



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE	AGENDA ITEM NO:B3
Date: 31 March 2020	

Application number	P2019/2290/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	n/a
Conservation area	n/a
Strategic	Central Activities Zone Kings Cross & Pentonville Road Key Area Employment Growth Area Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services) Article 4 Direction – B1c (Light Industrial) to C3 (Residential) CrossRail 2 Safeguarding Zone London Underground Zone of Interest (Tunnels)
Licensing Implications	n/a
Site Address	158-160 Pentonville Road, London, N1 9JL
Proposal	Demolition of existing single storey building and erection of part one, part 4 storey plus basement office (Use Class B1(a)) with associated works (Departure from Development Plan)

Case Officer	Simon Roberts
Applicant	Korbe Ltd
Agent	GML Architects Ltd

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. SITE LOCATION AND PHOTOS

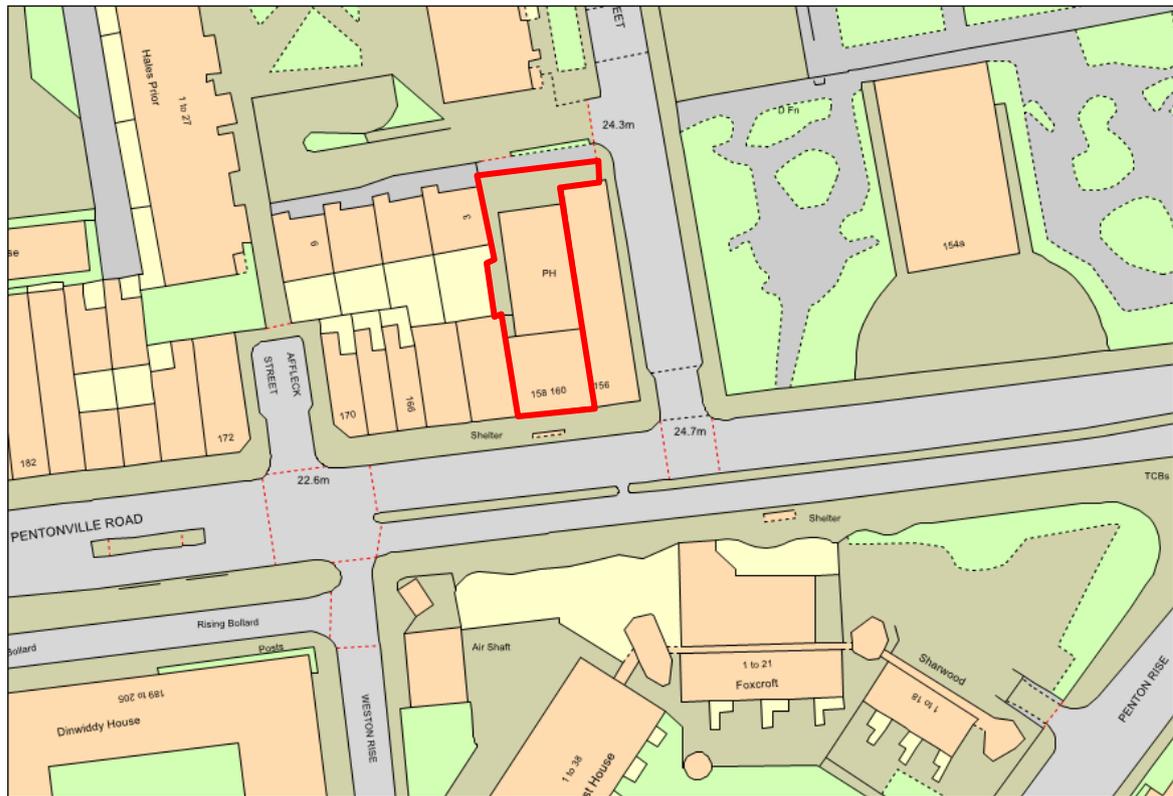


Figure 1: Site Plan (outlined in red)



Figure 2: Aerial view from the south

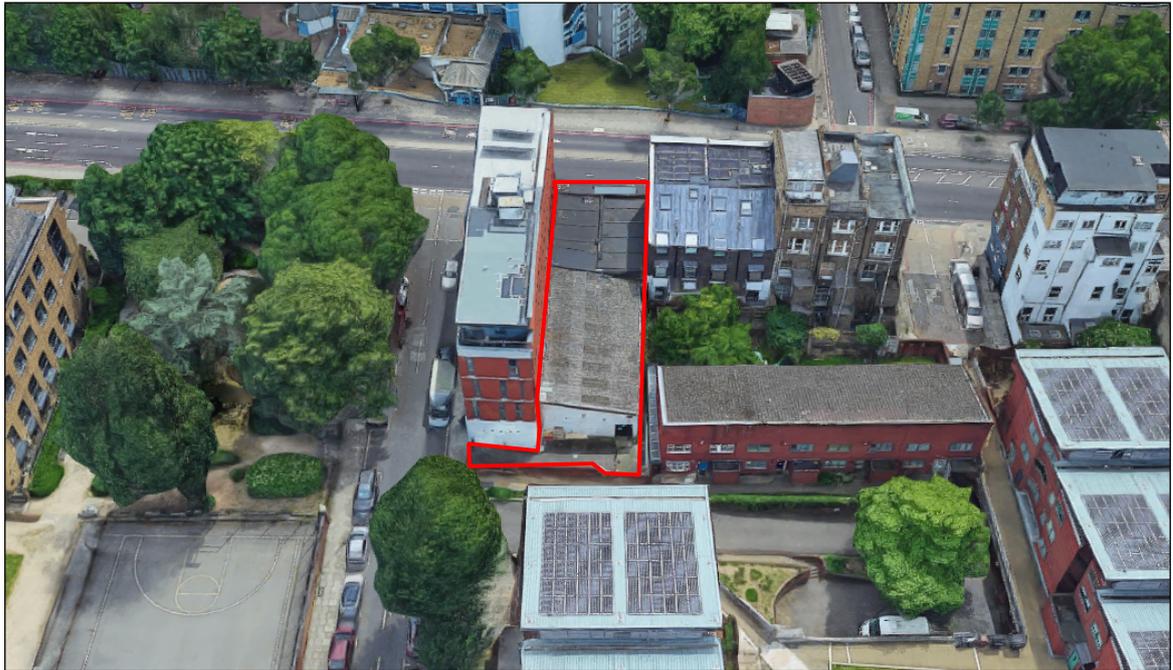


Figure 3: Aerial view from the north



Figure 4: Photograph of the front elevation of the building from Pentonville Road



Figure 5: Photograph showing the access from Cumming Street



Figure 6: Photograph of the rear of the site

3. SUMMARY

- 3.1. The application seeks permission for the demolition of the single storey building and the erection of a part single, part four storey (plus basement) to provide office floorspace (B1a Use Class). The proposed development would provide 1,196sqm of employment floorspace, of which 60sqm would be for affordable workspace provision. The proposal would not include housing, however a financial contribution of £159,467 towards off-site affordable housing is secured.
- 3.2. The main considerations of the application are the principle of the development in terms of land use, as well as design and appearance, impact upon neighbouring residential amenity and transport and highways implications.
- 3.3. The lawful use of the site is ambiguous. It is clear that it was used at an earlier time as an educational use. The loss of the education use of the site would be a departure from the Local Plan and the scheme has been publicised as such. The principle of the development to provide 1,196sqm GIA of office (Use Class B1(a)) floorspace for the borough within the Kings Cross key area, Employment Growth Area and Central Activities Zone is strongly supported. Sufficient and good quality affordable workspace will be provided on-site and shall be secured through s106 obligations.
- 3.4. The proposal has been amended during the course of the application, with revisions to the scale and design of the proposed building responding to consultee and neighbour responses on the scale and massing of the proposal, and the amenity to neighbours in regards to privacy and loss of daylight/sunlight.
- 3.5. The proposed development is considered to be acceptable in regards to its height, bulk, scale, massing, design and external finish within the established townscape along Pentonville Road and would not cause detriment to heritage assets.
- 3.6. Impact to the level of daylight and sunlight has been fully considered following the submission of a daylight and sunlight report, which highlights minimal transgressions, which would not represent a reason for refusal given the limited reductions and given the central London location and surrounding urban context. The protection of neighbouring privacy

form overlooking has sufficiently been mitigated through design and relevant planning conditions. Overall, neighbouring amenity is not considered to be unduly harmed by the development (which is the policy test).

- 3.7. The site has excellent public transport accessibility level (PTAL) due to its proximity with Kings Cross and Angel stations, and bus routes along Pentonville Road. The proposal would be a car-free development as it does not seek on-site parking provision. As such, there is no significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.8. All other matters relevant to planning are considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1. The application site is located on the north side of Pentonville Road, west of the junction with Cumming Street, and forms a 236 square metre single storey mid-terrace property (including a part lower ground level), which runs north through to a rear servicing yard located off a spur of Cumming Street. The building comprises a commercial frontage onto Pentonville Road with a flat roof including a mono-pitched roof section, sloping down from east to west, towards the rear.
- 4.2. The site is flanked to the east by Lambros House (156 Pentonville Road), a five storey block, which frames the junction of Pentonville Road and Cumming Street, comprising commercial units at ground floor and residential in the floors above. To the west the site is flanked by 162 Pentonville Road, a four storey block, which comprises a commercial unit at ground floor and residential in the upper levels, and the rear garden boundary and side elevation of 3 Cumming Street, which is a two-storey end of terrace residential property.
- 4.3. Contextually, the surrounding area provides a varied amount of building form, styles, appearance and ages. The site is not within a conservation area but forms part of the terraced parade including 168 to 170 Pentonville Road which is included on the local list of heritage assets.
- 4.4. In terms of the Local Plan, the site is located within the Kings Cross and Pentonville Road Key Area, the Central Activities Zone (CAZ), Northdown Street Employment Growth Area, and the Cross Rail 2 Safeguarding Area.
- 4.5. The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) which is the highest possible with bus routes on Pentonville Road and the nearby Kings Cross Station giving the site excellent public transport connectivity.

