amenity of these properties. The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout

London. It should also be noted that overlooking from office use to residential use is not similar to a habitable room overlooking a habitable room.

- 10.98 The adjoining buildings to the rear, nos. 159-173 St John Street, to the north, and nos. 42-57 St John Square to the west, are currently occupied as offices (B1(a) use). Whilst the proposal would reduce the separation distances between these adjoining buildings given their use, it is not considered to result in any additional unacceptable overlooking issues.
- 10.99 It is noted that the proposal would result in the introduction of roof terraces to both the front and rear elevations at the sixth (top) floor. Given the position of the rear roof terrace and the separation distance (22m) from the nearest residential properties, the Mallory Buildings, together with the position of the top floor between, occupiers of this area are not considered to result in any significant overlooking to neighbouring properties. It is acknowledged that there is the potential for overlooking from the proposed roof terrace to the front of the building. However, any overlooking to the properties to the east, are located across a public highway, and overlooking of the properties within the Mallory Buildings would largely be restricted to a small section of the roof immediately adjacent to the south elevation.
- 10.100 Overall, given the location of the roof terraces the proposal is considered not to result in any significant privacy issues.

#### Sense of Enclosure

- 10.101 Whilst it is acknowledged that the proposal would result in increased height to the host building. Given the separation distances from adjacent residential properties including those to the opposite side of the public highway of St John Street, and to the south side of St John's Garden, the proposal is not considered to result in a sense of enclosure to neighbouring properties.

#### Noise Mitigation

- 10.102 Conditions (8 and 9) are recommended to ensure that plant equipment operates below background noise levels to protect nearby residential amenity. To mitigate construction impacts, it is recommended that a Construction and Environmental Plan is conditioned (4). A code of construction response document is to be secured by legal agreement.
- 10.103 A condition (18) has been recommended to ensure the use of the proposed roof terraces are restricted between 09:00 and 19:00 hours Monday to Friday.
- 10.104 A condition (6) has also been recommended in relation to the hours of operation of the retail (A1) / financial professional services (A2) unit at ground floor, between 7:00 to 23:00 hours, Monday to Sundays.

#### Light Pollution

- 10.105 It is not recommended that the hours of occupation of the development be restricted. However, this raises the possibility of night time light pollution occurring, should office staff need to work outside normal office hours.
- 10.106 To address this, a condition (19) has been recommended for details of measures to adequately mitigate light pollution affecting neighbouring residential properties. The measures that are suggested and could be used include automated roller blinds, lighting strategies that reduce the output of luminaires closer to the façades or light fittings controlled through the use of sensors. In addition, another condition (20) has been recommended in relation to the submission of any external lighting.
- 10.107 It is considered that these conditions would ensure the extent of light being used within the building is reduced and help minimise any impact on neighbouring properties, so as to address light pollution concerns.

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

- 10.108 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington Policy DM6.5 of Development Management Policies (2013) states that Developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area
- 10.109 There are a number of street trees positioned along St John Street, immediately adjacent to the public highway. Whilst these trees are not subject to a Tree Preservation Order, they are protected by their location within a conservation area. Part B of Policy DM6.5 seeks to ensure developments minimise any impacts on trees, shrubs and other significant vegetation. At the same time any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits.
- 10.110 An Arboricultural Impact Assessment was submitted in support of the application identifying the impacts on the existing trees within close proximity to the site, including those along St John Street. The report was assessed by the Council's Tree Officer who has confirmed that he has no objections to the proposal subject to a condition (17) ensuring that the tree protection identified within the report are implemented in full. The proposal is therefore considered to be acceptable in regard to Policy DM6.5 objectives to minimise any impacts on trees.
- 10.111 The gardens are important and adjoin the site, being St John's Garden to the south. The Design Review Panel and the Council's Public Realm Team advised that the garden would benefit from investment, given the likely

increased usage by occupiers of the expanded building proposed in this application.

- 10.112 The St John's Garden is currently managed and maintained by the Council's Public Realm Team and is a designated open space (OS 153).
- 10.113 Following the recommendation by the Design Review Panel and the Council's Public Realm Team the applicant looked at a number of options for a heritage led landscaping schemes for the garden, to understand the costs. The Council's Public Realm are supportive of the proposals.
- 10.114 The final Design Review Panel recommended that further heritage benefits should be sought for the landscaping of the garden immediately to the rear and east of the Grand Priory Church of the Order of St John.
- 10.115 Given both of these areas fall outside of the application site, a financial obligation would be necessary to secure the improvement of these areas. The cost estimate has identified that a contribution of £75,000 would be appropriate in this instance, which would be secured by way of a legal agreement.
- 10.116 In addition to the above, the proposal would also include a biodiverse green roof on top of the extended building, which would be secured by way of condition (7). A compliance condition (16) has also been recommended in relation to the inclusion of nesting boxes for birds/bats.
- 10.117 Overall, the proposal is considered to have an acceptable impact on the existing landscaping in the area, and would improve the biodiversity in the area.

### **Health and Air Quality**

- 10.118 Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being. Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM 6.1 of the Development Management Policies document requires that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.119 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. As such a condition (28) has been recommended for the submission of air quality assessment, including an Air Quality Neutral Assessment.

### **Archaeology**

- 10.120 London Plan Policy 7.8 and Policy DM2.3 Part F of Development Management Policies (2013) seeks to ensure the conservation of scheduled monuments and non-designated heritage assets with archaeological interest.
- 10.121 The application site is within the Clerkenwell Archaeological Priority Area, and as such an Archaeological Evaluation Assessment was submitted in support of the application.
- 10.122 Historic England's Greater London Archaeology Advisory Service (GLASS) has reviewed the submitted information and confirmed that the evaluation has not encountered any medieval or earlier remains nor any burials. There is also extensive disturbance from a 19th century basement but a tile floor and possible quarrying of 17th century date was found indicating some survival of pre-modern remains at a depth of just less than 2m below modern ground surface.
- 10.123 They have considered that the proposed pile and groundbeam foundations should only cause localised harm, if sensitively designed. The pile caps and ground beams can be constructed within the modern made ground and the pile density kept to acceptable limits. Also a further concern relating to 'pile probing' was raised which should be avoided in sensitive areas.
- 10.124 Given these concerns, Historic England have recommended 2 no. conditions and associated informatives, relating to the details of the foundation design and construction method (32) and a written scheme of investigation (33) to be submitted and approved in writing, along with relevant informatives (8 and 9).
- 10.125 Therefore, subject to these recommended conditions the proposal is considered to accord with the London Plan Policy 7.8 and Policy DM2.3 Part F of Development Management Policies (2013) and is acceptable in regards to conserving the archaeological interest at the site.

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

- 10.126 London Plan Chapter 5 policies are the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.127 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.

