



## PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:B2</b>
<b>Date:</b> 18 May 2020	

Application number	P2019/3464/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Adjacent to Grade II Listed 21 – 23 Yardley Street
Conservation area	Adjacent to New River Conservation Area (CA2) Within 50m of Rosebery Avenue Conservation Area (CA34)
Strategic	Central Activities Zone (CAZ) Margery Street/Easton Street Employment Growth Area (EGA) GLA Protected Vista (Kenwood viewing gazebo to St Paul's Cathedral) Strategic Cycle Route Local Cycle Route Article 4 Direction – B1a (Office) to C3 (Residential)
Licensing Implications	n/a
Site Address	Edward Rudolph House, 69 - 85 Margery Street, Islington, WC1X 0JL
Proposal	Demolition of the existing building and construction of a 5 storey building (plus roof top plant enclosure and further basement excavation to the existing basement/lower ground level), to provide for a total of 5,660sqm (GIA) of office floorspace (Use Class B1a), along with a new substation, cycle parking and changing facilities, refuse and recycling storage, hard and soft landscaping, and associated works.

Case Officer	Simon Roberts
Applicant	Royal UK Properties III Ltd
Agent	ROK Planning

## 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

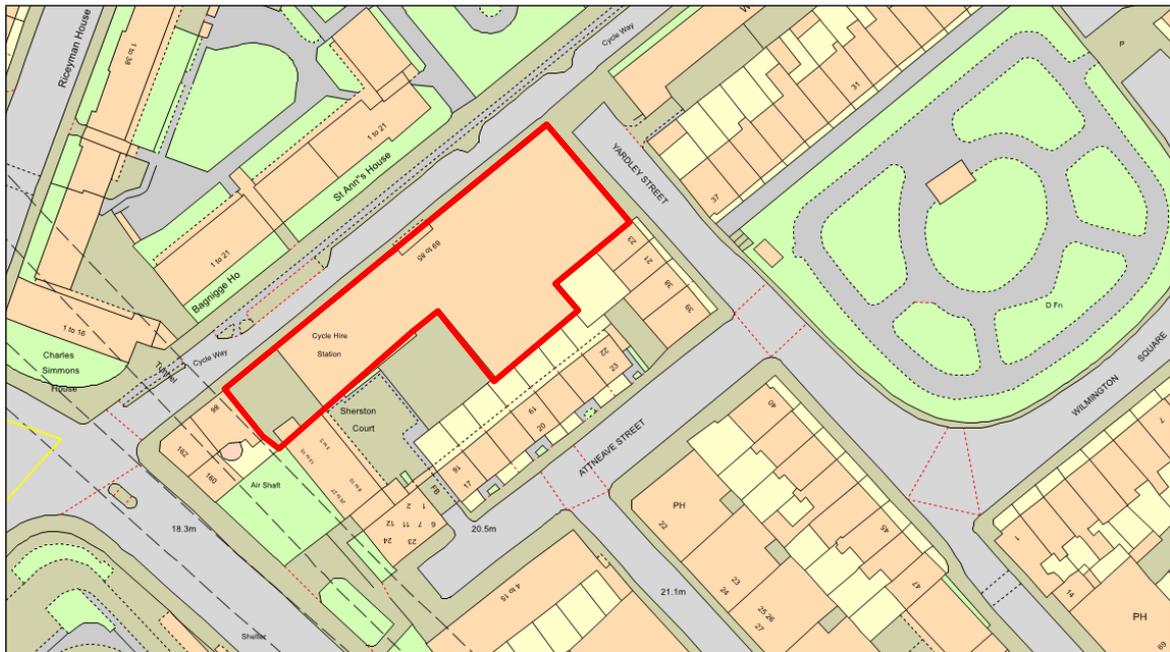


Figure 1: Site Location Plan (outlined in red)