Internal

- 4.6. The building is split across two levels across the site. Internally the single storey shopfront fronting Pentonville Road accommodates two small offices, at 38sqm and 49sqm respectively, whilst ancillary space for kitchen space at 7.4sqm and a further office at 9.2sqm further within the building. To the rear, the warehouse structure comprises 116.4sqm at Lower Ground, and 15.89sqm mezzanine space, and totals 132.29sqm. The single storey warehouse element was constructed in the 1970s and its ground floor includes a part lower Ground Level.

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks the redevelopment of the site, following the demolition of the existing single storey building to be replaced with a part single part five storey building, plus basement, for use as office (Use Class B1a). The total Gross Internal Area ('GIA') floorspace proposed is 1,196sqm. Some 60sqm of the proposal is allocated for affordable workspace, which is above 5% of the overall floorspace, offered at a peppercorn rate for 20 years.
- 5.2. During the course of the application, the proposal has been amended addressing consultee and neighbour consultation responses including:
- lowering internal roof pitches, relocating the lift and consolidating the proposed rooftop plant enclosure to reduce the overall height of the building and thus improving daylight and sunlight impacts;
 - amending windows orientated internally within the site to mitigate overlooking impacts, adding window 'shelf details' and obscure glazing to side facing WC / stair core windows;
 - enlarging the internal lightwell to improve daylight levels within the proposed office floorspace at ground and basement levels;
 - amending the Pentonville Road elevation to introduce a 'plinth motif' on the front elevation in response to Design Officer comments.; and
 - the proposed rear access has been removed due to land ownership constraints.
- 5.3. The main entrance to the building would be from Pentonville Road, with access to the rear from Cumming Street for cycles and refuse collection. There is a single core to the centre of the building with a lift and staircase. *Figure 7* below shows the floorplans of the proposed building, whilst *Figures 8 and 9* show how the proposed building will look from Pentonville Road.

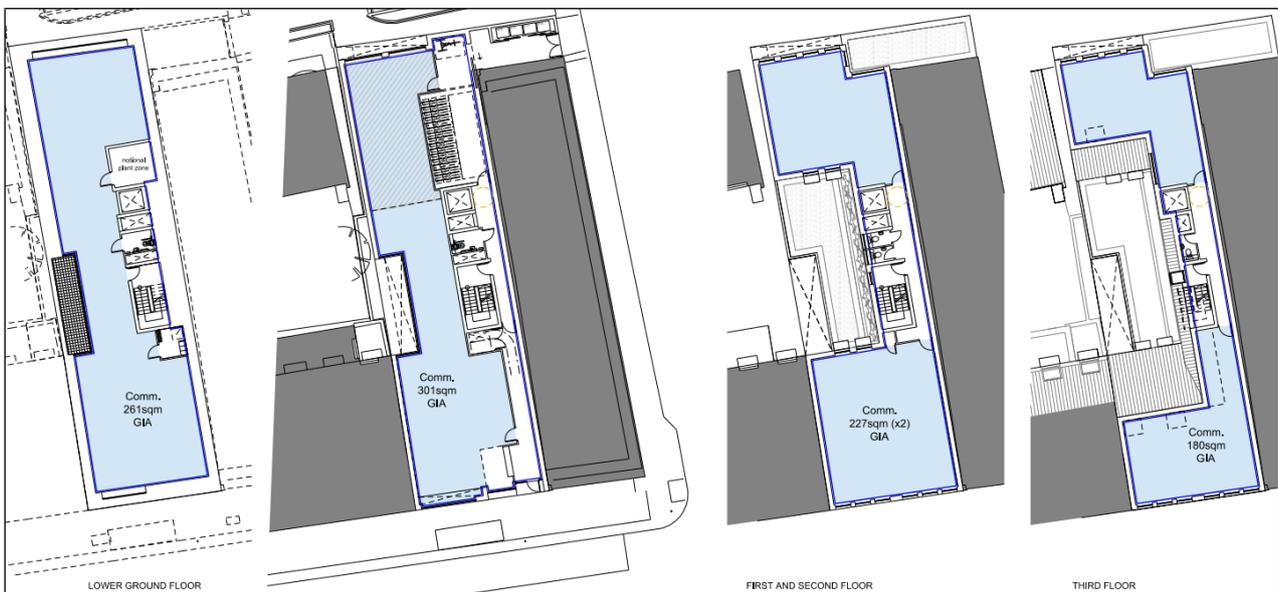


Figure 7: Proposed Floor plans



Figure 8: Applicant's CGI showing the proposal within Pentonville Road streetscene (looking west).



Figure 9: Applicant's CGI showing the proposal within Pentonville Road streetscene (looking east).

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The subject site has a number of planning applications as follows:
- 6.2 **P071117** – Change of use from D1 (non-residential institution) to Sui Generis (Vehicle hire/leasing – *Refused* 26/06/2007, subsequent **Appeal dismissed** 05/11/2007.
- Two reasons for refusal including: “*The proposal would result in a loss of floor space in education use. No evidence has been provided that would indicate that the site is no longer suitable for continued education use and as such the proposal would be contrary to Policy Ed2 of the Islington UDP 2002. Educational sites will be safeguarded and their loss will generally be resisted*”.
- 6.3 **P022441** – Creation of restaurant/bar (basement & ground floors) and 14 residential apartments (1st, 2nd, 3rd & 4th floors) – *Application Withdrawn* 25/11/2002.
- 6.4 **982364** – Change of use from warehouse and ancillary offices to D1 use (educational) – *Approved with Conditions* 28/01/1999.
- 6.5 **001277** – Erection of a single storey warehouse, including vehicle access way onto Cumming Street. 1770sqft. Lightweight asbestos roof and brickwall construction. *Approved with Conditions* 14/06/1979.

PRE-APPLICATION ADVICE:

- 6.6 Pre-application advice was sought for development of the site (reference: Q2018/4165/MJR) in late 2018.
- 6.7 It was outlined that the existing use of the site was unclear, with the site’s planning history suggesting that the existing premises has a D1 use and further evidence would need to be provided to ensure that there is no unacceptable loss of an education facility or social infrastructure.
- 6.8 It was advised by the Council’s Policy Team that the priority for land in this location is for business floorspace. The Council’s Policy Team advised that a residential led mixed-use scheme would not be encouraged given the constraints of the site, including privacy impacts (cross-overlooking between habitable rooms) and the need for two cores/entrances, playspace, open space etc.
- 6.9 In terms of the proposed design, there is scope to raise the height of the Pentonville Road elevation (which is currently single storey). It was advised that the pre-application scheme should be reduced in scale and the applicant did this.
- 6.10 It was advised that the pre-application scheme was considered to be unacceptable and that a planning application would not be supported.

7 CONSULTATION

Public Consultation

- 7.1 A site notice was erected and letters were sent to occupants of 355 adjoining and nearby properties on 16 September 2019, the initial public consultation of the application therefore expired on 10 October 2019, however it is the Council’s practice to continue to consider representations made up until the date of a decision.

7.2 Following submission of revised drawings and a revised description to highlight the application was a departure from the local plan i.e. change from make-up training to office, re-consultation was undertaken on 16 December 2019, giving further representations to be made by 12 January 2020.

7.3 Following submission of further revised drawings, re-consultation was undertaken on 27 February 2020, giving further representations to be made by 12 March 2020.

7.4 To date, a total of 2 representations have been received on the application, raising objection to the application. The points raised within the objections are summarised below [*with reference to which sections of this report address those particular concerns indicated in brackets*]:

- Loss of privacy to both rooms and external amenity areas through overlooking from windows of the development – preference for obscured glazing;

[*Case officer response: Noted, paragraphs 9.55 - 9.59 consider the impacts of the development upon neighbouring privacy.*]

- Noise and disruption from construction of the development – especially on Saturdays;

[*Case officer response: Noted, paragraph 9.99 considers the impact of the construction of the development upon neighbouring residents. The Applicant has agreed to reduce the hours of construction works on Saturday to between 0930 and 1300.*]

- Structural damage to adjoining properties;

[*Case officer response: Noted, the Applicant has submitted a Structural Method Statement in line with the Council's Basement Development SPD 2016. Council's Building Control Officers have reviewed the submitted Structural Method Statement, as per para.7.10, and confirms the development should not cause structural damage to adjoining properties.*]

External Consultees

7.5 **Transport for London (Cross Rail 2)** – This application relates to land within Crossrail 2 Safeguarding Direction. Should the Local Planning Authority be minded to grant planning permission, please apply a condition and informative relating to the submission of detailed design and construction method to ensure the safeguarding of CrossRail2.

[*Case officer response: Noted, and duly included as Condition no.19.*]

7.6 **Transport for London (London Underground)** – No objection in principle, however there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. A condition requiring further details demonstrating satisfaction in relation to tunnels and structures etc. is requested.

[*Case officer response: Noted, and duly included as Condition no.20.*]

7.7 **Transport for London (Spatial Planning)** – Overall, subject to the below being adhered to, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

Cycle Parking: provision shown within Appendix B of the Parking Design and Management Plan (PDMP) complies with the London Cycling Design Standards (LCDS) which is welcomed. Measures outlined within the PDMP to promote increased active travel uptake amongst employees in line draft London Plan policy T2 and the Mayor's Transport Strategy (2018) are also supported. Revised shower and changing facilities are considered acceptable.

TfL have no further comments on the development proposal itself, TfL makes the following comments:

Construction: The Applicant has confirmed the footway along Pentonville Road will not be obstructed and that the Penton Rise bus stop will not have to be relocated during proposed works which is welcomed. The applicant has confirmed that all construction vehicle activity will take place from Cumming Street to the rear of the site which is welcomed. Swept path analysis provided for site delivery during construction is acceptable. TfL welcomes the use of a vehicle booking system to avoid vehicles waiting on the surrounding roads. It is imperative that road safety measures are considered and preventative measures delivered through the construction and operational phases of the development. TfL therefore welcome the use of FORS registered contactors.

