



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 Town Hall
 LONDON N1 2UD

PLANNING COMMITTEE REPORT

ADDENDUM

PLANNING COMMITTEE		AGENDA ITEM NO:B1
Date:	16 December 2019	

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	Mr Philip Kratz

1. RECOMMENDATION

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

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

2. BACKGROUND OF DEFERRAL

- 2.1. Planning application P2018/1229/FUL was presented at the Planning Committee meeting on 15 October 2019. The relevant excerpt of the minutes from the meeting is attached as **Appendix 2** to this report. The Planning Committee Report for this meeting is appended as **Appendix 3** for reference.
- 2.2. During the 15 October 2019 Committee Meeting, members agreed that determination of the item be deferred so that the Applicant could carry out a BRE assessment of sunlight/daylight impacts to the neighbouring commercial building and so that officers could clarify the assessment of impact to heritage assets.
- 2.3. The Committee also requested a site visit be undertaken so that members could understand how neighbouring occupiers could be impacted.
- 2.4. The sunlight/daylight testing has been undertaken and results are set out at paragraph 4.4 to 4.24 of this report.
- 2.5. Members attended a site visit to the neighbouring property on 22 October 2019.
- 2.6. Clarification over the assessment of impacts to heritage assets is set out at paragraph 4.34 to 4.50 of this report.
- 2.7. It should be noted that the applicant has submitted revised plans and elevations and to respond to the discussion held and objections raised at the 15 October Committee Meeting. A subsequent further round public consultation period was undertaken given the revised plans and documents. Details of the responses to the last round of consultation are provided below.

3. FURTHER CONSULTATION UNDERTAKEN

Public Consultation Responses

- 3.1. Following the submission of revised drawings and supporting information, a further 14-day consultation period was undertaken on 21 November 2019, providing the opportunity for further representations to be made by 5 December 2019. Although it is the Council's practice to accept submissions up until the day of Committee.
- 3.2. To date, a total of 7 representations have been received on the application, 5 of which raise of objection to the revised proposal.
- 3.3. The points raised within the objections are summarised below:
- Objection is raised in terms of the appearance of the building, including its height and its impact to heritage assets [PLANNING OFFICER COMMENT: In terms of heritage matters, please refer to paragraphs 4.34 to 4.50 of this addendum report and paragraphs 10.43 to 10.65 of the original Committee report. Height is discussed at 10.34 to 10.42 of the original Committee report.
 - Objection is raised to the potential for noise from future occupiers to impact on the amenity of neighbouring occupiers [PLANNING OFFICER COMMENT: Future occupiers of the office space would be enclosed in the building, limiting noise break out. Condition 8 is recommended to control plant noise and condition 6 to limit hours of operation for the A1/A2 use class at ground floor level. Given the situation there is no objection to the scheme]
 - Objection is raised to the potential for noise during construction to disrupt nearby businesses [PLANNING OFFICER COMMENT: It is recommended that construction impacts be controlled via the imposition of a condition (4)]
 - The construction phase will block pedestrian flows and impede access for disabled persons and result in noise. [PLANNING OFFICER COMMENT: The scheme will result in a number of significant enhancements in terms of accessibility and construction impacts would be mitigated via proposals to be secured via a construction management plan (see condition 4)].
 - Air quality will be worsened as a result of additional traffic movements [PLANNING OFFICER COMMENT: The development will be car free, reducing trips. The Council's Highway and Environmental Health Officer have raised no objection to either trip generation or air quality impacts].
- 3.4. An objection was initially received raising the following issues (although following amendments the objector confirmed issues had been addressed and the objection was then withdrawn).
- The extended building will cause unacceptable impacts to light and outlook enjoyed by neighbouring commercial occupiers [PLANNING OFFICER COMMENT: see paragraphs 4.4 to 4.24];
 - The loss of light would contravene the new lighting standards in BS EN 17037 "Daylight in Buildings" [PLANNING OFFICER COMMENT: see paragraph 4.19]
 - Servicing associated with the expanded building will cause unacceptable impacts to the free flow of traffic [PLANNING OFFICER COMMENT: The Council's Highway Officer has considered the servicing arrangements and raises no objection to the proposal. It is not that the development would be car free and as such very few additional trip would be added to the highway network];

- The expanded building will displace refuse storage areas needed by occupants of an adjoining building [PLANNING OFFICER COMMENT: see paragraphs 4.26 to 4.33].

It should be noted that a near identical objection was raised by another occupier of the building at 159 St John's Street, and officers have taken the concerns into account, with references to where in the report the concerns are addressed

- 3.5. A letter of support for the proposal was also received from a near-by occupier, noting that the Applicant has a track record of managing and mitigating construction impacts reducing impacts to neighbours, and building high quality developments.
- 3.6. A comment was made that the materials to be used limit the scope for bird and bat nesting. In this regard, condition 16 requires provision of bird and bat boxes, and in addition a bio-diverse roof is proposed

Internal and External Consultation Responses

3.7. **LBI Highways Officer:**

There is no objection to the proposed servicing strategy for either 145 St John's Street or 42-48 St John's Square.