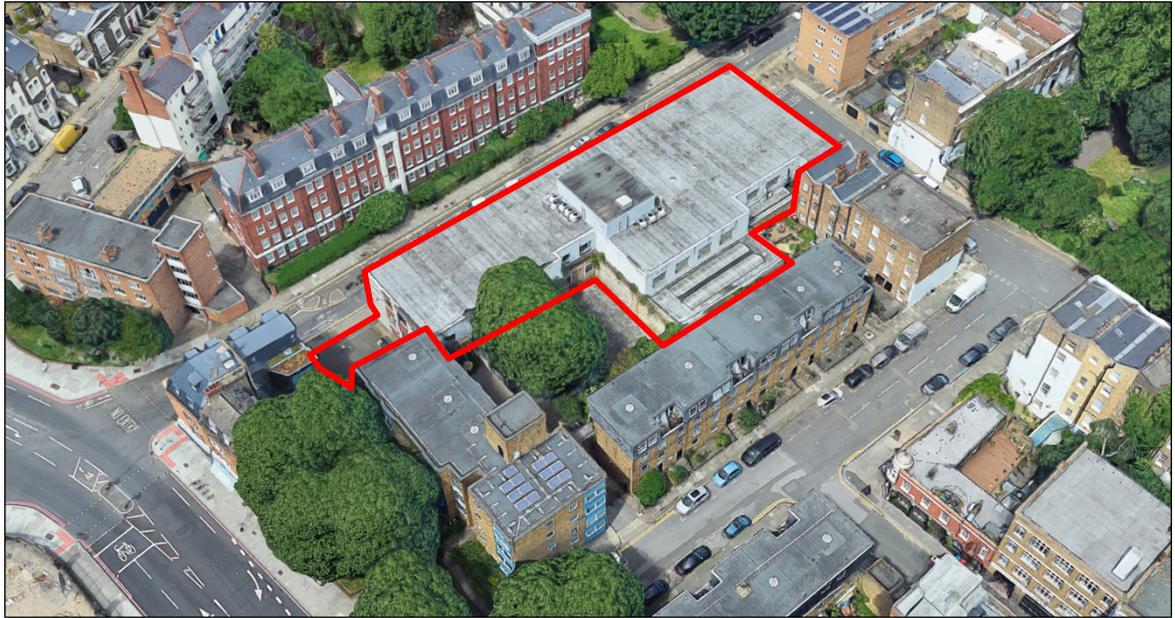


Figure 2: Aerial view from the south

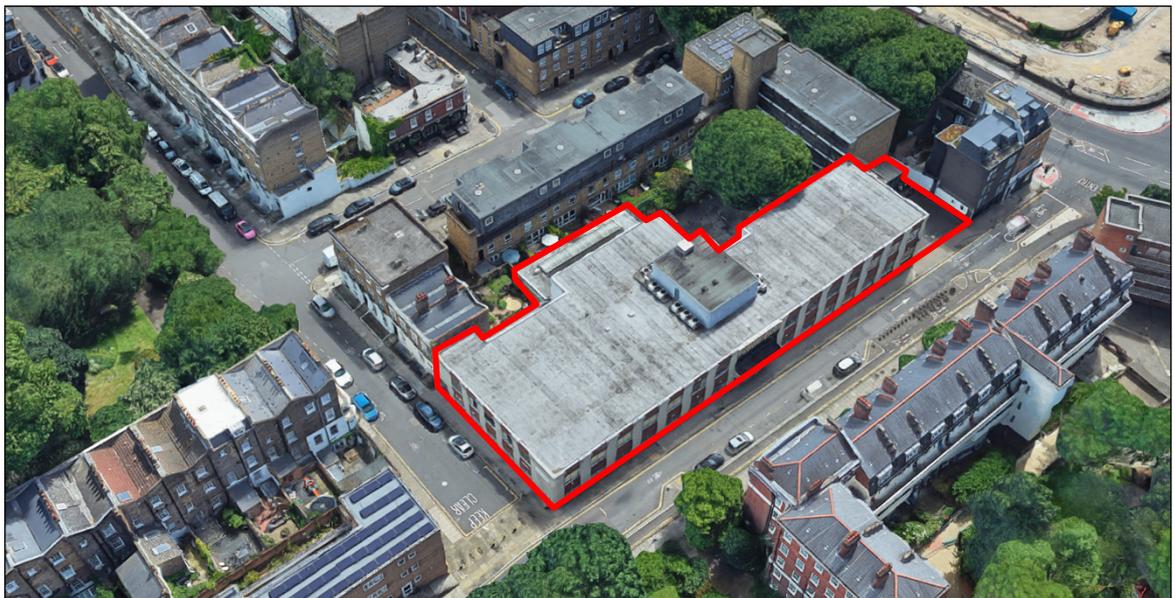
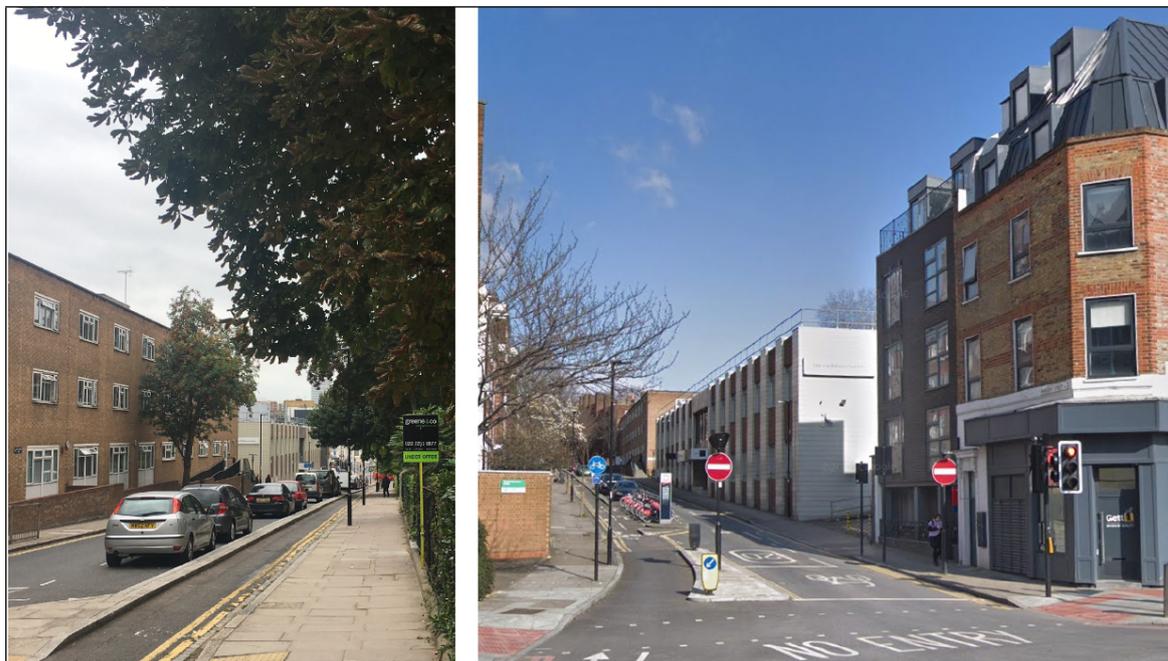


Figure 3: Aerial view from the north



*Figure 4: Photographs of the Margery Street elevation and the existing main entrance*



*Figure 5: Photograph (left) from the top of Margery Street and (right) from the bottom of Margery Street on the junction with Farringdon Road.*



Figure 6: Photograph of the existing service yard on-site, accessed from Margery Street

### 3. SUMMARY

- 3.1. The application seeks to redevelop the site following demolition of the existing building, to be replaced with a two to five storey building for office (Use Class B1a). The development would provide 5,660sqm (GIA) for office use, an uplift of 3,117sqm on the existing office building to be demolished.
- 3.2. The proposal has been amended during the course of the application, with revisions to the scale and height of the building, detailed design in regards to materiality and fenestration, and the internal layout of the building, in response to suggestions made by the Design Review Panel, consultee and neighbour comments on the scale and massing of the proposal as well as impacts upon neighbouring amenity by reason of loss of privacy and loss of daylight/sunlight.
- 3.3. The main planning considerations are land use, design and appearance, impact upon neighbouring heritage assets, and impact upon neighbouring residential amenity.
- 3.4. In land use terms, the provision of additional B1a (office) floorspace within the Central Activities Zone (CAZ), Bunhill and Clerkenwell Key Area and Margery Street/Easton Street Employment Growth Area is supported. The proposed office development is considered to accord with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms
- 3.5. The scale, height, design and appearance of the proposal is now considered acceptable. That said the Council's Design and Conservation Officer does raise concern that the proposal would have an impact on the way near-by listed buildings would be seen, and that there would be impacts to the character and appearance of the Conservation Area. This impact weighs against the scheme in the planning balance.
- 3.6. The development would lead to the loss of daylight to neighbouring residential properties adjoining and close to the site. Again, this impact to the level of daylight to neighbouring

properties weighs against the scheme in the overall planning balance. The weight given to this impact has been carefully considered and is discussed in detail within this report.

- 3.7. Impacts upon neighbouring privacy from overlooking would be sufficiently mitigated through design measures and through the recommended planning conditions.
- 3.8. The site has excellent public transport accessibility level (PTAL) due to its proximity with Kings Cross Road / Farringdon Road. The proposal would be a car-free development. It has been shown that servicing and deliveries can safely take place on-street, whilst there would be sufficient cycle parking facilities located at lower ground level.
- 3.9. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 3.10. 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.
- 3.11. A comprehensive package of mitigation measures would be secured through a s106 legal agreement, including provision of public realm improvements, affordable workspace, contributions towards employment and training initiatives as well as other mitigating measures.
- 3.12. The proposal would deliver high quality office accommodation in an area of high demand whilst enhancing the street scene and the character of the area. While the impacts of the scheme are acknowledged, the scheme would also bring forward benefits, including affordable workspace, employment space, enhanced energy, sustainability, security and accessibility. There will be jobs and spending during construction and contributions towards employment and training. All other matters relevant to planning are also considered to be acceptable. As such, on balance 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 site has an area of approximately 0.16 hectares and is located on the south side of Margery Street and comprises a two-storey office building, previously occupied by the Children's Society, with approximately 2,543sqm of office floorspace and a servicing yard accessed from Margery Street. The site is predominantly surrounded by residential accommodation at Margery Street, Yardley Street, Wilmington Square and Attneave Street.
- 4.2. The site is not located within a conservation area but lies immediately adjacent to the New River Conservation Area and the Rosebery Avenue Conservation Area to the south. The site also immediately adjoins Grade II listed buildings at 21 to 23 Yardley Street and 38 to 39 Wilmington Square.
- 4.3. In terms of the Local Plan, the site is located within the Bunhill and Clerkenwell Key Area, the Central Activities Zone (CAZ), Margery Street/ Easton Street Employment Growth

Area, and the Kenwood to St Paul's Cathedral viewing corridor. The western most section of the site (service yard) is adjacent to the route of London Underground tunnels.

- 4.4. The site has a Public Transport Accessibility Level (PTAL) rating of 6(a), with bus routes on Kings Cross Road and the proximity to Kings Cross and Farringdon stations giving the site excellent public transport connectivity.

#### Internal

- 4.5. The building is split across two levels, and is accessed from Margery Street. Due to the topography of Margery Street, part of the ground floor area is set lower than the surface level of Yardley Street and as such high level windows serve these areas. To the lower end of the building on Margery Street is a loading bay and external area.