- 10.128 The BREEAM pre-assessments submitted demonstrate that the office and retail parts of the development are likely to achieve a BREEAM 'Excellent' rating against the BREEAM New Construction criteria. Development Management Policy DM7.4 requires all major non-residential developments to achieve an "Excellent" rating and make reasonable endeavours to achieve "Outstanding". The submitted information has confirmed that the development would achieve a BREEAM 'Excellent' rating which is acceptable and welcomed. The Council's Sustainability Officer requested that the applicant should target 'Excellent' rating in both the BREEAM New Construction and BREEAM Non-Domestic Refurbishment and Fit-Out 2014. The Council's Energy Officer has confirmed that any BREEAM assessment should take into consideration the whole development (i.e. both the new-build and refurbishment elements). This could take the form of the two assessments as, or a single assessment for the whole development. Therefore, condition (5) is recommended to be imposed requiring the development to achieve an "Excellent" rating, against BREEAM New Construction with the interim and final BREEAM certification documents.
- 10.129 The proposal includes rainwater attenuation in order to reduce water use and more efficient use of water re-use. These aspects of the proposal are supported and these details are to be sought and secured via the imposition of a condition (13).
- 10.130 London Plan policy 5.3 and Core Strategy Policy CS10 require developments to embody the principles of sustainable design and construction. As part of this proposal consideration has been given to the use of sustainably sourced, low impact and recycled materials. The commitment to target a high number of materials BREEAM credits is supported and policy compliant. However, a target level of non-hazardous waste to be diverted to landfill and a target level of materials to be derived from recycled and reused content should be provided.
- 10.131 London Plan policies 5.10 and 5.11 seek to promote green infrastructure in major developments and policy CS10D of the Core Strategy requires existing site ecology to be protected and for opportunities to improve upon biodiversity to be maximised. The existing site is of no biodiversity or ecology value therefore any proposals to incorporate ecology and green infrastructure would represent an improvement over the existing situation. The roof of the proposed sixth floor level containing proposed plant equipment would also incorporate a biodiverse roof. A condition (7) shall be imposed for details of the proposed green/brown roof along with the provision of bird and bat boxes across the site will be sought via condition (16), in addition the proposal is subject to a financial obligation to improve the adjacent St John Garden.
- 10.132 Green/brown roofs are one SUDS option amongst others that should be fully explored as part of any justification for not being able to meet DM Policy 6.6 or London Plan Policy

- 10.133 There are opportunities at the various roof levels for potential green/brown roofs to accommodate additional attenuation. It is recommended that green roofs with additional drainage volume (drainage layers) are integrated into the scheme in order to comply with DM Policies 6.5 and 6.6. Given the extent of roof areas proposed, there is an opportunity for an appropriate SUDS strategy to be incorporated into the scheme. A drainage strategy will be sought via condition (15) in order for the quantity and quality standards of DM Policy 6.6 to be met.
- 10.134 The Council's Sustainability Officers requested the inclusion of photovoltaic panels at roof level, integrated with the proposed green roof. However, given that any panels would likely be visible from the wider conservation area and the setting of the nearby listed buildings, the lack of photovoltaic panels is considered acceptable.
- 10.135 Finally, a Green Performance Plan has been submitted in draft, however full details will be secured through a section 106 obligation.

### Energy

- 10.136 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Whilst it is acknowledged that the proposal would retain the existing floorplates, with the proposal including the recladding of the existing elevation and extending to the rear and at roof level, Policy 5.2 of the London Plan is still applicable and requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 10.137 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 30% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building regulations 2013.
- 10.138 The application submission material presents the base line (2013 Regs.) regulated carbon emissions and the reduction equates to a 28.1% reduction in relation to London Plan policy, which falls short of the target of 35%. With regard to Islington Core Strategy Policy, the reduction in total carbon emissions (regulated and unregulated) equates to a reduction of 34.5% on total emissions, surpassing the Islington council's target for 27% which is welcomed. Therefore, a condition (28) is to be included to state that a target of at least 28.1% reduction in total CO2 will be achieved but further investigation into options to improve on this to be exhausted with evidence and justification that all opportunities have been maximised.

10.139 In accordance with the Council's 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."

10.140 In this instance, a contribution of £132,990 is secured towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920).

10.141 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:

BE LEAN

*Energy efficiency standards*

10.142 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." The energy strategy proposes a number of energy efficiency measures for the development which would result in an overall reduction in total regulated carbon emissions from energy efficiency measures equating to 28.1%. The energy reduction measures consist of low energy and LED luminaires and whilst the proposed U-values for the proposed extension and refurbishment element are generally good and consistent with the Council's guidance. However, given the development falls short against its regulated emissions target, the Council's Energy Officer has recommended that further improvements are targeted here, and also regarding other efficiency parameters. A condition (28) has been recommended in relation to meeting the energy efficiency targets.

BE CLEAN

*Energy (Heating and Cooling) Supply Strategy*

10.143 It is proposed that heating and cooling to the development will be provided via air source heat pumps, and distributed via fan-coil units. The hot water to be supplied via point of use electric heaters, and a hot water storage cylinder will also be provided. The Council's Energy officer has accepted the proposed approach to the heating and cooling strategy.

*District Heating Connection*

10.144 The applicant has considered connection to the Citigen heat network, which is around 500m from the development. However, connections to this network

has been ruled out. The reason given is the various physical barriers between the existing networks and the site. This conclusion is accepted by the Council's Energy Officer, also that it is not currently feasible for the development to make a connection to the Bunhill heat network which is also within 500m of the site. This is based on the quoted carbon dioxide emissions (and the maximum possible heat loads inferred from these) and the distance away.

- 10.145 Based on the above, the Council's Energy officer accepts that the most pragmatic approach is likely to involve ensuring the development is future-proofed for connection as far as possible, but that it is not technically feasible to connect at this stage.

*Combined Heat and Power*

- 10.146 An on-site CHP system has been ruled out due to insufficient heat loads (in particular hot water / baseload) at the development.

*Shared Energy Network*

- 10.147 The Energy Report does not consider any opportunities for shared heating with other local sites. However, the Council's Energy Officer is not aware of any opportunities for shared heat networks in the vicinity of the application site and, if making a connection in the longer term, the council's preference would be for connection to a district heating network.

*Shared Futureproof District Heating Connection*

- 10.148 The submitted Energy Statement Addendum has provided additional information to address future-proofing of the development for connection to a potential heat network. The information provides indicative drawings showing a space for both future plate heat exchanger and incoming Decentralised Energy Network (DEN) pipework, detailing proposed connection points and requirements, detailing the proposed heat pumps, interconnecting pipework distribution and fan coil units across the proposed building, as well as adding calculation and summary of contributions of the heat pump to the CO2 reductions of the proposed building, as well as descriptive of the system operation. at basement level.
- 10.149 An obligation is required to secure a commitment to ensuring that the development is designed to allow future connection to a district heating network should it become feasible at a later date, in accordance with the Development Plan.

BE GREEN

*Renewable energy technologies*

- 10.150 Solar thermal hot water systems are proposed as a renewable technology for the development. Solar PV was also considered for the development. However, this has been ruled out due to a lack of suitable roof area, as the roof area is already reserved for plant, and there is a likelihood that any PV panels would be visible from the public realm.
- 10.151 In summary, it is considered that the preferred option of connecting to a shared network is not feasible at this point in time and that subject to future proofing the proposed energy strategy and conditions to seek to secure additional energy measures to achieve the London Plan target of 35% under a revised energy strategy is an appropriate alternative for the scheme. These are to be secured via conditions and s106 obligations.

### **Highways and Transportation**

- 10.152 The site is located at the west side of St John Street, which is a principal borough road, which connects Angel to the south of the borough. The site has a Public Transport Accessibility Level (PTAL) of 6a, which is 'excellent,' with a number of bus stops located within walking distance. The building is currently used as business floorspace (Use Class B1) with a ground floor showroom (A1 use) and has an existing car parking / servicing area provision off St John Street, accessed via an existing undercroft.
- 10.153 Whilst the proposal would retain this existing undercroft, the proposed extension to the rear would result in the loss of the existing car parking area. The main pedestrian entrance to the building would be off St John Street, with the office accommodation accessed towards the south east corner and the A1/A2 unit, benefiting from a separate access to the front elevation.