In relation to refuse storage, I am aware concerns have been raised by an occupier in 159 St John's Street. The concern being that the proposed development will leave the occupier without any refuse storage.

However, 159 St John's Street is a separate property, with separate refuse and recycling storage arrangements. There is a goods lift to that building which is accessed from 1 to 7 Aylesbury Street, it makes sense for refuse to be removed from that building via the goods lift, and collected from Aylesbury Street (i.e. not stored on land at 145 St John's Street).

The terms of the lease for occupants at 159 St John's Street require refuse to be stored within each tenant's demise and taken out by tenants for collection. There is no allowance for occupiers of 159 Aylesbury Street to store refuse on land at 145 St John's Street. I wouldn't recommend formalising the situation through this planning application.

There is a clear interface between the buildings at 42-48 St John's Square and 145 St John's Street, who share the access way and rear areas in the application site. As such a condition should be imposed to ensure refuse and recycling storage is appropriate during both the construction and on-going operational phases for these two buildings.

3.8. **LBI Design and Conservation Officer:**

The changes made since 15 October do not result in any material difference in terms of impacts to heritage assets or the appearance of the proposal.

3.9. **LBI Neighbourhood Manager – South**

I can confirm that I have no objection to the proposed refuse and recycling storage and collection arrangements for 145 St John Street. I do not believe that it would be necessary

for the developer to provide an additional storage external refuse area to the existing building at 159 St Johns Street. I understand that there is a requirement for developers to provide area that allows refuse and recycling bins to be stored in purpose built new blocks of flats. I do not believe this would apply to the existing building at 159 St Johns Street.

3.10. **Historic England - GLAAS**

We do not wish to offer any further comments.

3.11. **Historic England**

Historic England raised no objection but requested testing to establish if the proposal would impact on local or strategic views.

[PLANNING CASE OFFICER COMMENT: The site is below a protected viewing corridor (LVMF1A - Alexandra Palace to St Pauls Cathedral). The viewing corridor begins 33.78m above the application site. The proposal would raise the height of the building to 25.25m.

This means that proposal will remain 8.5m below the view corridor. No objection is raised in terms of impact to the protected view. Testing has also been undertaken in relation to protected local views, and this shows the proposal cannot be seen in the local views]

4. UPDATED ASSESSMENT

4.1. Following the deferral, the Applicant has also revised application details. The summary of the amendments are as follows:

- Reduction in the building envelope, increasing the separation distances to neighbouring buildings to the north and west.
- Testing of sunlight/daylight impacts to neighbouring office buildings.
- Updating of relevant submission documentation.
- Provision of a contextual analysis examining gaps between buildings.

Amenity

4.2. The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan (2016) policy 7.6 states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.

4.3. Development Management Policies (2013) Policy DM2.1 relates to design and sets out a number of criteria that new development needs to comply with. Concerns have been raised in objections that the development does not comply with the policy. Set out below is the explicit assessment of the scheme against policy DM2.1.

4.3.1. Part A of policy DM 2.1 states that for a development proposal to be acceptable it is required to:

- i) be sustainable, durable and adaptable;
- ii) be safe and inclusive;
- iii) efficiently use the site and/or building.

[Planning Officer Comment: See paragraphs 10.126 – 10.151 (sustainability) 10.69-10.72 (accessibility) of the original Committee report, given the internal layouts, reuse of the existing building and optimisation of the site it is clear the applicant is proposing an efficient use of the site and building. Enhancements are proposed to make the scheme more accessible. It is also noted that no objection has been raised by the Designing Out Crime Officer]

- iv) improve the quality, clarity and sense of spaces around or between buildings;

[Planning officer comment: The Applicant has worked with the Council to understand how the St John's Churchyard (a heritage asset), adjoining the site to the south, can be preserved and enhanced through a heritage lead landscaping scheme. This is considered to represent a benefit arising from the scheme and a planning obligation would be required to secure £75,000 of funding to cover the cost enhancing that heritage asset.

Given the nature of the space to be built upon and amendments made to increase separation distances between the buildings (made since the scheme was deferred) there is no objection to the proposal in terms of part iv of policy DM2.1.

- v) enhance legibility and have clear distinction between public and private spaces;

[Planning officer comment: The Applicant has worked with the Council to work out the best way of resolving the interface of the footway along St John's Street and access into the site (improving access and legibility). There will be a clear distinction between public and private spaces, both at the southern boundary, but also between the publically accessible footway and the more private spaces to the rear]

- vi) improve movement through areas, and repair fragmented urban form;
- vii) respect and respond positively to existing buildings, the street scape and the wider context, including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape;
- viii) reinforce and complement local distinctiveness and create a positive sense of place;

[Planning officer comment: The scheme proposes enhancements to the footway, which would improve accessibility and movement in this part of Clerkenwell. Funding for enhancements are also proposed to St John's Churchyard are to be secured, and the scheme is considered in alignment with part vi) of policy DM2.1.