The applicant is reminded that Penton Rise bus stop must remain fully accessible during construction, ensuring sufficient space is safeguarded to allow wheelchair access from the stop to the bus.

[Case officer response: Condition no.16 addresses the issues and TfL's advice is included as an informative.]

7.8 **Thames Water** – No objection subject to relevant informatives.

Internal Consultees

7.9 **Access Officer** – *Transport obligation:* PTAL is not an index that takes into account actual accessibility of the transport network. For instance, Angel station is not accessible. To reverse this accessibility issue, Islington expected applicants to pay a S106 contribution of £2,000 towards accessible transport for every 33 employees. A contribution of £6,000 is therefore required.

Entrance (south and north): All entrances to the building must be level, step free – this should be conditioned.

Mobility scooter charging point: The location of the mobility scooter charging points at ground floor is acceptable.

Accessible WC provision: A wheelchair user should not have to travel more than 40m to find an accessible WC. The maximum distance is no greater than 40m, including horizontal and vertical circulation – which is acceptable.

Lift: Amendment of the lift size and extension to the basement has addressed the previous point about lift.

Management plan: A management plan should be conditioned, including a PEEP.

[Case officer response: Noted, and duly included as Condition no.9.]

7.10 **Building Control Officer** – Having reviewed the submitted Structural Method Statement, the proposal will not have structural damage on adjoining properties.

7.11 **Design & Conservation Officer** – The proposal is acceptable in principle as it is considered desirable to provide a more uniform parapet line to the street frontage.

Height, scale and massing: The height, scale and massing of the scheme, including ground floor level infill is supported. The site is effectively considered to be a gap site given the four and five storey buildings either side along Pentonville Road. The proposed elevation to Pentonville Road is stepped in height between the parapet heights of 162 and 156 either side and a full storey in height lower than 156 to the east. The proposed massing onto Pentonville Road would ensure that 156 Pentonville Road (to the east) remains dominant in terms of height on this block. To the rear there is a five-storey building to the east and two storey building to the west.

Layout: Based on the proposed single-land use the approach to layout is supported, including the single core to the centre of the building.

Architectural expression and materiality: The design is considered to be a successful contextual response, which picks up on the language of the locally listed buildings to the south. The elevational treatment to Pentonville Road has been given careful thought and is considered successful, particularly the subdivision into two lots of three bays. The approach to materiality is supported, including stone cladding and London stock multi-brick. Samples and details should be secured by condition.

Conditions should be imposed to secure details of the plinth, stall riser and transom to the Pentonville Road elevation.

[Case officer response: Noted, the Design and Conservation Officer response is considered within the Design section of the below assessment, within paragraphs 9. To 9. duly included as Condition no. 3.]

- 7.12 **Highways and Transport Officer** – No objection to the principle of the development. In regards to construction, parts of Cumming Street may need to be closed during the works, with the developer being required to supply traffic diversions and pedestrian management drawings.

[Case officer response: Noted, this shall be secured through a finalised Construction Method Statement as per Condition no.16, whilst a finalised Delivery and Servicing Plan is secured as per Condition no.15.]

- 7.13 **Environmental Health (Acoustic Officer)** – The application includes a new plant area to the roof, with an air handling unit and condensers noted on the plans. The submission includes a noise report with a background sound survey. The EPPP team advise a condition to control the overall plant noise level and for a post installation report to verify compliance with the agreed criteria.

[Case officer response: Noted, Condition 10 relates to plant noise.]

Finally, the site is surrounded by residential and commercial space and with a potential development lasting two years there will inevitably be some disruption for neighbouring occupiers. The submission includes a draft CMP but it is advised that a detailed site specific document is required, following the guidance of our Code of Practice for Construction Sites. This should be required by S106 obligation or planning condition.

[Case officer response: Noted, this is reflected in Condition no.16.]

- 7.14 **Environmental Health (Contaminated Land)** – The application includes a contaminated land desktop study. Although not listed on our list of sites for further inspection, the report has advised further site investigation. I would advise a condition is included on any permission requiring the submission and approval by the Council of details relating to contamination investigation and any necessary remedial works prior to commencement of the development.

[Case officer response: Noted, this is reflected in Condition no.18.]

- 7.15 **Planning Policy Officer – Existing Land Use:** It is argued by the Applicant that the lawful D1 use (which is considered social infrastructure) the Council knows the site has been used for office and warehousing purposes with periods of vacancy since approximately 2002. Social infrastructure is protected by DM Policy DM4.12, the applicant should demonstrate that both the social infrastructure use is no longer required on site, and that there is no demand for another suitable social infrastructure use. In addition, an audit of the site has been provided suggesting that it suffers from poor levels of natural light, low ceiling heights, poor accessibility and an unsuitable plan form.

The applicant has provided some evidence that there are a number of educational and training facilities in the vicinity of the site, presumably to demonstrate that the proposal would not lead to a shortfall in provision for educational floorspace within the local catchment.

Proposed Land Use: The proposed intensification of the site for the provision of B1 office floorspace is considered appropriate in this location. Taking into account local context and any design constraints identified by colleagues in Design and Conservation, the proposals should maximise the provision of business floorspace on the site.

Affordable Workspace: 5% of the GIA should be secured for provision of affordable workspace. It should be at peppercorn rent, for a minimum of 10 years, and should include a discount on any service charges incurred. The Council would take the lease and appoint an occupier/operator. Further, the affordable workspace unit should be fit to Category A requirements.

[Case officer response: Noted, the loss of the social infrastructure and the proposed office use is considered within paras. 9.13 - 9.24. An affordable workspace unit equating to 5% of the total GIA is to be secured through planning obligations as part of a s106 legal agreement.]

- 7.16 **Energy Officer** – No objection. All of the points raised by the Council's Energy Team have been addressed following receipt of the revised Sustainable Design and Construction Statement v2. The Council's Energy Team confirm that subject to conditions and s106 obligations that all outstanding issues have been resolved.

[Case officer response: Noted, paragraphs 9.116 - 9.143 relate to energy and sustainability, whilst also reflected in Conditions 13 and 14.]

8 RELEVANT POLICIES

- 8.1 Islington Council (Planning Sub-Committee A), 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 (as is with this case) (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

- 8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11 states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"

- 8.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

- 8.4 Further, the NPPF states that sustainable development has an economic, social and environmental role; "*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*"

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

- 8.6 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.
- 8.7 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.
- 8.8 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.9 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.

National Guidance

- 8.10 The National Planning Policy Framework 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.
- 8.11 Since March 2014 Planning Practice Guidance for England has been published online. Under the Ministerial Statement of 18/12/2014, the Government seeks to increase the weight given to SUDs being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 8.12 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (DM). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Draft Local Plan

- 8.13 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 and examination is expected to take place in Summer 2020. As such, the draft Local Plan and policies with objection are considered to have limited weight.

Draft London Plan

- 8.14 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ("EIP") this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration.

Designations

- 8.15 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
- Central Activities Zone (CAZ)
 - Kings Cross & Pentonville Road Key Area (Core Strategy policy CS9)
 - Employment Growth Area (Northdown Street EGA)
 - Article 4 Direction – B1a (office) to C3 (residential)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9 ASSESSMENT

- 9.1 The main issues arising from this proposal relate to:
- Land Use;
 - Design & Appearance;
 - Accessibility and Inclusive Design;
 - Neighbouring Amenity;
 - Transport and Highways;
 - Energy and Sustainability;
 - Waste Management; and
 - Planning Obligations.

Land Use

- 9.2 This section of the report sets out the policy context against which the proposal will be assessed.

Policy Context

- 9.3 The NPPF 2019 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be

placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 9.4 The application site is located within the Central Activities Zone ('CAZ'). The Central Activities Zone Supplementary Planning Guidance (2016) (CAZ SPG) notes that the CAZ is an internationally and nationally significant office location. The CAZ SPG notes that the supply of sufficient office floorspace in terms of type, size and cost within the CAZ to meet growing demand are central to London's economic success.
- 9.5 London Plan Policies 2.10 to 2.12 relate to the strategic priorities, functions and predominately local activities of the Central Activities Zone (CAZ). The site is located within the CAZ. They seek to enhance and promote the unique international, national and London wide roles of the (CAZ) and seeks to sustain and develop its unique and dynamic clusters of world city and other specialist functions and to ensure that there is sufficient capacity to meet identified demands across business cycles.
- 9.6 London Plan Policy 4.2 'Offices' seeks to ensure that there is enough office space within London, and builds upon the aims and objectives of policies 2.10 to 2.12, relating to the CAZ.
- 9.7 London Plan Policy 4.3 'Mixed use development and offices' encourages mixed use development within the CAZ, including an increase in office floorspace, and should provide housing unless such a mix would conflict with other policies in the London Plan and the Borough's Local Plan.
- 9.8 Islington Core Strategy ('ICS') Policy CS6 'King's Cross' is a spatial strategy for the King's Cross key area that outlines the specific spatial policies for managing growth and change for this key area within the Borough. Part A of the policy indicates that York Way and Pentonville Road will be the principal locations for office-led mixed use development which intensifies the use of land in order to meet the wider employment growth in the borough. Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged.
- 9.9 ICS Policy CS13 'Employment spaces' seeks to provide employment space for businesses in the borough. Part A of this policy relates to new employment floorspace and encourages new business floorspace within the CAZ and town centres where access to public transport is greatest, require new business floorspace to be flexible to meet future business needs and require a range of unit types and sizes (including those suitable for SMEs).
- 9.10 Islington Development Management Policies ('DM') Policy DM5.1 'New business floorspace' states that within Town Centres and Employment Growth Areas, the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations.
- 9.11 DM Policy DM5.4 'Size and affordability of workspace' requires that within Employment Growth Areas, major development proposals for employment space must incorporate an appropriate amount of affordable workspace.
- 9.12 DM Policy DM4.12 'Social and strategic infrastructure and cultural facilities' relates to Islington's social infrastructure (such as emergency services and community and social spaces), strategic infrastructure (such as public utilities) and cultural facilities are vital to the identity and function of the borough, as well as its attractive and distinctive character. It is essential that this is maintained and enhanced so that the borough retains its diversity and vitality.