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

- 5.1. The proposal seeks the redevelopment of the site following the demolition of the existing building with the erection of two to five storey building for office (Use Class B1a). The development would provide 5,660sqm (GIA) of office floorspace, an uplift of 3,117sqm on the existing office building onsite.
- 5.2. The building would be accessed from a main entrance lobby on the corner of Margery Street and Yardley Street. The main core to the building would be central and to the south-east of the building and includes a staircase, 2x passenger lifts and a goods lift, allowing level access to all levels within the building. A secondary staircore is located to the south-west of the building.
- 5.3. At lower ground floor level, plant and equipment, cycle storage and WCs would be located to the north-east of the building where it is more of a basement without any outlook. Provision of 439qm of affordable workspace and further general office is located at lower-ground floor level with outlook either onto the streetscape or rear courtyard of the building.
- 5.4. At upper ground floor level would be the main entrance and lobby to the building, a dedicated entrance to the affordable workspace, office floorspace, a refuse and recycling enclosure, accessible cycle and mobility scooter enclosures.
- 5.5. To the upper floors (first, second and third floors) of the building would be further office floorspace. Each of these floors would have access to external amenity space by way of terraces.
- 5.6. The area schedule of the building is as follows:

<b>Floor Level</b>	<b>Gross Internal Area (GIA) sqm</b>	<b>Net Internal Area (NIA) sqm</b>
Lower Ground	1,384	903
Upper Ground	1,316	815
First	1,259	1,104
Second	1,052	916
Third	649	512
<b>Total:</b>	<b>5,660</b>	<b>4,439</b>

- 5.7. During the course of the application, the height, scale and massing of the proposed building has been reduced by lowering the floor to floor heights, seeking to address harm to neighbouring resident's daylight and sunlight amenity. Further amendments have been secured following consultation responses in regards to:
- Reduction of the overall height of the building by 1.5metres through reducing the floor to floor, and floor to ceiling heights of each of the upper floors;
  - Alteration to the red line site boundary to make sure there is no ambiguity over the boundary of the site (which include a wall to the rear of the building);
  - Increasing the provision of affordable workspace to 439sqm (10.3% of the overall floorspace);
  - Reconfiguring of the layout of the building to respond to the Council's Access officer, improving accessibility and cycle provision;
  - Reduction of the roof top plant and it's screening, in both extent and height;
  - Facades amendments following comments made by the Design Review Panel, including improvements to all elevations, the fenestration, stone and brickwork;

## 6. RELEVANT PLANNING HISTORY:

### PLANNING APPLICATIONS:

- 6.1 The application site has been the subject of a number of planning applications as follows:
- 6.2 850946 – The installation of roller shutter doors in the eastern elevation – **Approved with Conditions** on 06/03/1986.
- 6.3 860541 – Fitting of non-illuminated perspex sign on the south western elevation immediately adjacent to Margery Street approximately 7.7 metres above ground level – **Approved with Conditions** on 31/07/1986.
- 6.4 880618 – Installation of illuminated box sign (Advertisement Consent) – **Approved with Conditions** on 31/10/1988.
- 6.5 891630 – Wheelchair access ramp to Margery Street frontage – **Approved with Conditions** on 31/01/1989.
- 6.6 P080406 – Display of 1 x non-illuminated fascia sign to front of main entrance canopy fronting Margery Street – **Approved with Conditions** on 15/04/2008.

### PRE-APPLICATION ADVICE

- 6.7 Pre-application engagement between the Applicant and the Council was undertaken from January 2019. It was advised by the Council's Policy Team that business floorspace is a priority in this location and 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.
- 6.8 In terms of proposed design, it was acknowledged that there is scope to raise the built form on site in regards to bulk, height and scale. The pre-application scheme was also presented to Design Review Panel (DRP) three times prior to submission of the full

planning application. This is detailed further below with the Consultation section. The Applicant amended the design each time to respond to the comments made by the DRP.

## 7 CONSULTATION

### Public Consultation

- 7.1 A site notice was erected and letters were sent to occupants of 313 adjoining and nearby properties on 05 December 2019, the initial public consultation of the application therefore expired on 29 December 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, re-consultation was undertaken on 26 March 2020, providing the opportunity for further representations to be made by 17 April 2020.
- 7.3 To date, a total of 30 representations have been received on the application, raising objection to the application.
- 7.4 The material planning considerations raised within the objections are summarised below [with reference to which sections of this report address those particular concerns indicated in brackets]:
- The site should be used for residential or as a hotel;  
*[see paragraphs 9.12 – 9.22 considers the acceptability of the proposed land use solely for Office (B1(a) Use Class), and why other uses are not proposed.]*
  - Loss of privacy as a result of overlooking from windows and terraces;  
*[see paragraphs 9.91 – 9.99 for consideration of loss to neighbouring privacy and overlooking]*
  - Loss of outlook and sense of enclosure;  
*[see paragraphs 9.100 – 9.102 for consideration of the development upon outlook.]*
  - Loss of daylight and sunlight to neighbouring properties, including Bagnigge House, St Annes House, Yardley Street, Attneave Street and Sherston Court;  
*[see paragraphs 9.132 – 9.163 which outline the transgressions to all neighbouring properties in relation to daylight. See paragraphs 9.164 – 9.169 which outline transgressions to the sunlight received to neighbouring windows is minimal.]*
  - Overshadowing to neighbouring garden spaces;  
*[see paragraphs 9.170 – 9.74 which outline that the proposal would see thee increase to sun on the ground for neighbouring amenity spaces at 21 – 23 Yardley Street, whilst no transgressions to other amenity spaces are reported.]*
  - Noise and disruption from construction of the development;  
*[see paragraph 9.178 which outlines mitigation during demolition and construction for the development.]*
  - Increase in parking stress, traffic and road safety;

*[see paragraphs 9.92 – 9.197 considers the impact of the development of the surrounding road network, including on-street parking provision.]*

- Increase in servicing on-street would be disruptive

*[see paragraphs 9.89 – 9.191 for consideration of deliveries and servicing of the building.]*

- Increase in occupiers of the site close to residential properties would cause noise, smell, hygiene and disruption;

*[see paragraphs 9.103 – 9.108 for consideration of the proposal in regards potential noise and disruption.]*

- Consultation should not be undertaken during the restrictions imposed due to COVID 19. A resident doesn't have access to the internet, and can't visit other homes to use it.

*[Officer response: Government advice is that the Council is still expected to perform its statutory function relating to the processing of planning applications (there has been no allowance made by the Government for Local Planning Authorities to place applications on hold). Where the Council has been made aware that a resident doesn't have access to the internet, hard copies of plans and documents have been sent to that resident.]*

### **Amenity and Interest Groups**

7.5 Amwell Society – The Amwell Society is the Civic and Amenity Society for the area that includes the site in question, the Margery Street Estate and the New River and Rosebery Avenue conservation areas. In summary we are objecting on the basis that (a) the renovate & retrofit option has not been adequately considered, (b) the loss of daylight/sunlight is unacceptable, and (c) elements of the design are unsatisfactory given the importance of the site.

- (a) The case for Demolish & Rebuild vs Renovate & Retrofit has not been made convincingly. Given Islington's ambition to get to zero carbon as quickly as possible, we should only be demolishing and rebuilding where absolutely necessary. Is there any good reason why the existing building cannot be renovated to contemporary standards? An additional storey recessed from the Margery Street elevation would go some way to closing the gap between the current 30000 sq ft and the 60000 sq ft ambition for the site. We could find no evidence of an impact assessment of the carbon footprint over the life of the building, taking into account the carbon embodied in the current building.