In terms of the relationship of the proposal to existing buildings, the street scape and heritage assets, it is noted that the proposals were considered by the DRP on three occasions (see paragraphs 8.30–8.33 and 10.21-10.68 of the original committee report). Various suggestions by the DRP were taken on board by the Applicant and the scheme revised accordingly.

There are key public view points of the proposed building from St John's Road, St John's Square and St John's Churchyard. The views have been tested to understand how the proposed building would impact on views. The various heritage assets (and their significance) that could be impacted by the proposal are described paragraphs 5.2 to 5.5 of the original committee report and the potential impacts (as assessed through view testing) are set out at paragraphs 10.43 to 10.67 of the original committee report. While there would be impacts, which weigh against the scheme in the planning balance, these are considered to be outweighed by the public benefits the scheme would bring forward, which include contributions towards off site affordable workspace and affordable housing, public realm improvements, enhancements to St John's Churchyard, accessibility enhancements to the street and building, energy efficiency and sustainability enhancements, a high quality design, reduction in car usage and an active frontage and delivery of office space in the Central Activity Zone (CAZ).

It is also noted that the Council's Design and Conservation Officer supports the design of the scheme, see paragraphs 8.10 – 8.20 of the original committee report. Although the conclusion was that some harm to heritage assets would occur, this was weighed against the public benefits (which are considered to outweigh any harm).

In terms of locally distinctive patterns of development (part vii) of Policy DM2.1, its worth highlighting that the Applicant has adjusted the building envelope to set it away (by between 5.5m to 7.5m) from the neighbouring buildings to the north and west (i.e. at the rear of the site). This compares to the previously considered scheme that was 4.9m away. Additionally 1 to 7 Aylesbury Street is 2.75m away (as was observed on the members site visit).

An assessment of the surrounding area has shown that similar separation distance between buildings of a similar scale to that proposed are relatively common. Many of the roads and passages in Clerkenwell are less than 7m in width. There are a number of adjacencies between buildings (particularly to the sides and rear of buildings) which are also of a similar separation to that proposed in this application. This is discussed further in paragraph 4.21 to 4.22 of this report.

ix) sustain and reinforce a variety and mix of uses;

[Planning officer comment: see paragraphs 10.8-10.18 of the previous Committee report, the scheme includes a mix of uses and would make off site contributions towards housing and affordable workspace, and is considered to sustain and reinforce a variety and mix of uses]

- x) 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;
- xi) not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole;
- xii) consider landscape design holistically as part of the whole development. Landscape design should be set out in a landscape plan at an appropriate level of detail to the scale of development and address the considerations outlined in Appendix 12 of this document; and
- xiii) not result in an unacceptable adverse impact on views of local landmarks.

[Planning officer comment: In relation to parts xii and xiii of policy DM2.1 the scheme would contribute appropriately towards landscaping enhancements to the church yard to the south of the site. Officers are mindful that there is limited scope for landscaping on site and that there is also a policy requirement to maximise business floor space in the Central Activity Zone. Biodiverse roofs are proposed on site and a planning obligation would be secured to fund landscaping enhancements to the St John's Church Yard. In view of the situation no objection is raised in terms of landscaping. Views of Local landmarks identified in policy DM2.5 would not be impacted. The impact of the proposal has been assessed using verified views from key points in the surrounding area, and no objection is raised in terms of the impact upon views to landmarks]

- 4.4. An objector has raised concern that the development would impact on the amenity of occupiers of an adjoining office building. Part x of policy DM2.1 confirms that, for a development proposal to be acceptable it is required 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. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).
- 4.5. While the BRE guidance is primarily applicable to residential development, it can be applied to non-domestic buildings where the occupants have a reasonable expectation for light (such as schools, hospitals and some offices). The reference to some offices recognises the fact that not all office users will need the same level of sunlight/daylight as is needed by, for example, residential occupiers. In this case an office occupier in 159 St John's (the neighbouring the building to the north) has advised that loss of light will impact on the operations of that business.

Daylight

- 4.6. The VSC and NSL has been assessed for the neighbouring property at 42-47 St John's Square and 159 St John's Street. It is worth noting that 159 St John Street is a "L" shaped building where the principal office floor space is located in the block facing onto St John Street itself receiving very good and outlook. The rear "wing" is subservient to the main office building on 159 St John Street. The south-east facing elevation in the rear wing is a secondary elevation.
- 4.7. The analysis shows that at 159 St John's Street there would be 5 windows at the 1st to 3rd floors and 1 window at the 4th floor would see reductions in VSC beyond the BRE guidelines. The reductions range from between 30% to 78%, and while the impacts weigh against the scheme it is noted that at the first floor the windows are generally to large open plan area used as a kitchenette and break out space. At the second floor level the windows are to open plan office space (not particularly light sensitive uses).
- 4.8. At 42-47 St John's Square 1 window at each floor would see reductions in VSC beyond the GRE guidance. The reductions range between 30% to approximately 70%. While the transgressions weigh against the scheme in the planning balance there are a number of factors which have been taken into account, and when taken together mean that officers consider that the weight afforded to the transgressions is at the lower end of the spectrum.