Existing Use

- 9.13 The site was vacated by an educational operator, teaching make-up and beauty application before 2007. Since 2007, a beauty company (Murad) occupied the site, and vacated the premises in 2017. There is evidence that Murad used the site as a distribution centre and office. The Applicant has provided business rate entries from the Valuation Office Agency (VOA) dating back to 2010 (April) indicating 'Workshop and premises' use. In essence, the site has not really been in use recently as social infrastructure.
- 9.14 As set out above, Officers consider the lawful use of the site to probably be for education (D1 Use Class). Islington places emphasis on the retention of existing social infrastructure, as it is protected by LBI DM Policy DM4.12. Proposals involving the loss, or partial loss, of social infrastructure will need to comply with the criteria set out in Part A of this policy.
- 9.15 *Constraints on redevelopment of the site to support social infrastructure* – LBI DM Policy 4.12(A)(i) requires that any replacement facility on site meet the need of the local population for the specific use. Although no replacement make up/beauty training facility or other educational is proposed on site, the capacity of the site and potential to replace the existing structures to support the lawful D1 (education) use of the site is a material consideration. The protections for social infrastructure are not solely specific to the buildings that have historically accommodated them, as these buildings could be modified or redeveloped to continue to support a social infrastructure use on the site.
- 9.16 LBI Policies are clear that education premises should be of the highest standard. Officers consider that the constraints of this specific site, together with the spatial requirements for a school, reasonably precludes its use as a school. These cumulative constraints include the constrained site area, multi-level floors with restricted level access, restricted opportunities for external play space mean the site is not suitable as a school or other such educational.
- 9.17 Officers consider that in this specific context, having regard to the specifics of the site and neighbouring residential uses, that education or training use on the site is less compatible with surrounding residential uses than an office use.
- 9.18 In this specific context, these would be challenging to entirely remove without overly restricting a viable education or training use operating from the site.
- 9.19 By comparison, office floorspace would generally be unoccupied during the most intensive period of occupation for residential dwellings (outside normal work hours) – supporting Officers assessment that in this specific case an office use is a more compatible use when considering the sensitivity of these specific surrounding residential uses.
- 9.20 *Shortfall in provision for the specific use within the local catchment* – LBI DM Policy 4.12(A)(ii)(a) requires that when a specific use is no longer required that evidence be provided demonstrating that the proposal would not lead to a shortfall in provision for the specific use within the local catchment. Draft LBI Local Plan Policy SC1 (Social and Community Infrastructure) has some weight at this time, but states that evidence can be provided to demonstrate that a social and community infrastructure use is not required on site. The site is not suited to use as
- 9.21 *Suitability of premises* – LBI DM Policy 4.12(A)(ii)(b) requires that it be demonstrated that the site / premises is no longer appropriate for social infrastructure uses. The above sets out the assessment of the constraints of this specific site in accommodating redevelopment to support social infrastructure (Education). These considerations also apply to the suitability of the site generally, including the existing premises.
- 9.22 The accessibility and standard of provision on the site is poor. This is due to the age of the structures on site, the level change across the site, and their design – intended to support uses other than Social Infrastructure (Education). The 87sqm of space which could

conceivably accommodate social infrastructure (education) uses has poor level access to WCs and kitchen areas which are not step-free, which would be contrary to adopted LBI policies.

- 9.23 Officers are satisfied that the existing structures are not appropriate for social infrastructure uses, having only been used for this purpose for short duration in relation to a specific historic planning consent from 1999. The use prior to 1999 which was more akin to storage and distribution with ancillary office space, and the design of the structures on site was to support employment and other commercial uses, not social infrastructure.
- 9.24 While the loss of an educational facility is contrary to policy, in this case there are exceptional circumstances that make it acceptable to depart from the plan. Officers are content that in this specific case LBI DM Policy 4.12(A)(ii)(b) requirements are satisfied given the proposed use of the site, considered further below.

Proposed Use

- 9.25 The application seeks to provide 1,196sqm (GIA) of B1a use (office) floorspace over 5 floors, including the basement level.
- 9.26 The Council's up-to-date employment evidence indicates that in order to meet employment growth projections, there is a need for an additional 400,000 sqm of business floorspace, up to the year 2036. The CAZ area and the Employment Growth Areas will perform a critical role in generating much of this growth, therefore business space should be considered a priority in these areas. Also Policy CS6: King's Cross key area spatial strategy identifies York Way and Pentonville Road as appropriate locations for development of business uses.
- 9.27 Use Class B1(a) office space is defined within the Development Plan Chapter 5 Development Management Policies 2013 as a 'business' use. Core Strategy policy CS5 promotes the importance of the development of business floorspace to contribute to wider employment growth within the borough. Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, B1 floorspace would support higher employment densities and thus create additional employment opportunities within the borough. The proposed office use (B1a Office Use Class) is classified within the DM Policy DM5.1 as being an appropriate use with an EGA and therefore complies as it would aid the vitality of the EGA.
- 9.28 The proposed basement level office space would benefit from several lightwells. As such, these measures are considered to provide some outlook and natural light, whilst modern LED lighting is capable of properly lighting such office floorspace. Further, the basement level office floorspace would achieve minimum floor to ceiling heights of 3.0m, whilst the above ground floor levels would measure a minimum of 2.85m. The basement level and above ground levels are all fully accessible with level-access via a lift. Given the basement level workspace has access to natural light, good floor to ceiling heights and natural ventilation, it is considered that the proposed office floorspace would comprise a good working environment.
- 9.29 It is noted that London Plan Policy 4.3 states that within the CAZ, increases in office floorspace, or those above a justified local threshold, should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan. Further DM Policy DM5.1, Part E, sets out that major development that would result in a net increase in office floorspace should also incorporate housing. However, developments should optimise the amount of office space that can be accommodated on site. The two limbs of this policy must be considered in the wider context of other relevant Development Plan policies, both local and London wide. When assessed in consideration of London Plan policies 2.10-2.13, 4.1-4.2 and Islington's Core Strategy (2011) policies CS7 and CS13, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas, such as designated Employment Growth Areas.

- 9.30 In this instance, providing housing on site is not considered to be preferable due to the necessity of providing separate cores and entrances which would compromise the quality of the office space. In line with Policy DM 5.1 Part E, if the proposed housing comprises less than 20% of the total net increase in office floorspace, an equivalent off-site contribution will be sought. In this case, the policy position is clear and the requirement applies to the specific office (B1a) floorspace uplift proposed in the application (1,196sqm), using the formula in the Planning Obligations SPD. The application thus includes a contribution towards the provision of affordable housing off-site of £159,467.

Affordable Workspace

- 9.31 Policy 2.7 of the London Plan identifies that the Mayor and boroughs should manage and improve the stock of industrial capacity to meet both strategic and local needs, including those of small and medium size enterprises, start-ups and businesses requiring more affordable workspace, including flexible, hybrid office/industrial premises.

- 9.32 London Plan Policy 4.1 identifies the need to ensure a good supply of workspaces in terms of type, size and cost. In response to this, the Core Strategy supports the provision of a range of suitable workspaces in terms of type, size and cost. The Council's Development Management Policies (2013) document notes the following:

“Employment studies have identified significant gaps in the borough’s supply of workspaces, particularly for small service-based and light industrial businesses, niche sectors requiring flexible premises in key locations, and new/young businesses seeking affordable small offices, studios or workspace with favourable lease or license conditions. Research undertaken for the council suggests that, despite accounting for around 50% of potential demand for new employment floorspace, many Micro and Small enterprises and start-ups with the potential for financial self-sufficiency have particular needs that often cannot be met by market rent levels.”

- 9.33 Policy DM5.4 of the Council's Development Management Policies Document ('DMP') is concerned with the size and affordability of workspace and states, inter alia, that:

“C. Where workspace is to be provided for small or micro enterprises, but is not within physically separate units, the applicant will be required to demonstrate that the floorspace will meet the needs of small or micro enterprises through its design, management and/or potential lease terms.”

- 9.34 As set out in paragraph 5.25 of the DMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).

- 9.35 Given 1,196sqm of floorspace GIA is proposed within the new building, 59.8sqm of affordable workspace provision is required. The proposed plans indicate an area to the rear of the ground floor of the building for affordable workspace provision at 60sqm, thereby meeting the minimum policy requirement. Further, the proposed space is considered to be of good quality, being at ground floor level with access to natural light and floor-to-ceiling heights consistent with the rest of the building. The affordable workspace unit would have access to shared amenities such WCs (including accessible WCs), cycle storage, refuse and recycling storage area etc.

- 9.36 The affordable workspace unit at 5% GIA, has been agreed by the applicant, to be leased to the Council for a period of 20 years, to be secured via a planning obligation within a section 106 legal agreement.

Land Use Summary

- 9.37 The redevelopment of the site would deliver 1,196sqm of new high quality office floorspace within the CAZ and EGA, whilst provision for affordable workspace has been secured, and as such is consistent with aforementioned policy context. Subject to securing affordable workspace provision on-site through a section 106 agreement, the application is considered acceptable as regards land use.