### *Pedestrian Access*

- 10.154 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. Furthermore, in line with Development Management Policy DM2.1 (Design), Part A and DM2.2 (Inclusive design), new developments should be safe for pedestrians.
- 10.155 The PTAL of the site maximises the opportunity for visitors and employees to walk all or part of their trips to the site. The proposal would create an active frontage along St John Street and this is likely to result in a more intensified use of St John Street.
- 10.156 The existing footways on St John Street, immediately in front of the host building consists of two different levels, making access for wheelchair users difficult. These public highway alterations are proposed to improve the existing arrangement to the frontage of the host building. This would require traffic orders and the applicant should pay a reasonable and proportionate

cost towards improving the footways in St John Street, which would be secured via the S106 Agreement and a S278 Agreement with Highways.

- 10.157 A letter of representation requested that works are carried out to improve the pavements, to the other side of the road. However, obligations are required where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. It is considered that the redevelopment of the opposite side of St John Street would not meet this test.

#### *Cycle access and parking*

- 10.158 Development Management Policy DM8.4 (Walking and cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Additionally, Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling.
- 10.159 Development Management Policy DM8.4 (Walking and cycling), Part E requires publically accessible uses (including A1, A2, A3, D1 and D2) to contribute financially to cycle parking in the public realm. This contribution is captured by Islington's CIL (Community Infrastructure Levy).
- 10.160 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. The existing level of cycle parking provision is 6 spaces, which are located to the rear. The proposal includes storage for 55 no. cycles, given the uplift in cycle parking numbers and the limitations of the site, this provision is considered acceptable. A condition (11) has been recommended to secure the proposed cycle provision.

#### *Vehicle parking*

- 10.161 For non-residential developments, Development Management Policy DM8.5 (Vehicle parking), Part B (Non-residential parking) states that parking will only be permitted where this is essential for operational requirements and integral to the nature of the business/service (such as a car hire or storage/distribution use). Normal staff parking will not be permitted. The development does not propose any car parking in accordance with Core Strategy Policy CS10 (Sustainable development), Part H, which requires car free development.
- 10.162 As noted in the land use section above, as a result of the proposed rear extension the proposal would result in the loss of part of the existing rear car park. Given that the existing undercroft would be retained, as well as a separation distance between the adjacent buildings to allow for servicing and delivery, this loss is considered compliant with the above vehicle parking policies. The Council's Highways Officer is satisfied that access to the rear service yard is possible, and raised no objections in this regard.

- 10.163 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). Given the site's constraints to provide for on-site wheelchair parking, a contribution of £24,000 towards parking bays or other accessible transport initiatives.

#### *Refuse and Recycling*

- 10.164 The proposed waste strategy for the recycling/refuse storage for the development is outlined within the Design and Access Statement. The storage is located within the rear service yard, initially to the north west corner in 5 no. bin stores), which is then subsequently sorted and placed in a temporary bin store adjacent to the entrance to the undercroft, which is collected by waste/recycling vehicles. Given the uplift in office floorspace and the introduction of an A1/A2 use at ground floor, it is acknowledged that the host building would require an increase in refuse/recycling storage. However, the proposed waste strategy is considered to follow the Council's refuse/storage requirements. However, in order to ensure the refuse/recycling provision is acceptable a condition (21) has been recommended for the submission of the details of the number and type of bins.

#### *Servicing and Deliveries*

- 10.165 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are 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, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.166 The existing undercroft and service yard allows for off-street deliveries, which is considered acceptable by the Council's Highways Officer. In order to ensure that the proposal would not detrimentally impact the local highway network in this regard, a delivery and servicing plan is to be secured by condition (22). This condition will require details to be submitted as required by Development Management Policy 8.6 and the servicing and delivery plan addressing the list of required information at section 8.39 of the Development Management Policies (2013).

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

#### Planning Obligations

- 10.167 The officer recommendation of approval is also subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development.
- 10.168 It is considered that these contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals and would comply with the Community Infrastructure Levy Regulations.
- 10.169 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 improvements and landscape improvements required to ensure that the development does not cause unacceptable impacts on the local area.
- 10.170 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.
- 10.171 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.
- 10.172 The highway and footway improvements are very site-specific. The total cost will depend on the construction of these works.
- 10.173 The Affordable Housing and Affordable Workspace Contributions are considered appropriate given these could not be incorporated within the development.
- 10.174 The landscaping contributions are considered appropriate given that these would provide a heritage benefit to the development.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The redevelopment of this site to provide a mix of Class A1 retail / A2 financial and professional services and Class B1 office accommodation in the CAZ, as would be entirely appropriate in this highly accessible location and would generate sustainable employment opportunities. The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale.
- 11.2 In design terms, whilst Council's Design and Conservation Officer has considered that the proposal would result in harm to the visual appearance and historic character of the Clerkenwell Green Conservation Area and the setting of the Grade I Listed Building (Priory Church of the Order of St John), he has considered that this harm would be less than substantial harm. While officers have been mindful of the statutory duty and placed great weight on the fact this harm would be caused, this harm is considered to be outweighed by the public benefits provided. The public benefits include financial contributions towards the re-landscaping of the rear yard of the Grade I Listed Church and the adjacent St Johns Churchyard, in addition to public highway improvements to St John Street, and towards Affordable Workspace and Affordable Housing. Therefore, subject to detailed conditions and a section 106 legal agreement to secure these benefits, the proposal is considered to be, on balance, acceptable in design terms.
- 11.3 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of off-site housing.
- 11.4 The proposed development would not cause an undue impact to the amenities of any neighbouring occupiers in terms of a loss of daylight/sunlight, outlook, sense of enclosure or privacy.
- 11.5 The scheme is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

### **Conclusion**

- 11.6 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:

1. 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.
2. Contribution of £75,000 towards the heritage led landscaping of both the area to the rear of the Grand Priory Church of the Order of St John, to the south west, and associated Priory Church Garden, immediately adjacent along St John Street and to the south of the application site.
3. Compliance with the Code of Employment and Training.
4. Facilitation, during the construction phase of the development, of 5 work placements: 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 practise 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 05/11/18). If these placements are not provided, LBI will request a fee of £25,000.
5. Compliance with the Code of Local Procurement.
6. Compliance with the Code of Construction Practice, including a monitoring fee of £5,176 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.
7. The provision of an additional number of accessible parking bays (12) or a contribution towards bays or other accessible transport initiatives of £24,000.

8. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £132,990 based on information submitted in Energy Strategy.
9. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
10. Submission of a Green Performance Plan.
11. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
12. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
13. Payment towards employment and training for local residents of a commuted sum of £72,192.50.
14. For proposals with an increase in office floorspace in the Central Activities Zone, 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 £303,520.
15. Affordable Workspace Contribution of £920,417.
16. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed within the timeframe agreed between the parties in the Planning Performance Agreement (PPA), the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement</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 List</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Nos.: 3031-00-1001 (Location Plan), 3031-00-1002(Block Plan), 3031-20-2001/Rev.03 (Proposed Basement), 3031-20-2002/Rev.02 (Proposed Ground Floor Plan), 3031-20-2003 (Proposed First Floor Plan), 3031-20-2004 (Proposed Second Floor Plan, 3031-20-2005 (Proposed Third Floor Plan), 3031-20-2006 (Proposed Fourth Floor Plan), 3031-20-2007 (Proposed Fifth Floor Plan), 3031-20-2008/Rev.02 (Proposed Sixth Floor Plan), 3031-C0-2009 (Proposed Roof Plan), 3031-20-2012 (Proposed East Elevation), 3031-20-2013/Rev.01 (Proposed South Elevation) 3031-20-2014/Rev.01 (Proposed West Elevation), 3031-C0-2015 (Proposed North Elevation), 3031-50-0011 (Design intent for public highway), 3031-40-0001 (Basement Floor Showers), 3031-40-0002 (Ground Floor Cycles), 3031-40-0003 (Ground Floor Cycles), 3031-40-0004 (Ground Floor Mobility Scooters), 3031-40-0005 (Ground Floor Accessible Cycles), 3031-40-0006 (Disabled Toilets), 3031-40-0007 (Fire Fighting Lift), 3031-40-0008 (Affordable Workspace), 3031-40-0010 (Public Highway Improvements), 3031-40-0011 (Mixed Use Proposal), 3031-50-4030 (Waste Strategy), 3031-20-4040 (Hardscape Plan), 303031-40-0013 (Access &amp; Security Strategy – Ground Floor), 3031-40-0014 (Access &amp; Security Strategy – Typical</p>