- 4.9. At 42-47 St John's Square the VSC transgression relates to only 1 window at each level, and the rooms these windows serve several other large windows (windows that would not see transgressions against the BRE guidance). This means the room will remain well lit, and sky visibility from alternative windows is possible.
- 4.10. The windows and rooms are large at 42-47 St John's Square and at 159 St John's Street. This fact, together with the separation between the buildings (which has been increased since the application was last presented to the Committee from 4.9m to 6m) means that daylight distribution reductions do not go beyond the BRE guidance.
- 4.11. As a reminder the daylight distribution test assesses where the sky can and cannot be seen from inside a room at table top height. This assessment takes the number and size of windows serving a room into account. It is described as light reaching the "working plane" of the table top. In the case of both 42-27 St Johns Square and 159 St Johns Street (which benefit from a number of large windows) the daylight distribution (DD) remains compliant with the BRE guidance with the proposed development in place.

Sunlight

- 4.12. A good level of sunlight will be achieved where a window receives more than 25% of Annual Probable Sunlight Hours (APSH), of which 5% APSH should be received in the winter months. Where sunlight levels fall below this suggested recommendation, a comparison with the existing condition should be undertaken and if the reduction ratio is less than 20% i.e. the window continues to receive more than 80% of its existing sunlight levels, the impact on sunlight will not be noticeable.
- 4.13. The APSH test only applies to windows that face within 90 degrees of due south. The windows in 42-47 St John's Square that face onto the Application Site do not face within 90 degrees of due south and therefore don't fall within the BRE criteria.
- 4.14. The APSH testing at 159 St John's Street shows that there would be impacts at the lower levels of the building (to 5 windows). While the transgressions weigh against the scheme in the planning balance, the weight attributed to the impact should reflect the fact that the building is a secondary rear wing of the office building (not permanent residential accommodation) and only a limited number of windows are impacted and that some of the retained values (i.e. for 3 of the 5 windows) would remain close to the BRE targets.
- 4.15. The BRE guidance does note that it can be used to test impacts to non-domestic properties, this is primarily aimed at uses where light is a key issue (for example for patients staying in a hospital). In this case it is noted that some of the space that could be impacted is in use as office space, kitchenette or break out space (space which is not particularly unique in terms of needing light).
- 4.16. Following the deferral of the scheme by members, the applicant has revised the plans to set the building further away from neighbouring properties (6m from 159 St John's Street and between 5.5m and 7.5m). This change has reduced impacts to the neighbouring occupiers in terms of loss of light and outlook.
- 4.17. Officers have considered the separation between buildings that characterise this part of London. There are a number of locations where spaces between buildings are of a similar distance to those proposed in this application. Examples include:

- Brevhouse Yard – (7 storey building separated by 4.4m)



- Compton Passage (6 storey buildings separated by 2.3m)



- Dallington Street (6 storey buildings separated by 6.2m)



- Saffron Street (6 and 7 storey buildings separated by 5.7m)



- Saffron Hill (4 and 6 storey buildings separated by 5.7m)



- Farringdon Road (7 and 5 storey buildings separated by 2.4m)



- White Bear Yard (5 storey buildings separated by 4.3m)



- 4.18. Officers have considered the separation between buildings that characterise this part of London. There are similar spaces between buildings in the surrounding area and this forms part of the special character and appearance of the wider context, 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.
- 4.19. An objection was received which raised concern that the scheme would prevent adjoining buildings from being able to achieve compliance with the new European Standard BS EN17037 (which relates to daylight in buildings). The European recommendations BS EN 17037 "Daylight in Buildings" was published in May 2019. An update of the BRE Guidance to take account of the European recommendations is still a "work-in-progress". It is not anticipated that the BRE will prepare revised guidance until sometime in 2020 (or later).
- 4.20. It is not clear how and to what extent the European recommendations will be adopted and incorporated into the revised BRE Guidance. This has been the subject of considerable consultation by Dr Paul Littlefair (the author of the BRE guidance). It is widely acknowledged that some of the recommendations in the European Standards cannot be easily applied to the current regime. Until such time and the BRE are able to provide practical guidance, the existing BRE guidance remains an appropriate way of assessing sunlight/daylight impacts.
- 4.21. Impacts from development on daylight should not stand in isolation from other planning policy considerations, but should be weighed with other planning objectives. Taking account of the character of the area and the need to allow outlook and light into neighbouring building as well as the requirement of Finsbury Local Plan (2013) policy BC8 to incorporate the maximum amount of business floorspace reasonably possible, it is considered that this scheme has achieved an appropriate balance.