Design & Appearance

- 9.38 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policy CS9 and policies in chapter 2 of Islington's Development Management Policies.
- 9.39 London Plan Policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan Policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed".
- 9.40 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity.
- 9.41 The site is not located within or adjacent to a Conservation Area nor are there any statutory listed building on or adjacent. Nos.166-170 Pentonville Road are locally listed.
- 9.42 The proposal is for four storeys (plus basement) along the southern (front) and northern (rear) of the building, with an interlinking four storey circulation spine running along the eastern boundary (4m width). The height of the building drops to a single storey to the centre of the site which creates an infill that roughly replicates the height of the existing structure at this location.
- 9.43 The site is effectively considered to be a gap site given the four and five storey buildings either side along Pentonville Road. The proposed elevation to Pentonville Road (as shown below in *Figure 10*, is stepped in height between the parapet heights of 162 and 156 either side and a full storey in height lower than 156 to the east. The proposed massing onto Pentonville Road would ensure that 156 Pentonville Road (Lambros House) to the east, remains dominant in terms of height on this block.



Figure 10: Proposed front elevation as seen from Pentonville Road, in context with rest of the terrace.

- 9.44 To the rear there is a five-storey building to the east and two storey building to the west. As shown below in Figure 11, the building continues to step down from the dominant adjacent no.156 (Lambros House), however would be two storeys taller than the terrace at 3-9 Cumming Street.

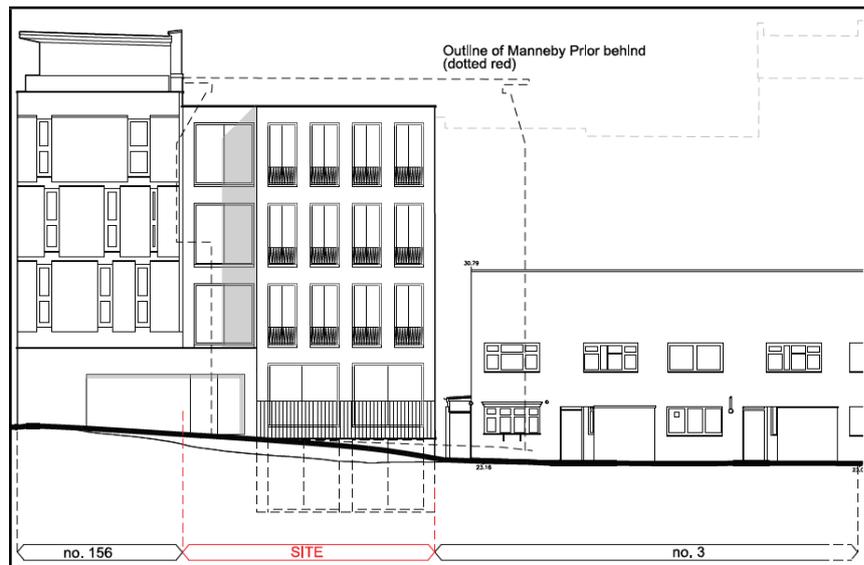


Figure 11: Proposed rear elevation as seen from Cummings Street.

- 9.45 The proposed height and scale of the building is considered acceptable given the site is currently underutilised as it is single storey between the adjoining four and five storey buildings fronting Pentonville Road.
- 9.46 In regards to appearance, the design is considered to be a successful contextual response, which picks up on the language of the adjoining buildings and the locally listed buildings to the south. The elevational treatment to Pentonville Road has been given careful thought and is considered successful, particularly the subdivision into two lots of three bays. The approach to materiality including stone cladding, cills, cornices and copings alongside London stock multi-brick and aluminium cladding/fenestration framing, is supported by Officers. The materials would be replicated to the front, side and rear of the building. Samples and details to be submitted and approved by the Council is secured by condition.
- 9.47 Following the consultation response from Design & Conservations Officers, the applicant revised the proposal to include a 'shadow-gap' plinth detail to the ground floor pilasters and

now better expresses the way the building meets the ground plane. Further, the plinth detail at ground floor level would be level with the stall riser at ground floor level, as requested by the Design & Conservations Officer.

- 9.48 The proposal is considered to be in accordance with Policy 7.6 of the London Plan (2016), Policies CS3, CS8 and CS9 of Islington's Core Strategy (2011) and the aims and objectives of Development Management policies (2013) Policies DM2.1 and DM2.3.

Accessibility and Inclusive Design

- 9.49 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 9.50 A lift to the central core of the building allows for level access to all of the floors for wheelchair users, whilst both entrances to the building at ground floor are level access. The dimensions of the lift are considered accessible. Sufficient accessible WC provision is provided to each of the proposed 5 floors, including the basement, of the building.
- 9.51 There are limited opportunities for providing a safe drop-off (from taxis or cars) point on Pentonville Road as this is a TfL Red Route, however there is provision for safe drop-off on Cumming Street which would ensure that wheelchair users would not need to cross a road, as they could still achieve level access from the main entrance on Pentonville Road.
- 9.52 Provision has been made for an accessible cycle/tricycle at ground floor level, to the rear of the building. The cycle storage area can be accessed by either the front or rear entrances to the building.
- 9.53 The proposed building is a vast improvement on the existing building, which is split level as existing, with no lifts or ramps. The proposal is considered to accord with the aims of the aforementioned policies relating to accessibility and inclusive design, and can therefore be supported. Details to be submitted and approved relating to accessibility management plan, to include a 'Personal Emergency Evacuation Plan', is secured in Condition no.9.

Neighbouring Amenity

- 9.54 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Privacy

- 9.55 The aforementioned policies above identify that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public*

highway, overlooking across a public highway does not constitute an unacceptable loss of privacy. In the application of this policy, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.

- 9.56 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 9.57 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties and Officers have sought to ensure all impacts are mitigated.
- 9.58 The applicant has amended proposed to remove overlooking from the proposed development to the residential properties to the west. These measures comprise: opaque glazing on all windows directly orientated westward (for toilets and stair core) and window details (window shelf) to all internal facing windows above Ground Floor. Furthermore, Officers recommend (and the Applicant has agreed) Condition no.6 ensures all side facing windows (to the first floor and above) are to be obscured glazed and non-opening beyond 150mm.

Roof terraces

- 9.59 The roof of the single-storey element of the building to the centre of the site is not proposed to be used as an external amenity area, such as a roof terrace. It would be limited to an extensive sedum roof whilst access by way of a door is not proposed. Nonetheless, a condition ensuring this roof is not used as an amenity space is proposed (Condition no.7).

Outlook

- 9.60 The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties.
- 9.61 The increase in height on site would be noticeable from the south and north, and neighbouring properties to the west. However, residential properties to the west do not directly face the proposed building which reduces the degree of impact. Views towards the Application site from all properties to the west would be oblique.
- 9.62 In terms of the context to the west, the proposed building will be visible from the rear gardens and rear windows of 3 - 9 Cumming Street and unobscured rear windows between 162-164 Pentonville Road. Whilst the increase in height and mass to the subject site would be noticeable from the rear gardens, rear windows within these properties would retain adequate outlook as they do not directly face the site. Given the set-back of the proposed building within the centre of the site, it is not considered to unduly worsen the sense of enclosure to the rear of neighbouring properties.
- 9.63 The proposal is therefore not considered to give rise to undue loss of outlook from an increased sense of enclosure currently experienced with the existing urban context.

Noise and Disturbance

- 9.64 The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers given the existing use and as the proposed use as offices are considered to be appropriate to and compatible with the existing residential neighbouring properties and town centre setting.
- 9.65 Furthermore, the site makes use of the two existing entrances to the site for business use, it is not considered that the level of pedestrian activity that these arrangements would generate would give rise to any discernible increase in the level of noise, disturbance, litter or antisocial behaviour for local residents. All servicing for the building would be carried out towards the rear onto Cumming Street, alongside the existing servicing location of the adjoining 156 Pentonville Road (Lambros House).

Light Pollution

- 9.66 Given the proposed number and proximity of new glazing panels facing the adjoining buildings along Pentonville Road and to the rear on Cumming Street, concerns may arise that the amount of light emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should office staff need to work outside normal office hours. Despite this, it is not recommended that the hours of use of the office to be restricted, in order to allow the flexible use of the proposed office floorspace. To address any potential light pollution issue, it is considered that measures such as the use of daylight and occupancy sensors can be adopted for the development's internal lighting, and roller blinds can also be used to reduce the extent of light pollution during evening and night time.

Daylight, Sunlight and Overshadowing

- 9.67 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 9.68 A number of the representations received during the consultation period of the application objected to the proposal in regards to loss of daylight, sunlight and overshadowing.

Daylight Guidance

- 9.69 The BRE Guidelines stipulate that... *“the diffuse daylighting of the existing building may be adversely affected if either:*
- the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
 - the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*
- 9.70 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 9.71 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

- 9.72 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 9.73 Paragraph 2.2.11 states: *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 9.74 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”*
- 9.75 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 Guidance

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

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

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;*
- *Receives less than 0.8 times its former sunlight hours during either period and;*

- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.*

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

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

9.79 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing Guidance

9.80 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: ‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.

9.81 At paragraph 3.3.17 it states: “It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

Assessment

9.82 The Applicant has submitted a Daylight & Sunlight Report (ref:MC/GO/ROL00102) dated 19/07/2019 and prepared by GL Hearn. Following revisions to the proposal, an addendum was submitted on 17/12/2019. The submitted report and addendum considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

9.83 It includes information on where internal arrangements have been sourced (planning applications and estate agent detail). Neighbouring no.162-164 Pentonville Road, adjoining the site, is a recent development, following planning permission reference: 2015/1729/FUL.

9.84 Below in *Figures 12 to 14* show the maps and window locations of the neighbouring properties tested within the submitted Daylight & Sunlight Report.