*[Case officer response: see paragraph 9.23 – 9.30 which details the Applicant's case for renovation vs redevelopment, and highlights the difficulty in providing any meaningful additions to the current structure.]*

- (b) The building will cause an unacceptable loss of daylight/sunlight for residents in the lower floors of St Anne's House and Bagnigge House, and possibly in Sherston Court too. The 213-page report from GIA admits that neighbouring homes will be adversely affected, but maintains that this is acceptable because of the overall benefits to the area. Acceptable to whom? The Society is concerned that the loss of light will affect some of the most

vulnerable residents of the Margery Street Estate, those least able to fight their own corner. As far as they are concerned this building will be overbearing and unneighbourly. This problem could probably be dealt with by reducing the height of the building by one storey, at least at the western end of the site, and by recessing the two upper storeys (as was done with the block of flats at the corner of Naoroji Street and Margery Street, following objections by neighbours).

We note that only a short distance away, 6-figure sums were paid to residents affected by another development to forego some of their right to daylight/sunlight.

*[Case officer response: Paragraphs 9.114 highlights national government guidance on how daylight and sunlight, and 'right to light' is regulated. Further, paragraphs 9.132 – 9.163 outline the reduction in daylight, whilst paragraphs 9.164 – 9.169 outline impacts to sunlight for neighbouring properties.]*

- (c) The building is in a very prominent position, highly visible not only to neighbours but to the many cyclists, pedestrians and motorists who use Margery Street on a daily basis. Though not in the conservation area, the building borders the Rosebery Avenue Conservation Area. The least the site deserves is a good building. But is this a good building? In short, our answer is that it is not good enough. The proposal is for a building that is on a corner but doesn't address the corner, a building that links onto a Georgian terrace but doesn't finish it, a building that runs down the hill without relating properly to it. To address these issues in turn:

The corner of Yardley and Margery Streets: The problem is twofold, the view coming down Margery Street and that coming along Yardley Street. Margery Street is the more important as it is the major street. It is clear from the application documents that there have been numerous iterations of the design for this corner. What a pity that we have ended up with a blank upper wall that faces up Margery Street. This is no way to treat a corner. The views shown are from the opposite side of the street but mostly the view that will be retained by the passer-by is that from much further up the hill. The view from here will be just a cantilevered blank wall. A rather sad addition to the urban scene.

Viewed from Yardley Street, the view is probably even worse, the dull two storey element is prominent and hides the corner which is set back from the street. A non-corner.

*[Case officer response: Paragraphs 9.42 – 9.46 consider the building in regards to height, scale and massing, and the impact of the building on the surrounding townscape.]*

Linking to the Georgian Terrace: The first design had large glazed panels at three storeys abutting the Georgian buildings. The scale, detailing and proportion of this elevation was wrong, but most importantly, the height was wrong. Whilst there is a taller building on the other end of the terrace, to have three storeys immediately is too much too soon. But then to replace it with a two storey element that runs all the way to the corner is also wrong. Georgian terraces have balance and proportion. To propose an eight bay extension to the terrace that is the same height as far as the corner is wrong. It is poor urban design. To make matters worse, hiding behind the two storey facade is

a taller element set back from the facade. This totally destroys any semblance of the building being a development of the older buildings. Yardley Street needs an end to it, this design doesn't provide it. In addition, as noted above, this two-storey element prevents a proper corner being provided onto Margery Street.

The elevation to Margery Street: This is a very difficult thing to do. Internally the building is a single floor plate and externally it is broadly a flat facade. The Design and Access statement notes that there has been criticism of how the building relates to the slope; this has still not been resolved satisfactorily. Just putting faint shadow gaps doesn't seem to work, but surely it must be possible to do better? The perspectives of the final building show that the horizontal elements are far more prominent than they should be and just serve to emphasise the divergence between the hill and the building. In this respect it is no better than the present building. Further up the street, Grade 2 listed Charles Rowan House shows one means of addressing this problem. Strong vertical brick columns divide the Margery Street elevation into a series of bays, some 2- and some 3-windows wide. This emphasis on the vertical distracts attention almost completely from the fact that the two most westerly bays are half a storey lower than the rest of the building.

*[Case officer response: Paragraphs 9.47 – 9.54 consider the building in regards to detailed design and appearance.]*

In relation to the revised proposal, we were pleased to see the changes to the fenestration on the north elevation. The Design and Access Statement makes great play of "Corner Expression", cyclists, pedestrians and motorists passing down Margery Street will see the unrelieved blank wall of the east elevation. The choice of grey brick for the facings seems to be about being different for the sake of being different. All other buildings in Margery St use a warm red or orange brick. We are not saying that this building should be entirely clad in red brick, but there should be at least an acknowledgement of the prevailing palette. We think it most unfortunate that there was so little consultation with residents prior to submission of the first planning application. The design has gone through numerous iterations, but sadly it has not become more acceptable.

7.6 Mount Pleasant Neighbourhood Forum ('MPNF') – The Mount Pleasant Neighbourhood Forum is a community group working across Camden and Islington. Our area of focus includes Margery Street and surrounds. We are also in the process of taking forward a Neighbourhood Plan on behalf of local residents.

The MPNF supports productive and appropriate development in the area and strives to work in partnership and dialogue with local government wherever possible. We have a number of objections to the proposal (detailed below), but before we address these, would like to express an overall concern about the timing and brief length of this consultation just before the holidays. The short, poorly timed window to respond, combined with the extreme number and complexity of documents makes it difficult for local residents to respond and does not seem in the spirit of genuine consultation or any real engagement with the impacted community. This is made worse by the distinct lack of any serious local, community engagement earlier in the planning process (the one event held on site was not effective in engaging locals in meaningful or material dialogue but rather an exercise in marketing with the cursory and leading feedback process at the end). More proactive, direct and meaningful engagement with impacted residents in St

Anne's and Bagnigge House in Margery Street, as well as Sherston Court and the buildings on the north side of Attneave Street undoubtedly would have produced a better outcome. This is a universal issue around the imbalance of a process run by paid, full time experts where community volunteers are expected to engage within unrealistic context and time frames.

*[Case officer response: Public consultation by the Local Planning Authority was undertaken in line with statutory requirements as outlined in paragraphs 7.1 – 7.2.]*

Bearing these points in mind, the MPNFs specific objections are:

- (a) Greater consideration should have been given to an option to refurbish and refit the building versus demolition and rebuild. The cumulative pursuit of demolition in this area (Mount Pleasant, Charles Simmons House and now this) puts undue burden and directly impacts the well being (noise and air pollution, large vehicles, etc.) of local residents compounding air quality issues in an area that is already one of the worst in London. Given Islington's ambition to get to zero carbon as quickly as possible and to protect residents from further negative health impact, we should only be demolishing and rebuilding where absolutely necessary. In addition to local residents, there are increasing and real concerns about the impact of demolition and air quality on construction workers as cited in this piece by the British Safety Council. It appears that at the pre-app stage, the Council did not press the applicant to consider renovating the existing building instead of encouraging yet another major demolition. Did the Council explore with the developer viable, cost effective options to increase space in the existing building to similar level and contemporary style? We could find no evidence of an impact assessment of the carbon footprint over the life of the building, taking into account the carbon embodied in the current building.