Sunlight/Daylight Summary

- 4.22. The transgressions against the BRE guidance weigh against the scheme, however there are several factors which officers have taken into account in determining how much weight to afford to the impacts. These include the fact that the space impacted is used as office space or break out space, and is not as sensitive, as for example, permanent residential

accommodation. There are VSC impacts at the lower levels of 159 St John's street which exceed the BRE guidelines. However the number and large size of windows in 159 St John's Street mean that there would be no transgressions against the BRE guidance in relation to DD.

- 4.23. In relation to the results of the APSH testing, only a limited number of windows are impacted and that some of the retained values (i.e. for 3 of the 5 windows) would remain close to the BRE targets.
- 4.24. Impacts from development on daylight should not stand in isolation from other planning policy considerations, but should be weighed with other planning objectives, including the requirement of Finsbury Local Plan (2013) policy BC8 to incorporate the maximum amount of business floorspace reasonably possible. Officers have also considered the separation between buildings that characterise this part of London. There are similar spaces between buildings in the surrounding area and this forms part of the special character and appearance of the wider context, 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.

Operation of adjoining land

- 4.25. Part xi of policy DM2.1 requires that development not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole. While there would be impacts to the light received by adjoining occupiers, the testing shows good levels of daylight distribution would still be retained post development. It is not considered that the development would render neighbouring building uninhabitable, particularly as the affected buildings have primary office spaces unaffected by this development which are very well lit.
- 4.26. An objection has been received which notes the following concern:
- Refuse for one of the occupiers of 159 St John's Street had historically been stored in the service yard for 1 to 7 Aylesbury Street.
 - When a new building was approved at 1 to 7 Aylesbury Street and then subsequently constructed, the objector advised that they were required to relocate the refuse bin onto land to the rear of 145 St John's Street.
 - The objection is that if the current proposal is developed then the refuse bin will be displaced and there will be no bin storage for that occupier of 159 St John's Street.
- 4.27. Given that policy DM2.1 xi requires that proposals do not unduly prejudice the satisfactory operation of adjoining officers have investigated the matter. The building at 159 St John's Street was constructed in the 1920's, and the design does not, for example, feature an external bin store. Similarly, that building was built at a time when cycling and end of journey facilities (showers etc) were not an integral part of the design. Discussions with the Landlord of the building indicates that refuse and recycling is stored within the demise of each tenancy. Refuse then being taken out on the day of collection. Similarly, cycle storage and cyclists end of journey facilities are also provided by tenants within their demise (this simply reflects the fact that the building was built nearly 100 years ago when such facilities were not part of the design specification).
- 4.28. Examination of the leases between tenants and landlord confirm that storage within the building is the formal arrangement for occupiers of the building at 159 St John's Street (i.e. tenants are required to store refuse within their own demise). An examination of plans

showing the internal fit out arrangements for the various occupiers identifies where, for example, cycle storage facilities are provided internally.

- 4.29. The leases for tenants occupying 159 St John's Street do not (and have not in the past) allow for refuse to be stored in the yard for 1 to 7 Aylesbury Street or on land at 145 St John's Street (the objection is not accurate in this regard).
- 4.30. The Applicant advised that a survey of the tenants refuse storage arrangements at 159 St John's Street was undertaken in July 2014. The survey was undertaken before the construction of the building at 1 to 7 Aylesbury Street. The feedback from the tenants was that refuse was stored within the demise of each tenancy. The refuse then being taken out on the day of collection (i.e. refuse was not stored in the service yard of 1 to 7 Aylesbury Street or on land at 145 St John's Street).
- 4.31. During the construction of 1-7 Aylesbury Street, there was no access to the goods lift in 159 St John's Street (due to the presence of a crane). It would seem that the Landlord agreed for a tenant to store a bin on land at 145 St John's on an interim basis (i.e. during construction of the building at 1 to 7 Aylesbury Street) given the inconvenience of not having access to the goods lift. The tenant was advised that this was a temporary arrangement during construction and would come to an end.
- 4.32. The issue has been discussed with the Council's refuse officer who is clear that modern refuse storage requirements are not applied retrospectively to existing buildings. The Council's Highway officer noted that while there is a clear interface between the application site and 42-47 St John's St, the same is not true of 159 St John's Street, which has a goods lift opening into the yard of 1 – 7 Aylesbury Street. The Highway officer noted that logically it would make sense for refuse to be taken down via the goods lift at 159 St John's Street and collected via Aylesbury Street.
- 4.33. There is no evidence to show that the proposal would impact upon the formal refuse and recycling storage arrangements for 159 St John's Street. Given the interface between 42-47 St John's Square and the application site it does make sense to ensure (via conditions) refuse and recycling storage and collection arrangements for 42-27 St John's Square are not impeded by the development (see conditions 4 and 21). Concerns between tenants and landlords over lease terms and conditions are a civil matter (rather than a planning matter).