Figure 12: Map of adjoining properties tested

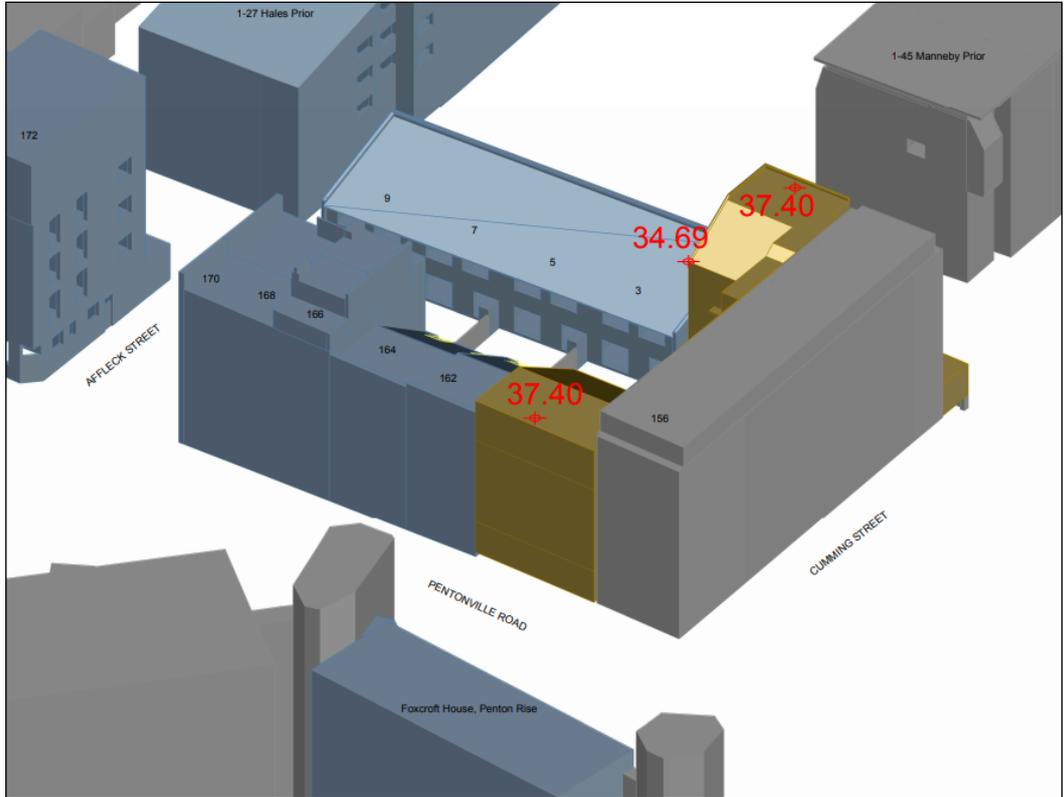


Figure13: 3D Mapping Proposal looking North.

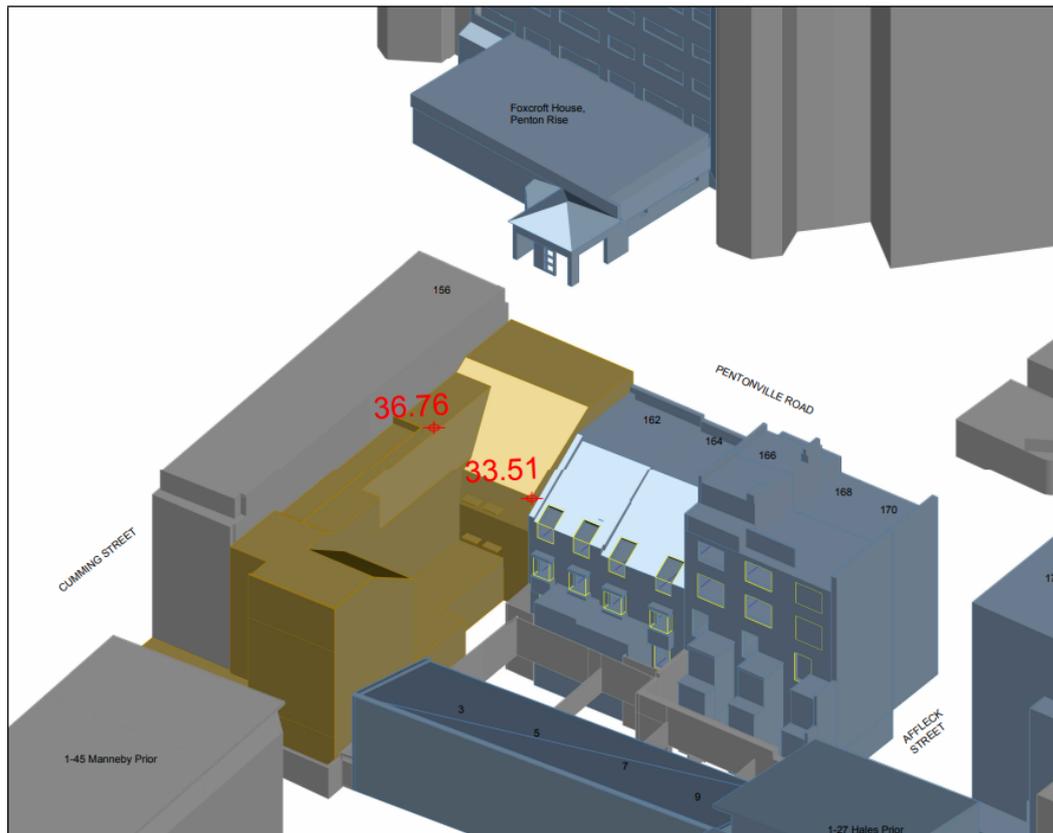


Figure 14: 3D Mapping Proposal looking South.

Impacts to Daylight

- 9.85 The submitted report indicates that a total of 81 windows and 24 rooms were assessed. The report demonstrates that 1 of the windows (1.2%) and 4 of the rooms (16.6%) assessed would fail BRE guidance criteria.
- 9.86 The following properties comply with the BRE Guidance:
- Foxcroft House – Penton Rise;
 - 156 Pentonville Road (Lambros House);
 - 164B, Unit 3, Unit 4, Unit 5 and Unit 6 Pentonville Road;
 - 166, 168, 170 and 172 Pentonville Road;
 - 1-27 Hales Prior;
 - 1-45 Manneby Prior; and
 - 5, 7 and 9 Cumming Street;
- 9.87 Transgressions are reported to neighbouring 164 Pentonville Road and 3 Cumming Street. The transgressions to these neighbouring properties are reported for reference in Table 1 below:

Table 1: Daylight – proposed scheme		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room/ Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
164 C Pentonville Road								
Ground R1 / W1	Living Room	10.00	7.30	27%	14.99	11.95	8.33	30%
Unit 1 164 Pentonville Road								
First Floor R1 / W1	Bedroom	14.89	14.89	0	12.77	11.45	9.07	21%
First Floor R1 / W2		11.08	9.84	11%				
First Floor R1 / W3		31.05	28.87	7%				
3 Cumming Street								
Ground R1 / W1	Living Room	18.32	17.17	6%	26.19	19.29	13.59	30%
Ground R1 / W2		18.61	17.90	4%				
First Floor R1 / W1	Bedroom	16.31	15.53	5%	12.87	9.54	7.56	21%

- 9.88 As shown in the table above, 1 neighbouring window would see reductions in VSC greater than BRE guidance, whilst 4 rooms would see reductions in NSL greater than BRE guidance. As shown in the above table, only one room at a single property would see reductions to both VSC and DD.
- 9.89 The neighbouring properties are individually detailed further below:
- 9.90 164C Pentonville Road would see a reduction of 27% in VSC to a single window which serves Room 1, which also sees a reduction of 30% in NSL. This particular room is located at upper ground floor level of a single-aspect maisonette flat, located to the rear of Pentonville Road. It is noted that this window is located less than 0.5m from the boundary with the subject site. These windows face out onto a small courtyard area within a rear lightwell to the building and as such any loss to daylight would be perceptible given the existing low values.
- 9.91 Unit 1 164 Pentonville Road would see a marginal reduction of 21% in DD, however there would be no noticeable reductions in VSC to the 3 windows which serve this room.
- 9.92 3 Cumming Street would see a reduction of 30% in DD to the living room at ground floor level. However, there would be no noticeable reduction to VSC to the 2 windows which serve this room. At first floor level, there would be a marginal reduction in DD of 21% to a bedroom, however there would not be a noticeable reduction in VSC to the window which serves this bedroom.
- 9.93 In summary, although Table 1 highlights the reduction to neighbouring daylight (either in Vertical Sky Component and/or Daylight Distribution), given the orientation of the windows/rooms most affected and the existing site being underutilised, the transgressions to neighbouring properties from the proposed development can be accepted.

Impacts to Sunlight

- 9.94 The submitted report and addendum, following the revised proposal, indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. The submitted report indicates that a total of 21 windows were assessed and demonstrates that no neighbouring windows would fail BRE guidance criteria.

Overshadowing

- 9.95 The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time).
- 9.96 The submitted report and addendum indicates that all but one neighbouring amenity space would comply with BRE guidance criteria.
- 9.97 3 Cumming Street has a rear garden area of 70sqm and currently receives sunlight to 15% (10.77sqm) and as such significantly fails BRE guidance criteria as existing. The proposed development would reduce the sunlight the garden receives to 5% (3.84sqm), a reduction of 64%. 3 Cumming Street and its rear garden adjoins the proposed development site. The existing buildings to Pentonville Road, due south of neighbouring 3 Cumming Street, cause the main overshadowing impacts to Cumming Street properties.
- 9.98 ***Daylight, Sunlight and Overshadowing Summary:*** A comprehensive impact assessment of the proposed development on surrounding windows, rooms and gardens in all nearby dwellings has taken place. Testing was in accordance with BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition 2011). The results of the assessment show good levels of adherence with only minor transgressions in relation to daylight distribution to neighbouring properties. The transgressions to neighbouring windows and rooms would not exceed 30% reductions. The proposed reductions to neighbouring daylight, when taken into consideration of the underutilised site within an inner city context, as acknowledged by the BRE in their guidelines must be viewed flexibly and considering the wider adherence to the required standards of all other tested windows the infractions are considered acceptable.