	<p>Floor), 3031-40-0005/Rev.01 (Proposed Ground Floor – Accessible Cycle Racks), 3031-40-0003/Rev.01 (Proposed Ground Floor – Cycle Route Strategy), 3031-40-0006/Rev.02 (Proposed Plan- Disabled Toilets), 3031-40-0001/Rev.01 (Proposed Basement – Showers Layout), 3031-40-0004/Rev.01 (Proposed Ground Floor – Mobility Scooter Strategy), 40-0017(Future Energy Connection Provision), 3031/30-0015 (Proposed Roof Biodiversity &amp; Ecology Plan), 2999-5-001, 29999-5-1B, 2999-5-2B (Proposed Mechanical Plant),</p> <p>Document Nos.: Arboricultural Impact Assessment by Bucks Plant Care Ltd ref. 20274 dated 2018, BREEAM New Construction Pre-Assessment Report Rev.A by Encon Associates Ltd dated 13/06/19, Daylight and Sunlight Report by Lumina dated 13<sup>th</sup> June 2019, Design and Access Statement dated 19/06/2019, Draft Construction Management Plan dated April 2018, No Harm Scheme dated March 2019, Economic Regeneration Statement by Birketts dated June 2019, Energy Statement by ENG Design ref. 2999-ME-R-1-B dated 29 May 2018, Environmental Noise Survey by RBA Acoustics ref. 8684.RP01.ENS.1/Rev.1 dated 13 June 2019, Flood Risk Assessment for BREEAM compliance by Ambiental ref. 4652 BREEAM/Version Draft v1.0 dated June 2019, Green Performance Plan by ENG Design ref. 2999-ME-R-2-A/Rev.A dated 07 June 2019, Heritage Statement by Turley dated June 2019, HIA Screening dated June 2019, Historic environment assessment by MOLA dated May 2018, Landscape Design Proposals, PERS Audit by Atum Design Lab ref. 3031-PP-PERS dated June 2019, Site Photographs, Site Waste Management Plan by Atum Design Lab ref. 3031-PP-SWMP dated June 2019, Statement of Community Involvement by Atum Design Lab ref. 3031-PP-SOCI dated June 2019, Supporting Planning Statement by Birketts dated June 2019, Sustainable Design and Construction Statement by ENG Design ref. 2999-PP-1-B/Rev.A dated 19 December 2018, Thermal Modelling Assessment by ENG Design Ltd ref. 2999-TM-1-B/Rev.B dated 07 June 2019, Transport Statement and Travel Plan by Atum Design Lab ref. 3031-PP-TP dated June 2019, Written Scheme of Investigation for an Archaeological Evaluation by MOLA dated 13/06/2019, 145 SJS: confirm how the environmental impact of construction material to be minimised, Accurate Visual Representations Proposal B dated 27<sup>th</sup> March 2019, (and AVR Nos. 095, 044, 078, 036, and 031), Sixth Floor Studies, English Heritage Gardens visuals dated 30<sup>th</sup> August 2019, Height and Massing document, ENG Design Energy Additional Information ref. 2999-ME-6-2 and Energy Statement Addendum ref. 2999-ME-R-1.1,</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 and Samples (Details)</b>
	<p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Chair of the Design Review Panel before the</p>

	<p>superstructure works commence on site. The details and samples shall include:</p> <ol style="list-style-type: none"> <li>a) All external cladding;</li> <li>b) Window treatment (including glazing, sections and reveals);</li> <li>c) Doors;</li> <li>d) Curtain walling;</li> <li>e) Balustrades;</li> <li>f) Terraces;</li> <li>g) Green procurement plan for sourcing the proposed materials;</li> <li>h) Plant screen;</li> <li>i) Roofing materials;</li> <li>j) Any other materials to be used.</li> </ol> <p>The Updated Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserve the character/appearance of the conservation area.</p>
<b>4</b>	<p><b>Construction Environmental Management Plan (Details)</b></p>
	<p>CONDITION: A Construction Environmental Management Plan 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 CEMP shall provide details of:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>• wheel washing facilities</li> <li>• measures to control the emission of dust and dirt during construction</li> <li>• a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of</p>

	<p>mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
<b>5</b>	<b>BREEAM (Details)</b>
	<p>CONDITION: Evidence confirming that the whole of the development (extensions and refurbishment) achieves a BREEAM rating (2008) of no less than 'Excellent' under the BREEAM New Construction 2014 shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <p>a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to commencement of superstructure works on site; and</p> <p>b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and prior to the first occupation.</p> <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>6</b>	<b>Use Class A1/A2 – Restrictions on Use</b>
	<p>CONDITION: The proposed retail (A1) / financial and professional services unit (A2) shall not operate outside the following times:</p> <p>Monday to Sunday – 07:00 to 23:00</p> <p>REASON: To ensure that the operation of the above uses do not have a detrimental impact on residential amenity.</p>
<b>7</b>	<b>Green/Brown Biodiversity Roofs (Details)</b>
	<p>CONDITION: Notwithstanding the roof plan indicated on drawing reference 3031-C0-2009 details of a lightweight biodiversity (green/brown) roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site unless it is satisfactorily demonstrated that it is not feasible. The biodiversity (green/brown) roof(s) shall be:</p>

	<p>a) biodiversity based with extensive substrate base (depth to be agreed); and  b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum) unless it can be robustly demonstrated that this mix cannot be provided.</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>8</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>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
<b>9</b>	<b>Post installation noise mitigation report</b>
	<p>CONDITION: Within 3 months of the installation of the hereby approved plant equipment, 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 8. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed within 3 months of the date of the approved details and permanently retained thereafter. In the event that the noise levels breach the noise limits in condition 8, the use of the plant equipment shall cease until such time measures to mitigate noise are implemented in full, which shall retained thereafter.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
<b>10</b>	<b>Piling Method Statement (Details)</b>

	<p>CONDITION: No impact piling shall take place until a piling method statement (detailing the 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
<b>11</b>	<b>Cycle Storage</b>
	<p>CONDITION: For the hereby approved development, storage for a minimum of 55 no. cycles shall be implemented in accordance with drawing no. 3031-40-0003/Rev.01 and 3031-40-0005/Rev.01.</p> <p>The bicycle storage area(s) which shall be secure and covered shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
<b>13</b>	<b>Rainwater/Greywater recycling (Details)</b>
	<p>CONDITION: Details of the 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>
<b>14</b>	<b>Green Procurement Plan (Site Waste Management Plan)</b>
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and</p>

	<p>recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
<b>15</b>	<b>Sustainable Urban Drainage System (SUDS)</b>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>16</b>	<b>Nesting Boxes (Compliance)</b>
	<p>CONDITION: A total of 4No. bird and bat boxes (including swift boxes) shall be installed prior to the first occupation of the building to which they form a part, or the first use of the space in which they are contained, and shall be maintained as such thereafter. The bird / bat boxes shall be equally distributed across the application site.</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>Tree Protection Measures (Compliance)</b>
	<p>CONDITION: The arboricultural report (Arboricultural Impact Assessment Report 2019) in respect of tree protection issues and the tree protection plan (TPP) submitted from Bucks Plant Care Ltd in support of the application shall be adhered to in full. Particular reference should be made to the TPP (ref: TPP 20274) contained at Appendix 3 of the report and the Arboricultural Method</p>