*[Case officer response: see paragraph 9.23 – 9.30 which details the Applicant's case for renovation vs redevelopment, and highlights the difficulty in providing any meaningful additions to the current structure.]*

- (b) The building will cause an unacceptable loss of daylight/sunlight for residents in the lower floors of St Anne's House and Bagnigge House. The 213-page report from GIA admits that neighbouring homes will be adversely affected (losing up to 35% of existing light levels), but maintains that this is acceptable because of the overall benefits to the area. It is shocking that Islington is not better able to investigate and balance the needs of planned development with obligations as council landlord to protect the welfare of local residents. In this case, the current proposals for purported benefits show little of any meaningful, positive change for local residents in the immediate area. The proposed gardens in the back and front of the building, the tiny area of planting on Yardley Street and "designs to combat anti-social behaviour" are hardly benefits that will outweigh such a drastic and permanent loss of light and increased massing at what is already shaping up to be an overcrowded and corridor-like corner.

The loss of light will affect some of the most vulnerable residents of the Margery Street Estate, those least able to fight their own corner. We strongly encourage the council to consider refitting and refurbishing the current building, expanding the space by adding set back upper floors, as was done with the block of flats at the corner of Naoroji Street and Margery Street. We note that only a short distance away, 6-figure sums were paid to residents

affected by another development to forego some of their right to daylight/sunlight while council tenants here risk a very significant loss of light with no real consultation or mitigation.

*[Case officer response: Paragraphs 9.132 – 9.163 consider the reduction in daylight, whilst paragraphs 9.164 – 9.169 consider impacts to sunlight for neighbouring properties.]*

- (c) This building is on a visible and important corner, with the impact of design, massing and overlooking impacting local residents and the many cyclists, pedestrians and motorists who use Margery Street on a daily basis. Though not in the conservation area, the building borders the Rosebery Avenue Conservation Area. The least the site deserves is a good building and the proposals and design for this building are poor.

The proposals do not appropriately address the corner site. The nature of the corner is important as this is a major street and they also relate to the massing and views of buildings nearby including the new Charles Simmons House and the Mt Pleasant development. The current multi story brick proposals present a dull, heavy and pointless corner and a missed opportunity (earlier designs included more glazing). The views for those living around and those frequently travelling down the hill will be a blank upper wall, dead to light and not at all in keeping with stated council commitments to good design and well-being of Islington residents.

In terms of the views from Yardley Street, the proposals are not in keeping with the Georgian surrounds and do not link well to the Georgian terrace. The scale, height and proportion is out of balance with neighbouring buildings and the building does not represent a good use of this corner (where Yardley Street meets Margery Street). Yardley Street deserves a proper end to it with a well-designed corner that references and integrates with the existing, adjacent Georgian terrace (and Wilmington Square!), not one that is disjointed, jarring and not in flow. As indicated earlier, the MPNF would like to see positive, integrated development on this site that is aligned with Islington's stated intention. The loss of light, poor design and lack of consideration of the option to refurbish and refit makes the current proposals unacceptable to the local community.

Should you wish to engage with the local community for a better outcome, we, along with the Amwell Society, Margery Street Association and many local residents, are ready and prepared to give our time and effort to a constructive dialogue.

*[Case officer response: see paragraphs 9.39 – 9.79 which gives consideration to the scale, height, massing, design, appearance and heritage impacts of the proposal.]*

The MPNF is very keen to see an appropriate, well integrated, neighbourhood enhancing building on this important corner. Unfortunately, the revised proposals are an unsatisfactory compromise that will result in a poor outcome for local residents and local office workers alike. Even with the recent revisions, the core issue remains: the building proposal is still at least a storey too high, resulting a compromised building and a missed opportunity for real improvement to the local area. Furthermore:

- the revised proposals now show internal ceiling heights at the minimum acceptable. This is not a good result for potential office workers. If the internal design has to be compromised to this extent to achieve only minor and

unacceptable improvements in light and outlook for local residents, this is a clear indicator of the lack of viability of this building as currently proposed.

- The sheer proximity of the proposed building to residences on Attneave Street and Sherston Court is inappropriate. The shaded windows do not adequately address how Attneave St and Sherston Court residents will be overlooked. The corner is simply too crowded under current proposals.
- While some amendments have been made to integrate the building with the established Georgian Terrace, the overall design could do more to integrate with and reference the immediate area. The proposals show extensive research on important local architectural references, but this information doesn't appear to be integrated into the proposals. An example of this is the cold, grey brick and stone proposed for the building that is not at all aligned with the cited references for other nearby architectural landmarks.
- The proposals still do not go far enough to enhance the local area. A stark missing piece is the lack of reference to the relationship of the building with Wilmington Square and resulting proposals for improvements there.

7.7 Margery Street Tenant and Residents Association – We were invited to a desultory "consultation" long after decisions were made to develop this site, putting the current plans before us as a fait accompli. Later we had access to the 213-page application which we wish to register our objections most strongly for the following reasons:

- The building will cause an unacceptable loss of daylight/sunlight for residents in the lower floors of St Anne's House and Bagnigge House as recognised in the report from GIA which admits that these blocks will lose up to 35% of existing light levels. This is unacceptable.
- Furthermore, we support the Mount Pleasant Forum and the Amwell Society's key objections to the redevelopment.

In response to the revised plans, the new proposals have fractionally lowered the ceiling height for each floor, and also the height of the services box on the roof (more substantially in this case). However, the overall improvement for local residents is negligible as is clear from the applicant's letter accompanying the appendix on Daylight and Sunlight Results.

*[Case officer response: Paragraphs 9.132 – 9.163 consider the reduction in daylight, whilst paragraphs 9.164 – 9.169 consider impacts to sunlight for neighbouring properties.]*

The design has gone through numerous iterations, but sadly it has not become more acceptable. The grey brick facade for the proposed new development is not in keeping with the buildings around it. If the current developer had consulted with us in a meaningful way they might have produced a more sympathetic building.

*[Case officer response: Paragraphs 9.47 – 9.54 consider the building in regards to detailed design and appearance.]*

7.8 Islington Swifts – We welcome proactive commitment to a BREEAM assessment, but would like to see specific biodiversity measures. Welcome the provision of a green roof and request that this is a biodiverse type. Request a significant number of swift nest box bricks near roof level which would provide an aesthetically acceptable and zero maintenance way to provide a long term resource to protect this species and improve local biodiversity. Integrated bat boxes could further enhance local biodiversity.

*[Case officer response: A 'Bat roost and nesting bird potential building assessment report' was submitted in support of the application. It concludes that no signs of roosting bats or nesting birds were identified internally or externally of the current building. The presence of street lighting and security lights around the property are also likely to deter bats. Therefore, it should be considered that the property has a negligible potential to support roosting bats and a negligible potential to support barn owls.]*

### **External Consultees**

- 7.9 Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.
- 7.10 Network Rail – The Applicant has engaged with Network Rail to discuss and agree the proposed demolition and construction due to the proximity with operation railway tunnels. Subject to the continuation of these discussions and the developer entering into any necessary agreements with Network Rail prior to work commencing on site, we have no further observations to make.
- 7.11 Transport for London (London Underground) – No comment to make on the application, however there are Network Rail assets close to the site, and they should be contacted directly for their comment.
- 7.12 Transport for London (Spatial Planning) – No objection in principle to the proposed development. A Road Safety Audit should be carried out at the planning stage, however given the works to public realm have not yet been finalised, TfL is willing to support the Borough in including a Condition that this is submitted prior to works commencing. TfL supports the Borough in securing the removal of general on-street CPZ bays to Yardley Street and as such should be secured through a legal agreement.  
*[Officer response: Noted, relevant conditions are recommended, no.20.]*
- 7.13 Thames Water – No objection subject to conditions and informatives.