Construction Impacts

- 9.99 It is expected that the proposed development would cause some degree of disruption and nuisance towards the neighbours during the construction phase, the neighbours concern is acknowledged and it is agreed that the environmental impact during the construction period would need to be minimised to ensure that the neighbours' quality of life would not be adversely affected by the construction work. The applicant has submitted a draft Construction Traffic Management Plan, however a full Construction Method Statement would be required to be submitted, in line with Islington's Code of Practice for Construction Sites, and agreed by the Council prior to the commencement of work, secured by condition no.16.

Refuse and Recycling

- 9.100 Sufficient Waste storage facilities should be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, for major developments, details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.

- 9.101 A refuse and recycling storage area is proposed to the rear of the building. It would be located within an 'open-air gated courtyard' which can be accessed from the rear of the building and also from Cumming Street to allow for easy access from waste collectors. The location and provision for refuse and recycling is therefore considered acceptable and it should be in place prior to occupation of the development, as secured in Condition no.4.

Highways and Transportation

- 9.102 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.103 The application site has a PTAL of 6b, which is considered 'excellent', due to the numerous bus links along Pentonville Road and proximity to Angel and Kings Cross stations.

Pedestrian / Cycle Improvements

- 9.104 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80 square metres of new office (B1a) floorspace and needs to be secure, covered, conveniently located and step free.
- 9.105 The proposal provides a secure cycle parking enclosure for the proposed office use internally, at ground floor level. This can be accessed either by the main entrance or to the rear of the building from Cumming Street, allowing for level access from the street to the cycle store.
- 9.106 A total of 16 cycle parking spaces are proposed at ground floor level, plus 1 accessible cycle parking space, in accordance with London Plan policy 6.9 and Islington's Development Management policy DM8.4.

Servicing, deliveries and refuse collection

- 9.107 The site as existing has a very narrow vehicular access from Cumming Street. This open area is to be built over as part of the proposed development. The proposed development would continue to be serviced on-street from Cumming Street. One delivery trip per day is predicted for the proposed development (office use).
- 9.108 Servicing and deliveries cannot take place on Pentonville Road due to being part of the TLRN (with double red lines) and the bus stop located to the front of the site.
- 9.109 Transport for London and the Council's own Highways Officers have accepted this arrangement and it is not considered that, given the relatively low number of deliveries associated with the proposed office use, this would give rise to any highways safety impacts.
- 9.110 Concerning the hours of delivery, a condition is recommended (no.15) requiring details of a finalised Delivery and Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

Vehicle parking

- 9.111 The site does not currently include any formal parking arrangements and no parking is proposed within the site as part of the application. The subject site is located within a Controlled Parking Zone (CPZ) 'Zone B', which operates weekdays between 0830 – 1830

and on Saturdays between 0830 – 1330. Furthermore, Pentonville Road forms part of Transport for London Road Network (TLRN) and is designated as a 'red-route', with no on-parking.

- 9.112 As such, given the lack of dedicated off-street parking and the CPZ discouraging on-street parking, the proposal is not considered to give rise to additional parking stress which would be of detriment to the surrounding road network.
- 9.113 Given the site has an 'excellent' PTAL rating, the highly accessible area alongside on-street parking restrictions, the proposal is considered acceptable in sustainable transport regards.
- 9.114 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 in providing for on-site parking, a financial contribution in lieu of wheelchair accessible parking is accepted.
- 9.115 Footway and highway reinstatement works, would be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Sustainability, Energy Efficiency and Renewable Energy

- 9.116 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 9.117 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 9.118 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.119 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.120 The applicant has submitted the relevant detail within the submitted Sustainable Design and Construction Statement, prepared by eb7. Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, a revised Sustainable Design and Construction Statement was submitted (v2 prepared by eb7).

Carbon dioxide emissions

- 9.121 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.
- 9.122 Based on the updated energy strategy, the development now achieves a saving of 32.5% on regulated emissions with SAP 2012 carbon factors, and a saving of 53.5% using SAP10 carbon factors. Therefore, the development remains compliant with the London Plan and represents an improvement on previous performance.
- 9.123 Islington Council policy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 9.124 The revised energy strategy shows a 30.6% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.125 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". 'All' in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement". In order to mitigate against the remaining carbon emissions generated by the development, the revised energy strategy includes a correctly calculated Carbon Offset contribution of £15,768.80 for the 17.14 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation and is outlined further below under 'Planning Obligations'.

Sustainable Design Standards

- 9.126 Council policy DM 7.4 A states "Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification."
- 9.127 A BREEAM Pre-Assessment has been submitted for the development which shows a score of 72.56% meeting the requirements of Islington DM 7.4A which requires a minimum of an 'Excellent' rating, which shall be secured through Condition no. _.

Energy Demand Reduction (Be Lean)

- 9.128 Council policy DM 7.1 (A) states "Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development." Council policy states "developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy".
- 9.129 Following clarification with the revised Energy Strategy the proposed design has maximised incorporation of passive design measure to control heat gain and deliver passive cooling.
- 9.130 In accordance with council policy "Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed".

9.131 Thermal modelling has been carried out by the Applicant, indicating that in the absence of artificial cooling, there would be risk of overheating. Council's Energy Officer accept the proposed use of passive design measures.

9.132 Council policy states "Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control". The submitted revised details confirm that Active Cooling has been specified, which is accepted by Council's Energy Officer.

Low Carbon Energy Supply (Be Clean)

9.133 London Plan Policy 5.6B states: "B. Major development proposals should select energy systems in accordance with the following hierarchy:

1. Connection to existing heating or cooling networks;
2. Site wide CHP network;
3. Communal heating and cooling;

9.134 It is proposed that space heating and cooling will be provided via air source heat pumps. The applicant has also confirmed that hot water will be provided via point of use electric heaters, due to the very low demand, which is accepted by Council's Energy Services.

9.135 DM Policy DM7.3B states "all major developments within 500 metres of an existing or planned DEN... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible."

9.136 The energy strategy includes an excerpt from the London Heat Map which shows that there is no planned or existing Decentralised Energy Network within 500m of the proposed development and as such there is no requirement to submit a feasibility assessment of connection.

9.137 Council's Energy Officer accepts that the proposal cannot be futureproofed any further at this point. Nonetheless, futureproofing the development to ensure potential connection to a DEN should one come forward is secured through a planning obligation within the section 106 legal agreement.

9.138 The applicant has not provided evidence of investigation of Shared Heat Network opportunities with neighbouring developments, however, given the very low heat loads and a lack of apparently compatible sites in the vicinity, Council's Energy Officer accepts this approach and do not suggest that this option is pursued further.

9.139 The Energy Strategy rules out the possibility of a Carbon Heating Plant due to low heat and hot water demand from the size of the development, which is accepted by the Council's Energy Officer.

Renewable Energy Supply (Be Green)

9.140 The use of renewable energy should be maximised to enable the achievement of CO2 targets. The applicant has confirmed that air source heat pumps and a solar PV system will be installed at the development. This is anticipated to have an area of around 30m² to the roof and is supported by Council's Energy Officer.

Green Performance Plan (GPP)

9.141 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy."

- 9.142 A Draft Green Performance Plan has been submitted with measurable targets for gas, electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. The draft GPP has been accepted by Council's Energy Services and a finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.
- 9.143 In summary it is concluded that the proposed development would contribute to the achievement of sustainable development as per the provisions of the NPPF and in accordance with Policies within the London Plan and Local Plan.

Air Quality

- 9.144 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.145 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition no.16. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Further, emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition no.16.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.146 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 9.147 A Section 106 legal agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- A. A contribution of £159,467 towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
 - B. Provision for Affordable Workspace, totalling 5% of the overall GIA floorspace, to be secured at a peppercorn rate for 20 years;
 - C. Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay 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. If these placements are not provided, LBI will request a fee of £5,000;

- D. A contribution towards employment and training for local residents of £15,410;
- E. Compliance with Code of Employment and Training;
- F. Compliance with the Code of Local Procurement;
- G. Compliance with the Code of Construction Practice, including a monitoring fee of £1,196;
- H. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- I. A contribution of £4,000 towards 3x accessible parking bays or other accessible transport initiatives;
- J. A contribution of £15,768.80 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- K. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any on-site solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- L. A bond/deposit of £25,174 to cover costs of repairs to the footway and £45,357 for repairs to the highway (total £70,531). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- M. 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).
- N. A contribution towards Crossrail of £167,440;
- O. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.148 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

9.149 The heads of terms that have been agreed with the applicant would suitably mitigate any impacts of the development. They are considered to be fairly and reasonably related in scale and kind to the scale and nature of the proposals. 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. The full list of contributions is set out at Appendix 1 of this report.

9.150 These obligations sought by the Council satisfy the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (and paragraph 56 of the NPPF 2019), as set out below:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 Although there is a loss of D1 use (social infrastructure) without sufficient marketing evidence, which is a departure from the local plan, the proposal is considered acceptable due to the provision of 1,196sqm of business B1a (office) use floorspace within the Central Activities Zone, an Employment Growth Area and the Kings Cross Key Area.
- 10.2 The revised proposal, is not considered to give rise to unacceptable impacts upon neighbouring residential amenity given the mitigation measures proposed as part of the design and subject to conditions.
- 10.3 The proposal is considered to deliver a sustainable form of development due to energy efficiency measures, a reduction in carbon emissions, sustainable transport options and sustainable transport options in accordance with planning policy. The proposal is not considered to give rise to unacceptable transport or highways impacts, subject to appropriately worded conditions on construction, delivery and servicing. Furthermore, the proposal is considered acceptable in relation to all other technical matters, subject to the recommended conditions.
- 10.4 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions and completion of a section 106 legal agreement to secure the necessary mitigation measures.