Heritage considerations

Assets

- 4.34. Concerns have been raised by objectors in relation to potential impacts to heritage assets. The previous committee report (at paragraphs 5.2 to 5.5) set out where the various heritage assets were in relation to their site, along with the significance of the assets. Further commentary identifying heritage assets is provided at paragraphs 10.22.

Impacts

- 4.35. Impacts (including the Council's statutory duty to place great weight and importance on any harm caused to heritage assets) is set out in paragraphs 10.43 to 10.61 of the original committee report. In summary, the extensions to the building, in terms their height, scale, appearance and relationship to the street scene are considered to result in some harm (less than substantial) to the associated heritage assets, namely 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.

Mitigation

- 4.36. Various amendments to the scheme were made to mitigate the impact of the proposal. The scheme has been amended to improve the buildings relationship with the surrounding heritage assets, in terms of the scale and massing, and materiality. This includes exploring how the 6th floor massing could be reduced. 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 it could have to the background views from St. John's Square.
- 4.37. The south and west elevations, were 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.
- 4.38. The structural bracing to the south façade has been redesigned in order to step the façade further away from the St John's Church Yard. 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, and is 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.
- 4.39. 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.

Statutory duty

- 4.40. In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered. If the overall heritage assessment concludes that the proposal is harmful (which is the case here) then that should be given 'considerable importance and weight' in the final balancing exercise having regard to other material (including public benefits).

Public benefits

- 4.41. The redevelopment of the Site to provide a significant amount of 1,735sqm of additional high quality, flexible office accommodation within a designated Employment Priority Area, which is also in the CAZ, is supported by development plan policy (both at a strategic and local level) and will provide economic benefits to the local area, with provision of additional jobs.
- 4.42. Accessibility within the building is to be enhanced, providing better facilities and access for wheelchair users (particularly when compared to the existing situation).
- 4.43. The Proposed Development provides for an offsite £871,724 contribution toward delivery of affordable workspace.
- 4.44. The provision of complementary uses (use class A1 (retail) and A2 (financial services)) at ground floor will provide a valuable resource for office occupiers and local residents and enliven the public realm.
- 4.45. A planning obligation would be used to secure funding (£75,000) for the enhancement of St John's Church Yard, adjoining the site to the south. The Church Yard forms part of the curtilage of the Grade 1 listed Church and the heritage led enhancement works will secure a future for this important heritage asset.
- 4.46. The footway to the front of the site is to be altered such that the existing level change (which prevents access to the building other than from the northern end of the site) is corrected and therefore access into the building for wheel chair users will be greatly enhanced.
- 4.47. The proposal accords with policies relating to transportation, including the provision of secure cycle parking, and its impact on the transport network would be negligible as the scheme will be car free (a betterment over existing situation, where there are three existing spaces).
- 4.48. The proposal achieves the Mayor's target for carbon savings through energy savings and efficiency measures. This is a significant enhancement over the performance of the existing building. It is also noted that the reuse of some of the existing superstructure ensures the embodied energy will not be lost (which is a sustainable approach to the development).
- 4.49. A contribution of £216,320 is to be secured to help deliver affordable housing elsewhere in the borough, along with other planning obligations.
- 4.50. Whilst officers are mindful of the statutory duty, and place great weight and importance on this, the proposal includes a number of public benefits which need to be weighed against the less than substantial harm. It is considered that these public benefits demonstrably outweigh the less than substantial harm to heritage assets.

5. CONCLUSION

- 5.1. The application was deferred from the 15 October 2019 Planning Committee Meeting to ensure impacts to light reaching neighbouring office occupiers was tested. Additionally, members requested a site visit and for clarification to be provided in terms of heritage impacts.