	<p>Statement (AMS) contained within Appendix 4 of the report.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.</p>
<b>18</b>	<b>Roof terraces (Compliance)</b>
	<p>CONDITION: The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 Monday to Friday except in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To ensure that the amenity of neighbouring residential properties are not adversely affected</p>
<b>19</b>	<b>Internal Lighting</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> <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 approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
<b>20</b>	<b>Security &amp; General Lighting (Details)</b>
	<p>CONDITION: Details of general and any security outdoor lighting, including full specification of all luminaires, lamps and support structures and hours of use, shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. Any outdoor lighting shall be take into consideration and be sensitive to wildlife in the surrounding area, including the adjoining St Johns Garden.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, protecting the setting of and character of the designated heritage assets, security and protecting neighbouring and</p>

	future residential amenity and existing and future habitats from undue light-spill.
<b>21</b>	<b>Refuse and Recycling</b>
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);</p> <p>b) a waste management plan</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>22</b>	<b>Delivery &amp; Servicing Plan</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>23</b>	<b>No Plumbing or Pipes</b>
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the south and east external elevation(s) of the building hereby approved.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
<b>24</b>	<b>Roof-Top Plant &amp; Lift Overrun</b>
	<p>CONDITION: Notwithstanding the approved drawings, all details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p>

	<p>The details shall include the location, height of all individual plant and extract above roof level, specifications, and justification why all areas including servicing areas, currently require to be contained in an enclosure, and justification as to the proposed height for all these areas. The above details shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure; and</li> <li>c) lift overrun;</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 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>25</b>	<b>No Obscuring of Ground Floor Frontage</b>
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>27</b>	<b>Air Quality (details)</b>
	<p>CONDITION: Prior to any superstructure work commencing on the site an assessment of all site emissions, including emissions from all energy sources, is to be provided to the Local Planning Authority for approval. The final design is to be Air Quality Neutral in line with the London Plan and emerging London Plan with respect to all emissions (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) from the site. If the proposed development is not air quality neutral, a scheme of mitigation is to be submitted and approved by the LPA and shall be installed as agreed and retained as such thereafter.”</p> <p>REASON: In order to ensure satisfactory air quality for future occupants of the development.</p>
<b>28</b>	<b>Renewable Energy</b>

	<p>CONDITION: A revised Energy Strategy, which shall provide the energy measures contained within the submitted (updated) Energy Strategy for no less than a 28.1% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013, and investigating additional energy efficiency measures to reduce regulated and unregulated carbon emissions each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 35% reduction in total (regulated and unregulated) carbon emissions, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>29</b>	<b>Accessible Showers/WC's/Changing Rooms (Compliance)</b>
	<p>CONDITION: For the hereby approved development the accessible showers, WC's and changing rooms shall be implemented in accordance with drawing nos 3031-20-2001/Rev.03 and 3031-40-001/Rev.01 and shall be available for users upon the first occupation of the building following completion. The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
<b>30</b>	<b>Security Measures (Compliance)</b>
	<p>CONDITION: For the hereby approved development the security measures shall be implemented in accordance with drawing nos 3031-40-0014 and 3031-40-0013 prior to the first occupation of the building upon completion. The measures shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To ensure adequate security measures are provided</p>
<b>31</b>	<b>No structures on roof terraces</b>
	<p>CONDITION: The roof terraces of the development approved shall not include any structures or fittings that exceed 1.1m in height above the floor level (including any tree planters or umbrellas/parasols) unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To preserve the historic character and visual appearance of the host building and wider conservation area</p>

<b>32</b>	<b>Details of foundation design and construction method</b>
	<p>CONDITION: No development shall take place until details of the foundation design and construction method to protect archaeological remains have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To protect the archaeology in the area</p>
<b>33</b>	<b>Written Scheme of Investigation (WSI)</b>
	<p>CONDITION: No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and</p> <p>A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. Where appropriate, details of a programme for delivering related positive public benefits</p> <p>C. The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>REASON: To protect the archaeology in the area</p>
<b>34</b>	<b>Details of balustrades</b>
	<p>CONDITION: Notwithstanding the details shown on the hereby approved drawings, details of the balustrades for the front and rear roof terraces at top floor shall be submitted and approved in writing prior to the occupation of the new floorspace hereby permitted. The approved details shall be implemented in full prior to the use of the roof terrace and retained thereafter.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
<b>35</b>	<b>No use of flat roofs</b>
	<p>CONDITION: The flat roof areas on the hereby approved drawings shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency, apart from those identified at sixth floor level as shown on drawing number 3031/20-2008 hereby approved.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>

**List of Informatives:**

<p><b>1</b></p>	<p><b>S106</b></p> <p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<p><b>2</b></p>	<p><b>Superstructure</b></p> <p>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.</p>
<p><b>3</b></p>	<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> 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>
<p><b>4</b></p>	<p><b>Thames Water (surface water drainage)</b></p> <p>With regard to surface water drainage, Thames Water would advise that if the applicant follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-</a></p>

	services/Wastewater-services
<b>5</b>	<b>Thames Water (public sewers)</b>
	As there may be public sewers crossing or close to the development, in the event that a sewer is discovered, it's important that you minimize the risk of damage. Thames Water will need to check that the development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <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> .
<b>6</b>	<b>Roller Shutters</b>
	ROLLER SHUTTERS The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.
<b>7</b>	<b>Sprinkler Systems</b>
	While fire safety and floor layout will be further considered though the building control process, you are strongly advised by the London Fire and Emergency Planning Authority to install sprinkler systems as these significantly reduce the damage caused by fire and the consequential cost to business and housing providers, and can reduce the risk to life.
<b>8</b>	<b>Foundation design and construction method</b>
	For the details for condition 32, please refer to published Historic England guidelines on piling and archaeology.
<b>9</b>	<b>Written Scheme of Investigation</b>
	For the details of condition 33, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

### **2. Development Plan**

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

## **A) The London Plan 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

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

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

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

Policy 7.1 Building London's neighbourhoods and communities

diverse retail sector  
Policy 4.9 Small shops  
Policy 4.10 New and emerging economic sectors  
Policy 4.11 Encouraging a connected economy  
Policy 4.12 Improving opportunities for all

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

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.4 Retrofitting  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.9 Overheating and cooling

Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.19 Biodiversity and access to nature

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

Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

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

### **Spatial Strategy**

Policy CS7 (Bunhill and Clerkenwell)

### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)  
Policy CS14 (Retail and Services)  
Policy CS15 (Open Space and Green Infrastructure)

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)

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

### **Design and Heritage**

**DM2.1** Design  
**DM2.2** Inclusive Design

### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements

**DM2.3** Heritage

**Shops, culture and services**

**DM4.3** Location and concentration of uses

**DM4.8** Shopfronts

**Employment**

**DM5.1** New 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

**DM6.5** Landscaping, trees and biodiversity

**DM7.2** Energy efficiency and carbon reduction in minor schemes

**DM7.3** Decentralised energy networks

**DM7.4** Sustainable design standards

**DM7.5** Heating and cooling

**Transport**

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM8.3** Public transport

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

**DM8.6** Delivery and servicing for new developments

**Infrastructure**

**DM9.2** Planning obligations

**D) Finsbury Local Plan June 2013**

**BC7** Historic Clerkenwell

**BC8** Achieving a balanced mix of uses

**BC10** Implementation

**3. Designations**

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:

- Clerkenwell Green Conservation Area
- Hat and Feathers Conservation Area 40m away to the east
- Adjacent to Grade II Listed Building (no. 42 St John's Square) to west
- Adjacent to Grade I Listed Building (The Grand Priory Church of the Order of St John) to the south west and (associated Priory Church Garden) to the south
- Opposite Grade II Listed Buildings (nos. 148 and 156-162 (Cannon Brewery) St John Street) to the east
- Locally Listed Buildings (nos. 144 and 146 St John Street, front gates of Priory Church Garden)
- Bunhill & Clerkenwell Core Strategy Key Area

- Finsbury Local Plan Employment Priority Areas (General)
- Central Activities Zone (CAZ)
- Clerkenwell Archaeological Priority Area
- Local view from Archway Road
- Local view from Archway Bridge
- Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral
- Article 4 Direction A1-A2
- Article 4 Direction B1(c) to C3

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide
- Development Viability SPD

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

# APPENDIX 3: DESIGN REVIEW PANEL COMMENTS

DRP: November 2018



**CONFIDENTIAL**

ATT:  
Philip Kratz  
Birketts LLP  
22 Station Road  
Cambridge  
CB1 2JD

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA  
  
T 020 7527 2389  
F 020 7527 2731  
E [Luciana.grave@islington.gov.uk](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: Q2018/3651/DRP

Date: 27 November 2018

Dear Philip Kratz,

## ISLINGTON DESIGN REVIEW PANEL

RE: 145 - 157 St John Street (planning application ref. P2018/1229/FUL)

Thank you for attending Islington's Design Review Panel meeting on 13<sup>th</sup> November 2018 for a first review of the above scheme. The proposed scheme under consideration is for Refurbishment and extension of existing building including a part seven storey and part eight storey addition (2,688sqm GIA additional floorspace) to provide a mixed use development comprising Class A1 (Retail) floorspace on part of the ground floor and Class B1(a) (Office) floorspace in the remainder of the building (officer's description).

### Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Ben Gibson, Dorian Crone and Tim Attwood on 13/11/2018 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

### Panel's observations

The Panel welcomed the opportunity to review the scheme and commented on the following general areas:

#### Heritage assessment

The Panel were concerned at the lack of specialist heritage input on the scheme, particularly with regards to possible impacts on the setting of Listed Buildings and on the Conservation Area. The proposed quantum of development was not considered justified by Panel members, with the lack of this analysis apparent. The loss of the existing building itself was also a concern for some Panel members; it was queried whether the 1970s office building by Michael Lyell Associates could be considered to make a positive contribution to the Conservation Area, and whether it might be a particularly good example of its type. The quality of its detailing and composition were pointed out, and Panel members wished to understand to what extent the existing architecture could be worked with. Nevertheless, Panel members generally found its remodelling to be acceptable in principle, subject to the findings of further research into its relative importance, and the proposed design being of high quality.

### Height and massing

The Panel found the proposed additional storeys to have an unacceptable impact on key Conservation Area views, from St John Square and St John's Street. The loss of the silhouette of the roofline of the Mallory Building, and encroachment on St John's Square, were considered particularly unfortunate. The rationale for locating the tallest element at the southern end of the building was therefore not understood, given that this would have the greatest negative impact on the townscape. The Panel suggested that additions would be better located at the northern end, at the rear of the building, as the roofline is much less sensitive here. It was considered that one additional set back floor could be acceptable, subject to this being tested in key views.

The Panel considered that there was potential to extend at the rear of site, but as proposed it was too much. The impact on the amenity of the neighbouring office buildings, and loss of open space, was considered too great. Panel members encouraged a more balanced approach, which sought to create a pleasant shared space for the internal outlook of the urban block. It was considered that allowing such a narrow separation distance between office buildings as proposed could set an uncomfortable precedent for the wider area.

### Detailed design

The Panel found the proposed remodelling to lack coherence, appearing as four separate components (façade, double height entrance, attic storeys and flank elevation) that were not working together. It was noted that the existing building is read as a coherent entity and this should be carried forward in any proposals. Whilst noting the quality of the suggested materials and detailing, the Panel considered the proposed main façade to appear as a superficial, clip-on element that was not well integrated with the overall building. The Panel considered the existing southern/flank elevation to be unforgiving, with potential for great improvement. Panel members considered that a green wall could be appropriate, but that it would need to work with the treatment of the front elevation.

### Public realm

Panel members suggested that the introduction of a stepped approach from street level as proposed would have an unfortunate impact on accessibility. The Panel also encouraged that improvements to St John's Churchyard to the south should be undertaken as part of the scheme.

### **Summary**

The Panel acknowledged that the scheme was at a relatively early stage and looked forward to working with the Design Team in subsequent reviews. The proposals were considered to represent an overdevelopment of the site. Concerns were raised in relation to the loss of the existing facades, the upward and rearward extensions and their impact on heritage assets and amenity respectively, in addition to coherence of the proposed remodelling. The Panel also suggested improvements to the adjoining public realm.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

### **Confidentiality**

Please note that since the scheme is at planning application stage, 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,



**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager

DRP: April 2019

**CONFIDENTIAL**

ATT:  
Philip Kratz  
Birketts LLP  
22 Station Road  
Cambridge  
CB1 2JD

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA  
T 020 7527 2389  
F 020 7527 2731  
E alexander.bowring@islington.gov.uk  
W www.islington.gov.uk  
Our ref: Q2019/0923/DRP

Date: 25/04/19

Dear Philip Kratz,

**ISLINGTON DESIGN REVIEW PANEL**

RE: 145 - 157 St John Street (planning application ref. P2018/1229/FUL)

Thank you for attending Islington's Design Review Panel meeting on 9 April 2019 for a second review of the above scheme. The proposed scheme under consideration is for the refurbishment and extension of existing building including a rear, seventh storey and part eighth storey extension (2,688sqm GIA additional floorspace) to provide a mixed use development comprising Class A1 (Retail) floorspace on part of the ground floor and Class B1(a) (Office) floorspace in the remainder of the building (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Tim Attwood, Dorian Crone, Lotta Nyman and Stuart Piercy on 9 April 2019 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

**Panel's observations**

The Panel welcomed the opportunity to review the scheme for a second time and were pleased with the changes made in response to their previous comments.

Panel members commended the greater separation distances between the proposed rear extension and neighbouring buildings, finding this to be a more sympathetic relationship.

The Panel also welcomed the proposed public realm improvements, including the landscaping proposals for the churchyard and the moves towards a more inclusive street entrance through alterations to the pavement levels.

Panel members considered the reduction in massing, by removing one storey from the roof extension, to be an improvement. However, the Panel remained concerned about the impact on the Conservation Area, particularly in views from St John Square. Whilst Panel members accepted the proposed height of the extended building, the massing and form was not found to be persuasive and they suggested that this part of the scheme needed further work. Panel members considered that the simple upward extrusion of the floor below, with a small cut away,

did not produce a recessive enough top floor and encouraged that it should be set back further. The Panel also advised the detailing and materials of this element to be of great importance to mitigating its visual impact. Some Panel members were also unconvinced that a fully glazed top floor would be workable in reality, and suggested that light framing with recessed glazing should be explored.

The Panel also considered that the proposed front and side elevations to St John Street required further refinement. Panel members suggested that one of the qualities of the existing building is the way it sits in the streetscape, with its simplicity making it relatively calm and unassertive. Panel members considered the proposed architectural expression to be comparatively dominant, as a result of the dark colour and busyness of the facades, in addition to the raised parapet. The way the proposed building turns the corner was a particular area of concern, due its prominence. Panel members recommended that doubling up columns as proposed was not an appropriate way to resolve this, suggesting that something calmer, like the existing building, would be preferable.