Conclusion

- 10.5 Given the above considerations, it is recommended that planning permission be granted subject to conditions and a s 106 legal agreement securing the heads of terms as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- A. A contribution of £159,467 towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
- B. Provision for Affordable Workspace, totalling 5% of the overall GIA floorspace, to be secured at a peppercorn rate for 20 years;
- C. Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay 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. If these placements are not provided, LBI will request a fee of £5,000;
- D. A contribution towards employment and training for local residents of £15,410;
- E. Compliance with Code of Employment and Training;
- F. Compliance with the Code of Local Procurement;
- G. Compliance with the Code of Construction Practice, including a monitoring fee of £1,196;
- H. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- I. A contribution of £4,000 towards 3x accessible parking bays or other accessible transport initiatives;
- J. A contribution of £15,768.80 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- K. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any on-site solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- L. A bond/deposit of £25,174 to cover costs of repairs to the footway and £45,357 for repairs to the highway (total £70,531). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/

deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.

- M. 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).
- N. A contribution towards Crossrail of £167,440;
- O. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement of Development (Compliance) CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)
2	Approved Plans (Compliance) CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents: 4102-PA-10 Rev. C – Proposed Plans; 4102-PA-11 Rev. D – Proposed Basement & GF; 4102-PA-12 Rev. B – Proposed Uppers; 4102-PA-13 Rev. C – Proposed Roof Plan; 4102-PA-20 Rev. C – Proposed Elevations 1; 4102-PA-21 Rev. B – Proposed Elevations 2; 4102-PA-22 Rev. D – Proposed Elevations 3; 4102-PA-30 – Existing & Proposed Street Elevation; 4102-PA-31 Rev. D – Proposed Materials; 4102-PA-32 – CGI View 1; 4102-PA-33 – CGI View 2; 4102-PA-40 Rev. A – Existing & Proposed Street Elevation; 4102-PA-41 – Construction Logistics Plan; 4102-PA-42 – Rear Entrance Elevations; 4102-PA-50 – Overlooking Distances Diagram 1; 4102-PA-51 – Overlooking Distances Diagram 2; REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Materials (Details) CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include: a) Window manufacturer's detail including glazing, sections and reveals and sample; b) Details and sample panel of all brickwork; c) Details of all rooftop materials; d) Details of the materiality to the ground floor frontage; e) Details of materiality to the plinth; f) Details of all entrances and openings; g) Any other materials to be used; h) Any external boundary treatments, courtyard landscaping and/or gates; Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as

	<p>part of discharging this condition.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
5	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no.4102/PA/11 Rev.D and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
6	Obscured Glazing (Compliance)
	<p>CONDITION: The hereby approved development shall not be occupied until all glazing to the west elevation at first floor and above, as outlined in drawing no.4102/PA/22 Rev.D, have been obscure glazed and either fixed shut or with 150mm opening restrictors. The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p>
7	No use of flat roofs (Compliance)
	<p>The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
8	Internal Lighting (Details)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include, but not limited to:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The 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 protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>

<p>9</p>	<p>Inclusive Design (Details)</p> <p>CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall include:</p> <ul style="list-style-type: none"> a) All entrances to the building must be level, step free; b) The location of the mobility scooter charging points at ground floor. c) A management plan, including a PEEP. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<p>10</p>	<p>Fixed Plant (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>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 an appropriate standard of accommodation is provided.</p>
<p>11</p>	<p>Green/Brown Biodiversity Roofs (Details)</p> <p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ul style="list-style-type: none"> a) green/brown roofs shall be biodiversity based with extensive substrate base (depth 120 -150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <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 accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
<p>12</p>	<p>Tree Protection (Compliance and Details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and basement excavation work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
<p>13</p>	<p>BREEAM (Compliance)</p> <p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<p>14</p>	<p>Energy Efficiency (Compliance)</p> <p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design and Construction Statement and any supporting documents shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy efficiency measures within the approved Sustainable Design and Construction Statement, a revised Sustainable Design and Construction Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
15	<p>Delivery and Servicing Plan (Details)</p> <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: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
16	<p>Construction Method Statement (Details)</p> <p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 09.30-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites on Pentonville Road and Cumming Street at all times, including emergency service vehicles; m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;

	<p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register https://nrmm.london/user-nrmm/register prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
17	Air Quality (Compliance)
	<p>CONDITION: The Development is to be built in accordance with the hereby approved Air Quality Assessment. The measures outlined within the Assessment are to be completed prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy.</p> <p>REASON: To protect the amenities of the future occupants and to avoid harm to health arising from exposure to poor air quality.</p>
18	Land Contamination (Details)
	<p>CONDITION: Prior to the commencement of development (including demolition) the following assessment shall be submitted to and approved in writing by the Local Planning Authority (in response to the NPPF and in accordance with CLR11 and BS10175:2011).</p> <p>a) A land contamination investigation (including intrusive investigation). Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so</p>

	<p>approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To avoid unacceptable risk to health arising from contamination.</p>
19	Cross Rail 2 (Details)
	<p>Prior to commencement of works, a detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:</p> <p>(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,</p> <p>(ii) Accommodate ground movement arising from the construction thereof,</p> <p>(iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures</p> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building is occupied.</p> <p>Reason: To ensure that the development does not detrimentally impact on existing Cross Rail 2 transport infrastructure.</p>
20	London Underground (Details)
	<p>Prior to commencement of works, detailed design and method statements (in consultation with London Underground) for each stage of the development for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> • provide details on all structures; • accommodate the location of the existing London Underground structures and tunnels; • accommodate ground movement arising from the construction thereof; • and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>Reason: To ensure that the development does not detrimentally impact on existing London Underground transport infrastructure.</p>
21	Removal of Permitted Development Rights – Office Use (Compliance)
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the</p>

	<p>provisions of any Order revoking and re-enacting that Order, no change of use of the approved B1(a) floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the borough.</p>
22	Basement Excavation (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement Ref: 19076/SMS_R01/RS July 2019, unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>

List of Informatives:

1	The Building Acts and Building Regulations
	<p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E:</p>
2	Street Naming and Numbering
	<p>If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.</p> <p>T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
3	Environmental Health, Trading Standards and Licensing
	<p>You may need to comply with various Acts and therefore you should contact Commercial and/or Residential Environmental Health and/or Trading Standards and/or Licensing. The Licensing Team deal with premises that sell alcohol, provide entertainment, late night refreshment, gambling and special treatments such as beauty therapies, tattoos and saunas.</p> <p>T: 020 7527 3186 (Commercial/Residential/Trading Standards) T: 020 7527 3031 (Licensing) E: Street.Trading@islington.gov.uk Licensing@islington.gov.uk Residential.Envh@islington.gov.uk Commercial.Envh@islington.gov.uk</p>
4	Inclusive Design and Access for Disabled People
	<p>The London Plan, Islington's Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:</p> <ul style="list-style-type: none">• Inclusive Mobility – www.dft.gov.uk/publications/inclusive-mobility• Approved Document M – Access to and use of buildings• Islington's Accessible Housing SPD – http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Publicconsultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf• Islington's Inclusive Landscape Design SPD - http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-andperformance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPDJanuary-2010.pdf• BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people. <p>Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features.</p> <p>T: 020 7527 2394 E: planning@islington.gov.uk</p>

5	Highways
	<p>In order to comply with the provisions of the Highways Act, and/or other Highways matters, you should contact Highways Services. Hoardings, scaffolding, skips, overhanging structures, anything on the public highway (tables and chairs for example) are regulated by the Streetworks Team.</p> <p>T: 020 7527 2000 E: streetworks@islington.gov.uk</p>
6	Parking Suspensions
	<p>In order to secure parking bays for the sole use of contractors on site, you should contact Parking and CCTV Services.</p> <p>T: 020 7527 1377/6262/6129 E: parkingsuspensions@islington.gov.uk</p>
7	Trees
	<p>Any trees which are the subject of a Tree Preservation Order or within a conservation area may not be lopped, felled, uprooted or wilfully damaged without permission. Should you wish to undertake any such works contact the Tree Service.</p> <p>T: 020 7527 2417/2150 E: treeservice@islington.gov.uk</p>
8	Storage and Collection of Refuse
	<p>In order to ensure the intended approach/strategy to refuse, recycling, waste removal is acceptable, you should contact Street Environment Services.</p> <p>T: 020 7527 2000 E: contact@islington.gov.uk</p>
9	Nuisance from Construction Work
	<p>Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> • 08:00 to 18:00 Monday to Friday • 08:00 to 13:00 Saturday • No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties, then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>
10	Fire Precautions
	<p>If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade.</p> <p>T: 020 8555 1200 (ext: 59163) A: Eastern Command, Fire Safety Department Units 5-6 City Forum City Road, LONDON EC1V 2FB</p>
11	Petrol Storage
	<p>To ensure compliance with the Petroleum (Consolidation) Act and for advice on the storage of petroleum spirit or petroleum mixture, you should contact the London Fire and Civil Defence Authority.</p> <p>T: 020 8555 1200 (ext: 59163) A: Eastern Command, Fire Safety Department Units 5-6 City Forum City Road,</p>

	LONDON EC1V 2FB
12	<p data-bbox="272 208 478 237">Thames Water</p> <p data-bbox="272 241 1383 741">As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p data-bbox="272 779 1383 1010">Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 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.

Development Plan

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

A) The London Plan 2016 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.10 CAZ – strategic priorities

Policy 2.11 CAZ – strategic functions

Policy 2.12 CAZ – predominately local activities

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.16 Protection and enhancement of social infrastructure

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.7 Retail and town centre development

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 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

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

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 King's Cross

Strategic Policies

Policy CS8 Enhancing Islington's character

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

Policy CS10 Sustainable Design

Policy CS11 Waste

Policy CS13 Employment Space

Policy CS14 Retail and services

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Designations

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

- Central Activities Zone
- Kings Cross & Pentonville Road Key Area
- Employment Growth Area
- Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services)
- Article 4 Direction – B1c (Light Industrial) to C3 (Residential)
- CrossRail 2 Safeguarding Zone
- London Underground Zone of Interest (Tunnels)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design

Accessible Housing in Islington

Inclusive Landscape Design

Planning Obligations and S106 Urban Design Guide 2011

London Plan

Accessible London 2014

Culture & the night time economy 2017

Sustainable Design & Construction 2014

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy 2013