### **Design Review Panel**

#### Pre-Application Stage

- 7.14 At pre-application stage, the proposal was presented three times to the Design Review Panel (DRP) in April, August and October 2019. The Panel's pre-application stage written comments are appended as **Appendix 3** to this report.
- 7.15 The panel thought that, combined with landscaping and public realm improvements to the pavement and pedestrian area in the vicinity of the intersection of Yardley Street from Margery Street, the relocated entrance position had the potential to be an appropriate location and rewarding space. The Panel were comfortable in principle with regards to the building shoulder height in the townscape. More work was required on the facades, particularly rhythm, proportion and subdivision and the relationship to ground plane.
- 7.16 Set out below is a summary of the key issues raised by the DRP and the way in which the Applicant has responded:

Issue / suggestion	Response
<p><i>Massing and height</i> - Although justification had been given for not relocating the two eastern third floor bays to the western end of the building, the third floor still has a presence to the rear of the adjoining listed buildings, especially to the chimney stacks, within views from Wilmington Square and the appearance would be improved by the removal of these two bays;</p>	<p>The Applicant provided views of the proposed building from Wilmington Square, showing that views of the top part of the building would be limited from Wilmington Square, Yardley Street and Margery Street, showing limited impact.</p>
<p><i>Yardley Street</i> - lacks interest and articulation appearing somewhat bland and flat, and changes to the fenestration would help;</p> <p>Introduce a solid 'base';</p>	<p>White reconstituted stone base introduced.</p> <p>Mullion introduced</p>
<p><i>Margery Street</i> – The pilasters would benefit from visual weight and a generous cornice;</p> <p>The division to the glazing is eccentric and would be improved by having functionally opening windows with additional framing;</p> <p>Increase height of parapet line of the building shoulder;</p> <p>Introduce a 'base' where the building hits the street level;</p>	<p>The depth of the windows was increased so they sit further back from the brickwork.</p> <p>A rusticated basement is proposed to give the building a solid base where it meets the surface level of Margery Street.</p> <p>These changes improve the reading of a top, middle and bottom to avoid monotony</p>
<p><i>Cube element</i></p> <p>Division of glazing into 5 bays rather than 4 to avoid duality;</p>	<p>5 bays introduced to the Cube as suggested, which successfully reflects the vertical proportions of the main Margery Street facade.</p> <p>Jointing lines adjusted at three levels to create improved alignment with Yardley Street datum lines</p>
<p>Opportunity for operable / openable windows to Yardley Street and Margery Street;</p>	<p>Operable windows introduced to window units behind Juliette balconies on Yardley Street elevation.</p> <p>To Margery Street, additional centralised mullions introduced whilst the possibility of operable windows demonstrated non-viable for energy and sustainability reasons.</p>

### Application Stage

7.17 During the course of the Application, a Chair's Review was undertaken on 18 February 2020. In summary, the Chair said that there had been a distinct improvement since DRP 3 (October, 2019), and the changes have been positive.

- 7.18 The fenestration is adding a layer of interest. The massing, height and scale needs to respond to the historic setting and consider how it turns the corner. Yardley Street is comfortable as the articulation is understood. There has been an improvement to the Cube and its jointing. However, there is work to be done on the challenges to Margery Street which is repetitive and in danger of monotony.

Issue / suggestion	Response
<p><i>Massing</i> - Removal of part of the third floor at the western end of the building to reduce the presence of the building from Wilmington Square had not been pursued as previously requested.</p> <p>Reduce the scale of the roof top plant</p>	<p>Instead of removing part of the third floor, the overall height of the building has been reduced by 1.5m, through lowering each of the floor plates floor-to-floor heights. Views have been provided to show the impact of the building upon neighbouring listed buildings is negligible.</p> <p>The roof top plant area was reduced both in area and in height.</p>
<p><i>Margery Street</i> - Additional weight requested on the western end of Margery Street to terminate the building where it adjoins neighbouring 86 Margery Street</p>	<p>Increased width added to western-most pilaster of the facade to create a stronger 'end' to the building.</p>
<p><i>Yardley Street</i> - Missed opportunity not to have operable windows on this elevation and further encouraged the use of balconettes further towards Margery Street as the fenestration still causes duality within the elevation.</p>	<p>Black metal balconettes introduced to the two windows closest to Yardley Street. These two windows would appear to operable.</p>

### **Internal Consultees**

- 7.19 Access Officer – Entrance: All entrances to the building must be level, step free. The treatment of the main entrance is acceptable in terms of access. A tapered step is proposed and is not ideal.

*[Case Officer response: Level access is provided for both the main and affordable workspace entrances. The level change due to the topography of Margery Street means a tapered step to this location is unavoidable, it should be noted that level access is provided from Yardley Street.]*

Mobility scooter charging points and cycle parking: Location at ground floor level mobility scooter parking is supported.

*[Case Officer response: A sufficient number of cycle parking spaces is provided to the lower ground of the building which can be accessed via lifts.]*

Accessible WC provision: At lower ground floor, the lobby to reach the accessible toilet is inaccessible. A clear space of at least 1570mm should be achieved between the door swings. It is noted that some doors swing across stair landings at Stair 1 and Stair 2. It is a Part K of Building Regulations that for office buildings all stair landings have a 1200mm deep space, clear of all door swings.

*[Case Officer response: Notwithstanding the submitted plans, Condition 9 requires the submission of details ensuring that all WC's, corridors and refuges as part of a management plan shall be submitted to and approved by the Local Authority, ensuring sufficient accessibility.]*

7.20 Design & Conservation Officer – In summary, the Design and Conservation officer raised the following matters:

*Height, scale and massing* – With regard to massing, the existing building is a simple two storey elevating of the floor plan. However, the proposed massing is staggered and modelled and has led to a building which is bulky.

*[Case Officer response: The DRP were comfortable with the overall height of the proposed building, which has nonetheless been reduced further by 1.5 metres. The height, scale and massing of the proposed building is considered further at paragraphs 9.42 – 9.46.]*

*Materials and detailed design* – A pre-fabricated brick panel and pre-cast concrete panel system are proposed which will be raised on site section-by-section. Design officer advice has been for solid brickwork to be used across the elevation. There is concern about quality and longevity of the proposed materials and the nature of how the bricks are fixed and relate to the surrounding reconstituted stone.

To Margery Street has floor to ceiling fenestration and one offset non-functioning mullion frame per glazing panel. There is a lack of solidity in this elevation and the brickwork is visually operating as a slim frame to an otherwise glass elevation.

*[Case Officer response: The applicant has provided justification of the use of a high quality pre-fabricated brick panel system. The design does not feature any junctions where one brick panel meets another in the same plane, eliminating the need for any mastic joints between bricks. All panel-to-panel joints will take place within shadow gaps or at material changes. This method has been used successfully on other buildings in the borough, most notably the 'Ray' building on Farringdon Road. Paragraphs 9.47 – 9.54 consider the detailed design and appearance of the proposed building further.]]*

The “cube” feature operates as the entrance. Design Officer advice has been that choice of this location for the entrance prevents there being an opportunity to break the monotony of the Margery Street elevation and bringing the core further down the site. A more centrally placed core and entrance could facilitate longevity/robustness with potentially easier subdivision of the floor plates for separate occupiers.

*[Case Officer response: The DRP considered that, combined with a re-landscaping of the pavement and pedestrian area which closes Yardley Street from Margery Street, the relocated entrance position had the potential to be an appropriate location and rewarding space. As such, the location and principle of the Cube element and entrance is supported by Officers and is considered further in paragraphs 9.53 – 9.54.]*

*Setting of Heritage Assets* – The Yardley Street and Wilmington Square listed buildings and the New River Conservation Area have a significance which includes the setting of a townscape of squares and terraces from the earlier part of the 19th century, interspersed with early to mid-20th century exemplars of taller trail-blazing social housing sponsored by the radical Metropolitan Borough of Finsbury. This architectural and historical character and background and setting contributes to significance. It is considered that the proposed development harms the significance and the ability to appreciate it.