- 5.2. A site visit was subsequently undertaken, and the Applicant adjusted the scheme to increase the separation distances between the buildings and lessen visibility from heritage assets. Sunlight/daylight testing was undertaken and looking at the results and context officers consider that while light impacts weigh against the scheme there are a number of factors which need to be taken into account, which indicate that the weight given to those impacts is at the lower end of the spectrum.
- 5.3. It is still recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in **Appendix 1 – RECOMMENDATIONS**.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required. Prior to commencement a reinstatement payment (as calculated by the LBI Highways) is to be made to the Council as a deposit. If this deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
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 4 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 £20,000.
5. Compliance with the Code of Local Procurement.
6. Compliance with the Code of Construction Practice, including a monitoring fee of £1,718 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 (3) or a contribution towards bays or other accessible transport initiatives of £6,000.
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: £121,532 based on information submitted in Revised 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 £17,588.
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 £216,320.
15. Affordable Workspace Contribution of £871,724.
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:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawings.: 3031-00-1001A, 3031-00-1002 A, 3031-10-1001A, 3031-10-1002A, 3031-10-1003A, 3031-10-1004 A, 3031-10-1005A, 3031-10-1006A, 3031-10-1007A, 3031-10-1008A, 3031-10-1011A, 3031-10-1012A, 3031-10-1013A, 3031-10-1014A, 3031-10-1015A, 3031-20-2001A, 3031-20-2002A 3031-20-2003A, 3031-20-2004A, 3031-20-2005A, 3031-20-2006A, 3031-20-2007A, 3031-20-2008A, 3031-20-2009A, 3031-20-2012A, 3031-20-2013A, 3031-20-2014A, 3031-20-2015A, 3031-40-0001A, 3031-40-0002, 3031-40-0003A, 3031-40-0004A, 3031-40-0005A, 3031-40-0006A, 3031-40-0007A, 3031-40-0008A, 3031-40-0009, 3031-40-001001, 3031-40-0010A, 3031-40-0010B, 3031-40-0013A, 3031-40-0014A, 3031-40-0015A, 3031-40-0017A, 3031-50-4030A, 3031-50-4040A, 3031-50-0010, 3031-50-0011.</p> <p>Documents: 3031-PP-DAS A, 3031-PP-SP, 3031-PP-TATP, 3031-PP-SCI, 3031-PP-SWMP, 3031-PP-PERS, 3031-145 St John_PP-HIA, 3031-CS- CMP 145 SJS, 3031-CS-145-157 St_John_St_HEA, 3031-CS-145-Historic England (GLAAS) Pre-App Archaeological Adv, 3031-CS-WSI EVAL_130619, 3031-SPS-Birketts, 3131-ERS-Birketts, Daylight and Sunlight Report, 145 St Johns Street 25 Nov 2019, 3031-CS-EHG-ChuryardProposal, EHG-priorygardensconstructionbudget-SILVER Rev A, EHG-1-145stjohnchurchgarden Rev A, EHG-3-overalllayout_silver Rev A, EHG-4-windowgarden Rev A, Arboricultural report for 145 - 157 St John Street London v2-1, 4652_Meritcape StJohnStreet_Final_v1, 8684.RP01.ENS.1.13062019.JMERev 1,A3521 - 145 St John Street BREEAM Pre-Assessment Report FINAL Rev A 13_03_18, 2999 Sustainable Design and Construction Statement 20190607Rev C, 2999-ME-1 Energy Statement 20190607 Rev C, 2999-ME-2 Green Performance Plan 20190607 Rev B, 2999-TM-1 Thermal Modelling Assessment 20190613 Rev C, MERH3000-HS-145-157 St John Street, London Borough of Islington, Nos.145-157 St John Street - Heritage Representations to Scheme Alterations.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and Samples (Details)
	<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</p>

	<p>the Design Review Panel before the superstructure works commence on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) All external cladding; b) Window treatment (including glazing, sections and reveals); c) Doors; d) Curtain walling; e) Balustrades; f) Terraces; g) Plant screen; h) Roofing materials; i) Any other materials to be used. <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>
4	<p>Construction Environmental Management Plan (Details)</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"> • the parking of vehicles of site operatives and visitors • loading and unloading of plant and materials • storage of plant and materials used in constructing the development • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate • wheel washing facilities • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from demolition and construction works • provision during the construction phase of waste and recycling storage facilities for the buildings at 42-47 St Johns Square. <p>The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The 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>
5	<p>BREEAM (Details)</p>
	<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</p>

	<p>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>
6	Use Class A1/A2 – Restrictions on Use
	<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>
7	Green/Brown Biodiversity Roofs (Details)
	<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</p> <p>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum) 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>
8	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant,</p>

	<p>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>
9	Post installation noise mitigation report
	<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 & 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 be retained thereafter.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
10	Piling Method Statement (Details)
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface 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>
11	Cycle Storage
	<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>
13	Rainwater/Greywater recycling (Details)
	<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</p>

	<p>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>
14	Green Procurement Plan
	<p>CONDITION: Prior to above ground works a Green Procurement Plan shall be 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 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>
15	Sustainable Urban Drainage System (SUDS)
	<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>
16	Nesting Boxes (Compliance)
	<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>

17	Tree Protection Measures (Compliance)
	<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 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>
18	Roof terraces (Compliance)
	<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>
19	Details of balustrades
	<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>
20	Security & General Lighting (Details)
	<p>CONDITION: Details of general and any security outdoor lighting, including full specification of all luminaries, 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 future residential amenity and existing and future habitats from undue light-spill.</p>
21	Refuse and Recycling
	<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 occupation to the development hereby approved. The details shall include:</p>