### **Summary**

The Panel were generally pleased with the response to the comments made in the first review, finding many positives in the revised proposals. However, the Panel's discussion focused on the treatment and massing of the top floor and the treatment of the south and east St. John Street elevations, suggesting ways to refine these areas. The Panel looked forward to reviewing the scheme again at a follow up review.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

### **Confidentiality**

Please note that since the scheme is at planning application stage, 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,

**Alex Bowring**  
Design & Conservation Officer

DRP: May 2019

**CONFIDENTIAL**

ATT:  
Philip Kratz  
Birketts LLP  
22 Station Road  
Cambridge  
CB1 2JD

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA  
  
T 020 7527 2389  
F 020 7527 2731  
E alexander.bowring@islington.gov.uk  
W www.islington.gov.uk

Our ref: Q2019/1462/DRP  
Date: 10<sup>th</sup> June 2019

Dear Philip Kratz,

**ISLINGTON DESIGN REVIEW PANEL**

RE: 145 - 157 St John Street (planning application ref. P2018/1229/FUL)

Thank you for attending Islington's Design Review Panel meeting on 28 May 2019 for a third review of the above scheme. The proposed scheme under consideration is for the refurbishment and extension of existing building including a rear, seventh storey and part eighth storey extension (2,688sqm GIA additional floorspace) to provide a mixed use development comprising Class A1 (Retail) floorspace on part of the ground floor and Class B1(a) (Office) floorspace in the remainder of the building (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Tim Attwood, Dorian Crone and Lotta Nyman on 28 May 2019, including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. There was no site visit as this was a third review. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

**Panel's observations**

The Panel welcomed the opportunity to review the scheme for a third time, concentrating their discussion on the elevational treatment and sixth floor massing.

The Panel commended the careful thought given to the redesigned front and side elevations to St John Street. Panel members unanimously agreed that the proposed building had a much lighter and less assertive feel, and that it therefore sat more comfortably in its context than previous iterations. The asymmetric treatment of the corner was considered to be potentially an elegant solution, which resolved its previous overly dominant character. However, Panel members suggested that the glazing at ground level should not be pushed out to the building line, as this was considered to detract from the proposed corner treatment. The Panel also considered that the junction between the front and side elevations needed further thought, suggesting that the proposed cornice treatment looked somewhat unintentional.

Panel members recognised the proposed materials discussed for the recladding to be of high quality and potentially complementary to their context. The Panel considered that they would be critical to the success of the scheme, and therefore recommended that a Chair's Review of

the proposed materials should be undertaken pending the outcome of the planning application, to ensure an appropriate outcome.

Whilst Panel members were appreciative and in principle positive about the direction of design changes and simplification to the modelling of the sixth floor, they were disappointed that these had not been tested or illustrated in the verified views previously presented. Panel members were therefore unable to comment on whether they considered the revised massing to have fully addressed their concerns. Reservations were reiterated about the appearance and dominance of the 6th floor glazing in the long view from St. Johns Square and the Panel queried whether some form of roof overhang might help the glazing to appear more recessive. Similar concerns were expressed regarding the south east corner roof level glazing and the relationship to the stair/lift core behind. In addition, Panel members advised that any rooftop plant should be shown and tested in verified views, to ensure it is not visible in any public views.

The Panel reiterated that the visible massing in certain views from St John's Square was considered to be regrettable, particularly in light of the height restrictions within Council's Conservation Area Design Guidelines, which the proposed scheme would contravene. The Panel considered that as much as possible should be done to mitigate this impact, and that the proposals should demonstrate significant public benefits in order to offset any conceivable harm arising, and to justify exceptional circumstances for an additional floor being considered acceptable. The Panel recognised the potential for the enhancement of the Conservation Area (a public benefit) through the proposed improvements to the public realm and high quality recladding of the existing building, in a more contextual idiom. However, Panel members encouraged that the provision for the re-landscaping of the former churchyard should go further, and include the small parcel of land beyond the gate, immediately adjacent to the eastern elevation of the church. Despite this not being publicly accessible, and accepting it may never be, it was considered to have strong visual connection with the Conservation Area.

#### **Summary**

The Panel felt that the scheme had moved forwards considerably, and were appreciative that the Design Team had understood, and responded to, previous concerns. The elevational treatment, including materials, were considered to represent a more sophisticated and lighter touch addition to the street scene. The design was considered to be an interesting counter balance to the existing Agdon Street scheme, with both buildings designed in respect of their individual contexts. Panel members felt that some areas required further work, including the treatment of the sixth floor and stair/lift core. The Panel also continued to express concern at the massing of the sixth floor, and encouraged that as much should be done to mitigate any potential townscape impact as possible.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

#### **Confidentiality**

Please note that since the scheme is at planning application stage, 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,

**Alex Bowring**  
Design & Conservation

#### APPENDIX 4: RESPONSE TO DESIGN REVIEW PANEL COMMENTS

Comment/Concern	Architect Response	Design Officer comment
<p>The Panel commended the careful thought given to the redesigned front and side elevations to St John Street.</p>	<p>In response to previous DRP comments the scheme was amended to simplify the architectural language and reduced the window reveals, which is considered to lighten the weight of façade; an effect augmented by choosing a lighter faience material. The proposal is considered to have a calmness and elegance is beholden to increased homogeneity and visual continuity on the horizontal and vertical planes.</p>	<p>Satisfied that DRP comments have been adequately addressed.</p>
<p>Panel members suggested that the glazing at ground level should not be pushed out to the building line, as this was considered to detract from the proposed corner treatment.</p>	<p>Following discussions with the Council Design Officer these comments were integrated within the design of the scheme. The entrance was redesigned so that the ‘memory’ of the existing building was retained. The glazing line as proposed, follows that of the existing building’s reception &amp; showroom, and through re-glazing with an active frontage proposed, a visual connection has been reinstated</p>	<p>Satisfied that DRP comments have been adequately addressed.</p>
<p>The Panel also considered that the junction between the front and side elevations needed further thought, suggesting that the proposed cornice treatment could be improved.</p>	<p>In response, and following detailed discussions with the Council’s Design Officer, the proposal was designed to include a traditional cornice and parapet detail. The concept and detailed design was inspired by 20<sup>th</sup> Century architects like Richard Seifert, Arup Associates. The design changes are considered to have resolved the corner condition with improved coherency and consistency with the rest of the façade</p>	<p>Satisfied that DRP comments have been adequately addressed</p>

<p>Panel members recognised the proposed materials discussed for the recladding to be of high quality and potentially complementary to their context. The Panel considered that they would be critical to the success of the scheme, and therefore recommended that a Chair's Review of the proposed materials should be undertaken pending the outcome of the planning application, to ensure an appropriate outcome.</p>	<p>In response drawings were provided identifying the proposed materials and section reveals which were considered to be acceptable by the Council's Design Officer. However, it is important to consider that given that exact colour, finishes, methods of fixing etc will not yet be defined, the Design Officer has requested that details and samples of the specific materials and window details should be submitted to the Local Planning Authority for review and controlled by condition. The acceptability of the materials would include a review with DRP Chair Review post-decision</p>	<p>Satisfied that DRP comments have been adequately addressed</p> <p>It is important that given that exact colour, finishes, methods of fixing etc will not yet be defined, details and samples of the specific materials and window details should be submitted to the Local Planning Authority for review and controlled by condition. The acceptability of the materials would include a review with DRP Chair Review post-decision.</p>
<p>Whilst Panel members were appreciative and in principle positive about the direction of design changes and simplification to the modelling of the sixth floor, these had not been tested or illustrated in the verified views previously presented. Panel members were therefore unable to comment on whether they considered the revised massing to have fully addressed their concerns.</p>	<p>Further changes were made to the proposal following the second and final DRP, including the reduction of the height and setback of the 6<sup>th</sup> floor and lift overrun, as well as further alterations to the elevations requested by the Council's Design Officer. Verified views were submitted which included these amendments, and were considered by the Council's Design Officer to address the Panel's concerns in relation to the revised massing</p>	<p>Satisfied that DRP comments have been adequately addressed.</p>
<p>Reservations were reiterated about the appearance and dominance of the 6th floor glazing in the long view from St. Johns Square and the Panel queried whether some form of roof overhang might help the glazing to appear more recessive. Similar concerns were expressed regarding the south east</p>	<p>Following detailed discussion with the Council's Design Officer, the scheme was revised to alter the 5<sup>th</sup> and 6<sup>th</sup> floor treatment to improve coherency across all external facades (east,south,west), declutter the proposed facades by omitting doors, balustrades, building services in the views from St. Johns Square. The applicant expressed a commitment to review this during construction to ensure they remain</p>	<p>Satisfied that DRP comments have been adequately addressed.</p>