The proposed development impacts on the setting of neighbouring listed buildings. In harming setting, it fails to preserve or enhance the character or appearance of the New River Conservation Area, contrary to DM policies DM2.1 and DM2.3.

*[Case Officer response: Given the revisions made to the height, scale, massing and detailed design of the proposal, the impact to heritage assets is given considerable weight and importance in the planning balance within paragraphs 9.68 – 9.78.]*

- 7.21 Highways and Transport Officer – No objection to the proposal in principle. Servicing from Yardley Street can be supported subject to demarcation of a parking bay and the Applicant working with the Council in improving the public realm to the corner of Yardley Street and Margery Street. A finalised Delivery and Servicing Plan should be secured via condition, whilst a financial contribution towards accessible transport initiatives should be secured.

*[Case Officer response: Noted. Condition 15 seeks the submission of a finalised Delivery and Servicing Plan, whilst terms within a section 106 legal agreement will secure funding towards improved public realm to the corner of Margery Street/Yardley Street, car-free development and sustainable transport initiatives.]*

- 7.22 Energy Services – No objection, all of the initial comments raised by the Council's Energy Team have been addressed following receipt of the revised Sustainability and Energy Statement Rev 5 and the Draft Green Performance Plan Rev B. 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 9.201 – 9.228 consider energy and sustainability credentials of the proposal, whilst also reflected in Conditions 13 and 14 and the planning obligations recommended.]*

- 7.23 Environmental Health (Acoustic Officer) – The EPPP team raise no objections, subject to conditions restricting the use of roof terraces past standard office hours, limiting fixed plant noise and the submission of an Environmental Construction Management Plan.

*[Case Officer response: Noted, relevant conditions are recommended.]*

- 7.24 Tree Protection Officer – No objection to this proposal subject to adherence to the Tree Protection Plan within the submitted Arboricultural Method Statement, in accordance with BS5837:2012. There are no trees on site and the existing, Council owned, trees located at the rear of the site should not be detrimentally impacted upon by the proposed development. Minor pruning of one tree close to the development boundary line will be required but this pruning is minor and the trees are cut back from the existing building already in any case.

The additional tree planting/landscape improvement works proposed at the end of Yardley Street are welcome and should be detailed in a conditioned landscape plan. It is noted that as this element is 'off-site' it will be funded via S106 and works completed by LBI.

*[Case Officer response: Noted, tree protection measures are secured through Condition 12.]*

## **Other**

- 7.25 The Applicant submitted a Statement of Community Involvement ('SoCI') dated October 2019 in support of the application.
- 7.26 The SoCI indicates that a programme of consultation with the local community prior to the submission of the planning application. A public exhibition was held on 06/09/2019 (a Friday) between 14:00 and 19:00 following notification of the event to 1,184 neighbouring properties via a letter drop. Ward Councillors were also directly approached, inviting them to the exhibition. The proposals were on display at the exhibition alongside members of the Applicant's project team to discuss.
- 7.27 The SoCI indicates that 18 members of the public attended the exhibition, with 17 leaving feedback with the Applicant's project team. The SoCI states that the proposal had "*generally been well received by the public*".
- 7.28 Further, the Applicant submitted a document containing a survey undertaken by the Applicant during the Application process, in which 40 responses in support of the scheme were inputted into an electronic device by nearby residents.

## **8 RELEVANT POLICIES**

- 8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance);
  - As the development is adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)); and
  - As the development is within close proximity to or adjacent to a statutory listed building(s) or its setting, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66(1))
- 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.

### **Development Plan**

- 8.10 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.

### **Emerging Policies**

Draft London Plan (Intend to Publish Version) December 2019

8.11 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 Panel of Inspectors 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. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors’ report. 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.

8.12 It is worth noting at this point that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. In this particular case, the emerging London Plan policies tend towards support for office space in the CAZ. The emerging London plan policies relating to social infrastructure echo that of the adopted plan (i.e. resisting the loss of educational facilities). Relevant policies in the emerging London Plan are set out below:

- |  |   |
|--|---|
| Policy SD4 The Central Activities Zone                         | Policy G5 Urban Greening                                      |
| Policy GG2 Making the best use of land                         | Policy SI2 Minimising greenhouse gas emissions                |
| Policy GG5 Growing a good economy                              | Policy SI4 Managing heat risk                                 |
| Policy D1 London’s form, character and capacity for growth     | Policy SI5 Water infrastructure                               |
| Policy D2 Delivering good design                               | Policy SI7 Reducing waste and supporting the circular economy |
| Policy D3 Inclusive design                                     | Policy SI12 Flood risk management                             |
| Policy D7 Public Realm   | Policy SI13 Sustainable drainage                              |
| Policy D9 Basement development                                 | Policy T2 Healthy Streets                                     |
| Policy D11 Fire safety   | Policy T3 Transport capacity, connectivity and safeguarding   |
| Policy D13 Noise   | Policy T4 Assessing and mitigating transport impacts          |
| Policy E1 Offices  | Policy T5 Cycling   |
| Policy E2 Providing suitable business space                    | Policy T6 Car parking   |
| Policy E3 Affordable Workspace                                 | Policy T7 Deliveries, servicing and construction              |
| Policy E11 Skills and opportunities for all                    | Policy S3 Education and child care facilities                 |
| Policy HC5 Supporting London’s culture and creative industries |   |

Draft Islington 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. Due to the constraints posed by Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020. In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.14 Emerging policies relevant to this application are set out below:

Policy S9 Integrated water management and sustainable design;

Policy T1 Enhancing the public realm and sustainable transport;

Policy T2 Sustainable transport choices;

Policy T3 Car-free development;

Policy T5 Delivery, servicing and construction;

Policy DH1 Fostering innovation while protecting heritage;

Policy DH4 Basement development;

Policy SC1 Social and Community Infrastructure;

Policy S9 Integrated water management and sustainable design;

Policy T1 Enhancing the public realm and sustainable transport;

Policy T2 Sustainable transport choices;

Policy T3 Car-free development;

Policy T5 Delivery, servicing and construction;

Policy DH1 Fostering innovation while protecting heritage;

Policy DH4 Basement development;

Policy SC1 Social and Community Infrastructure;

8.15 The emerging policies that would be relevant to this case are not considered to conflict with the adopted plan policies.

### **Designations**

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

- Central Activities Zone (CAZ)
- Employment Growth Area (EGA) (Margery Street/Easton Street EGA)
- Article 4 Direction – B1c (office) to C3 (residential) (CAZ)
- Article 4 Direction – A1 to A2 (Rest of Borough)
- Within 50m of a Conservation Area (New River)
- Within 50m of a Conservation Area (Rosebery Avenue)
- Major Cycle Route
- Local Cycle Route

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

8.17 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 & Sustainability; and
- Waste Management.

### **Land Use**

#### Policy Context

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

9.3 The National Planning Policy Framework ('NPPF') (2019) states that in building a strong, competitive economy, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

9.4 The site is located in the Central Activities Zone ('CAZ') and within the Margery Street/ Easton Street Employment Growth Area ('EGA').

9.5 London Plan (2016) policies 2.10 to 2.12 relate to the strategic priorities, functions and predominately local activities of 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' indicates that there is a strong long term office demand within the CAZ and seeks to encourage renewal and modernisation of existing office stock in viable locations to improve its quality and flexibility.

9.7 Islington Core Strategy ('ICS') policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises ('SMEs'). Part B of policy CS13 states that in relation to existing

employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.