	<p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s), including for the neighbouring developments at 42-47 St John's Square;</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>
22	Delivery & Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
23	No Plumbing or Pipes
	<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>
24	Roof-Top Plant & Lift Overrun
	<p>CONDITION: Notwithstanding the approved drawing ref: 3031CO2009A, 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"> a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun; <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene and setting of heritage assets.</p>
25	<p>No Obscuring of Ground Floor Frontage</p> <p>CONDITION: The window glass of all ground floor commercial units fronting St John's Street 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>
27	<p>Air Quality (details)</p> <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 (NO2, PM10 and PM2.5) 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>
28	<p>Renewable Energy</p> <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>
29	<p>Accessible Showers/WC's/Changing Rooms (Compliance)</p> <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>

30	Security Measures (Compliance)
	<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>
31	No structures on roof terraces
	<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>
32	Details of foundation design and construction method
	<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>
33	Written Scheme of Investigation (WSI)
	<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 & 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>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

<p>2</p>	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<p>3</p>	<p>Community Infrastructure Levy (CIL) (Granting Consent)</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. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<p>4</p>	<p>Thames Water (surface water drainage)</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. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p>
<p>5</p>	<p>Thames Water (public sewers)</p> <p>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. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p>

	<p>https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> <p>Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.</p>
6	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
7	Sprinkler Systems
	<p>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.</p>
8	Foundation design and construction method
	<p>For the details for condition 32, please refer to published Historic England guidelines on piling and archaeology.</p>
9	Written Scheme of Investigation
	<p>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.</p>

APPENDIX 2: 15 October 2019 Planning Committee Meeting Minutes – Exert

121 **145-157 ST JOHN STREET LONDON, EC1V 4QJ (Item B2)**

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.

(Planning application number: P2018/1229/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that the site is within the Clerkenwell Green Conservation Area and also in close proximity to several statutory and locally listed buildings. In addition, the Planning Officer acknowledged that the site is within an Employment Priority Zone in the CAZ and the provision of high quality Class B1 office accommodation is consistent with the aims of the development plan
- Members were advised that the proposal will provide an additional 1,897 square metres of floor space and 150 square metres of flexible retail/professional and financial service floorspace and details of facing materials to be used will be submitted and approved as noted in condition 3 of the report.
- The Planning Officer noted the financial contributions which will be secured by the Head of Terms , including a contribution towards the landscaping enhancements and other financial contributions towards improving the existing footways along St John Street; a more accessible entrance to the building as well as towards Affordable Workspace and Affordable Housing.
- The Planning Officer reminded members that as the site is located within the setting of listed buildings and within a conservation area, it is important that the impact on these heritage asset be assessed in line with the Council's statutory duty to preserve and enhance heritage assets. The Officer highlighted the issues raised by the by the Design and Review Panel and that they have been addressed with subsequent revisions.
- With regards to privacy concerns, the Planning Officer informed members that adjoining buildings to the rear are currently occupied for office use and that in terms of overlooking the criteria differs when considering an office development compared to residential development. In addition, the Planning Officer acknowledged the potential for overlooking from roof terraces, however in this instance due to the location of the roof terraces, the proposal is considered not to result in any significant privacy loss.
- The objector, whose firm occupies the floor space in an adjacent building was concerned that the proposed extension would have an unacceptable impact on

his firm's business which requires daylight. The objector informed members that he had not been consulted about the proposal by the Applicant, and had only found out about the scheme through the planning consultation. He advised that he had recently renewed his lease for another 5 years. In addition the objector stated that information provided about the scheme was misleading especially regarding the separation distance from the extension.

- In response to objectors claim about inaccurate plans, drawings and separation distances, the Planning Officer clarified that all plans and drawings on the website are accurate and to scale, which has been confirmed with site visits. Members were informed that planning officers are not privy to contractual arrangements between landlords and objectors, which in any event are not planning matters, and that the statutory consultation was carried out.
- On the issue of the sunlight/daylight assessment methodology employed by the applicant, members were informed that BRE testing had been employed to the residential dwellings but general guidance was applied with regards the office developments. The Planning Officer requested that reference in paragraph 10.93, that BRE testing had been carried out should be removed.
- The Chair noted the views of the Council's Design and Conservation Officer, that there is some harm to the visual appearance and historic character of the Grade 1 Listed Church as well as the Conservation Area, and there fore great weight should be placed on this in the planning balance.
- Members were concerned that BRE testing had not been submitted with the application in relation to the neighbouring office. It was suggested that a BRE assessment should be undertaken so that members could know the impacts. Members agreed that the item be deferred so that the applicant carry out a BRE assessment and an opportunity for officers to clarify the assessment of impact to heritage assets.
- The Chair requested a site visit for members in particular to understand how neighbouring occupiers may be impacted.
- Councillor Poyser proposed a motion to defer item for the reasons noted above. This was seconded by Councillor Woolf and carried.

RESOLVED:

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

APPENDIX 3: 15 October 2019 Committee Report