<p>corner roof level glazing and the relationship to the stair/lift core behind.</p>	<p>hidden from views. The proposal was also revised for an 'arcade' inspired fenestration design to the upper levels, which is an interpretation of the Priory of the Order of St. John's façade, to which these elevations serve as a very distant backdrop (6th floor west façade approx. 50m behind St. John Church; 65m to centre of St. John Square). The rhythm of the fenestration to the east and south façade has been extended across the retained stair &amp; lift core with horizontal breaks introduced for façade coherency and continuity</p>	
<p>The Panel reiterated that the visible massing in certain views from St John's Square was considered to be regrettable, particularly in light of the height restrictions within Council's Conservation Area Design Guidelines. The Panel considered that as much as possible should be done to mitigate this impact, and that the proposals should demonstrate significant public benefits in order to offset any conceivable harm arising, and to justify exceptional circumstances for an additional floor being considered acceptable. The Panel recognised the potential for the enhancement of the Conservation Area (a public benefit) through the proposed improvements to the public realm and high quality recladding of the existing building, in a more contextual idiom. However, Panel members encouraged that the provision for the re-landscaping of the former churchyard should go further, and include the small parcel of land beyond the gate,</p>	<p>As outlined above the scheme has been amended to improve the buildings relationship with the surrounding area and heritage assets, in terms of the scale and massing, and materiality. This includes exploring how the 6th floor massing could be reduced and produced a study showing progress and final solution, and adopting BRE Standards when refining the massing and presented these results to the council. Multiple options have been tested for recessing the east facing glazing on the 6th floor, to understand how the façade behaved and the impact that, for example, could have deeper columns to the background / periphery views from St. John Square. As a heritage led design revision, the scheme was designed to work closely to propose a proportion and materiality well suited to the site.</p> <p>The south and west elevations, was improved by extending the faience panelling around the lift &amp; stair core. The 6th floor terrace was reduced and a door to the terrace was omitted (to simplify the visible façade from St. John Square). The façade has been studied in detail looking at the expression of vertical vs. horizontal breaks. All the proposed plant is shown on the drawings and it would be concealed from views.</p> <p>The structural bracing to the south façade has been redesigned in order to</p>	<p>Satisfied that DRP comments have been adequately addressed.</p>

<p>immediately adjacent to the eastern elevation of the church. Despite this not being publicly accessible, and accepting it may never be, it was considered to have strong visual connection with the Conservation Area.</p>	<p>step the façade further away from The Mallory Buildings and Cemetery Gardens. The 6th floor slab edge has been profiled so as to reduce the appearance of the slab face; the lift overrun is the minimum dimension achievable by the most efficient passenger/ fire fighting lift; the floor to ceiling heights are the minimum accepted. The submitted scheme, has been reduced the 6th floor by 50sqm, between 200-450mm lower in height, and proposes a lighter faience cladding colour more similar to the adjacent buildings, as well as introducing a more refined and contemporary 'arcade' style to this top floor and would increase the amount of faience cladding to by reducing the amount of (curtain wall) glazing.</p> <p>In terms of the provision of re-landscaping in the adjoining church yard, an illustrative landscaping and planting scheme has been developed and refined to the adjacent public and private land that will improve accessibility, enhance public and private enjoyment and invigorate the public realm. This is following collaboration with English Heritage Gardens and The Priory of The Order of St. John to expand the original concept to include the additional landscaped area. The scheme has incorporated heritage, maintenance, ecology and access requirements</p>	
---	--	--

<p>The Panel reiterated that the visible massing in certain views from St John's Square was considered to be regrettable, particularly in light of the height restrictions within Council's Conservation Area Design Guidelines, which the proposed scheme would contravene. The Panel considered that as much as possible should be done to mitigate this impact, and that the proposals should demonstrate significant public benefits in order to offset any conceivable harm arising, and to justify exceptional circumstances for an additional floor being considered acceptable. The Panel recognised the potential for the enhancement of the Conservation Area (a public benefit) through the proposed improvements to the public realm and high quality recladding of the existing building, in a more contextual idiom. However, Panel members encouraged that the provision for the re-landscaping of the former churchyard should go further, and include the small parcel of land beyond the gate, immediately adjacent to the eastern elevation of the church. Despite this not being publicly accessible, and accepting it may never be, it was considered to have strong visual connection with the Conservation Area.</p>	<p>As outlined above the scheme has been amended to improve the buildings relationship with the surrounding area and heritage assets, in terms of the scale and massing, and materiality. This includes exploring how the 6th floor massing could be reduced and produced a study showing progress and final solution, and adopting BRE Standards when refining the massing and presented these results to the council. Multiple options have been tested for recessing the east facing glazing on the 6th floor, to understand how the façade behaved and the impact that, for example, could have deeper columns to the background / periphery views from St. John Square. As a heritage led design revision, the scheme was designed to work closely to propose a proportion and materiality well suited to the site.</p> <p>The south and west elevations, was improved by extending the faience panelling around the lift &amp; stair core. The 6th floor terrace was reduced and a door to the terrace was omitted (to simplify the visible façade from St. John Square). The façade has been studied in detail looking at the expression of vertical vs. horizontal breaks. All the proposed plant is shown on the drawings and it would be concealed from views.</p> <p>The structural bracing to the south façade has been redesigned in order to step the façade further away from The Mallory Buildings and Cemetery Gardens. The 6th floor slab edge has been profiled so as to reduce the appearance of the slab face; the lift overrun is the minimum dimension achievable by the most efficient passenger/ fire fighting lift; the floor to ceiling heights are the minimum accepted. The submitted scheme, has been reduced the 6th floor by 50sqm, between 200-450mm lower in height, and proposes a lighter faience cladding colour more similar to the adjacent</p>	<p>Satisfied that DRP comments have been adequately addressed.</p> <p>It is important that details of measures to mitigate light pollution, including glazing treatment and automated blinds are reserved by condition.</p>
---	--	---

	<p>buildings, as well as introducing a more refined and contemporary 'arcade' style to this top floor and would increase the amount of faience cladding to by reducing the amount of (curtain wall) glazing.</p> <p>In terms of the provision of re-landscaping in the adjoining church yard, an illustrative landscaping and planting scheme has been developed and refined to the adjacent public and private land that will improve accessibility, enhance public and private enjoyment and invigorate the public realm. This is following collaboration with English Heritage Gardens and The Priory of The Order of St. John to expand the original concept to include the additional landscaped area. The scheme has incorporated heritage, maintenance, ecology and access requirements</p>	
--	--	--