- 9.8 The definitions of “business” and “employment” floorspace/buildings/development/uses provided in the glossary of the adopted Core Strategy. Business floorspace accommodates activities or uses that fall within the “B” use class (i.e. offices, industry, or warehousing).
- 9.9 Islington’s 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: i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and ii) a mix of complementary uses, including active frontages where appropriate.
- 9.10 DM policy DM5.2 ‘Loss of existing business floorspace’ states that the reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area’s primary economic function (including by constraining future growth of the primary economic function).
- 9.11 DM policy DM5.4 ‘Size and affordability or workspace’ seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.

#### Officer Assessment

- 9.12 The application seeks a full redevelopment of the site which would bring forward an uplift in business floorspace (GIA) of 3,117sqm, to bring to a total of 5,660sqm business floorspace on site.
- 9.13 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.
- 9.14 Office floorspace is proposed to lower ground level, which includes basement level areas (without direct outlook). Given the majority of the lower ground/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.
- 9.15 The office floorspace has been designed to allow for maximum flexibility, and would be appropriate for subdivision for different tenant sizes and allows for a diverse range of

tenants, in accordance with policy DM5.1. Provision of business floor space in this location is supported.

- 9.16 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 the CAZ.
- 9.17 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 (3,117sqm), using the formula in the Planning Obligations SPD. The application thus includes a contribution towards the provision of affordable housing off-site of £498,720.

#### Affordable Workspace

- 9.18 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.”*
- 9.19 Policy DM5.4 requires that within Employment Growth Areas, major development proposals for employment space must incorporate an appropriate amount of affordable workspace. Paragraph 5.25 of the Development Management Policies states that when considering the amount of affordable that should be provided, a figure of around 5% of the total proposed employment floorspace should be used as a guidance.
- 9.20 The proposal involves the delivery of 439sqm of affordable workspace, which equates to 10.3% of the total proposed office floorspace (NIA). The proposed affordable workspace provision, in excess of the required 5%, is considered to be a public benefit which weighs in favour in the planning balance.

- 9.21 DM policy DM2.1, in particular subsection x), requires development to provide a good level of amenity for all including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.22 The proposed affordable workspace area is located at lower ground floor level; however, it can be accessed at ground floor level. It would have dedicated reception entrance onto to Yardley Street to allow for its access, with stairs and a platform lift. Access could also be gained through the main reception and also at lower ground floor level from the main office floorspace. Part of the affordable workspace area would have outlook to the southwest overlooking the neighbouring ball court. There are also skylights to the roof of the affordable workspace area ensuring sufficient daylight and sunlight can be enjoyed by occupiers. As the affordable workspace has access to natural light, outlook and good floor to ceiling heights, it is considered that the proposed office floorspace would comprise a good working environment.

#### Redevelopment vs. refurbishment and extension

- 9.23 A number of objections to the proposals sought to understand why the Applicant was seeking to demolish of the existing building and erect a new building rather than refurbishment and minimal extensions.
- 9.24 The applicants have been asked to justify the demolition of the existing building and provide details of why the building cannot be retained (refurbished) in this instance, addressing objections received on the application. The Applicant has submitted a 'New build versus refurbishment statement' dated 05 May 2020.
- 9.25 The statement outlines that refurbishment and extension was investigated by the Applicant initially, in the hope that this might be possible (and more cost effective). However, the building was formerly a car park before being converted in to offices in the 1970s. The existing building is a two-storey structure constructed from a combination of steel frame and load bearing masonry, supported on shallow pad foundations in the London Clay. The floor plates comprise of 225mm thick filler joists spanning between the primary steel beams. The ground floor level is at street level half way along the building elevation on Margery Street. As Margery Street is sloping down from East to West, this means that at Yardley Street, the ground floor is approximately 1.5m below street level. Conversely at the west end of the site, the building projects out of the ground by about the same amount.
- 9.26 The existing building would not support additional capacity for additional storeys. To add any further storeys would require penetrating new columns through the existing structure onto new foundations. The existing building was not designed to enable additional storeys and is therefore not robust enough to take such additional loading. Further, the current roof is unsuitable to support floor loads and would need to be replaced. Note that the floor has already been strengthened in 1985, so it is unlikely that there is any spare capacity in the structure.
- 9.27 The existing floor plates are constructed from filler joisted slabs spanning between primary steel beams. Due to the nature of the construction, this will prove difficult to alter without introducing significant amounts of secondary support steelwork. Any openings required for service penetrations, revised cores or fire escapes would then require steelwork to trim around them.

- 9.28 The statement goes on further to state that the existing building services systems date back to the 1970's when the building was converted from a car park into offices and are beyond the end of their economic and operational life expectancy. The existing air handling unit and boilers are located in the roof top plant room and are in poor condition. In order to refurbish the existing building, all services would require replacement and would likely be installed in their existing location, therefore limiting potential to improve floorplates and maximise open plan office space.
- 9.29 In summary, it is not considered that a modern office layout could be achieved in a practical and economic manner by retention and modification of the existing concrete frame. Further, as outlined below within the Sustainability and Energy section of the assessment, the proposed building would achieve outstanding energy and sustainability qualifications.
- 9.30 It is considered that this provides sufficient justification for the demolition and rebuild approach and that the redevelopment proposed is in accordance with relevant planning policy.

#### Land Use Summary

- 9.31 The proposal is considered to comply with the overarching land use policy directives, as it would increase business use floorspace (office) within the EGA and CAZ. The proposed land use is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.

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

#### Policy Context

- 9.32 Paragraph 124 of the NPPF 2019 highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.33 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 129 goes on further to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.34 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.
- 9.35 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*".

- 9.36 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policies CS8 and CS9 of Islington's Core Strategy (2011) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.37 Islington's Core Strategy (2011) ('ICS') policy CS8 sets out that in the areas of Islington outside of the key areas the scale of development will reflect the character of the area. The successful urban fabric of streets and squares, which is a key asset of the borough, will be maintained and poorer quality public realm will be improved.
- 9.38 ICS policy CS9 sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Further, the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

#### History and site context

- 9.39 The site fronts Yardley Street and Margery Street and is occupied by an office building which was initially built as a garage and car showroom in the earlier part of the 20th century and then adapted mid-late 20th century. There is a significant slope down Margery Street and the office building's 2 storeys of accommodation navigates the slope by being partly sunk at the higher end. There is a small service yard at the lower end of the site.
- 9.40 The building, which is not considered to be of architectural or historic merit, is not in a conservation area, but abuts New River Conservation Area. The adjoining 21 and 23 Yardley Street are statutorily listed at grade II and there are listed buildings surrounding Wilmington Square adjacent. Opposite on Margery Street are red brick 20th century housing blocks in a loosely neo-Georgian style with decorative finishes.
- 9.41 The New River Conservation Area comprises the New River, Lloyd Baker and Brewer's Company Estates and is a townscape of squares and terraces of early to mid-19th century character. They include some of the finest terraces and squares in the borough with a rare quality and consistency of scale, material, design and detailing. There are the former industrial buildings of the New River Company and the cultural destination of Sadler's Wells Theatre which together with the housing blocks on Margery Street and at Spa Green and Bevin Court, introduce slightly taller buildings into the area.

#### Height, scale and massing

- 9.42 The current building height is a maximum of two storeys towards the lower end of Margery Street, whilst there is no built form to the south-east of the site for a loading bay and parking bays.
- 9.43 The height of the proposed building, staggered to a maximum of 5 storeys plus roof plant, is considered by Officers to be acceptable given the surrounding context. The overall height of the building would be level or in most part lower than the mansion blocks

along Margery Street. To the Yardley Street elevation, the Applicant has taken great care in ensuring that the building is level with the neighbouring Grade II listed Yardley Street properties, whilst rising to 3 storeys to the corner with Margery Street.

- 9.44 Although the design officer objected to the overall height and scale of the building, the DRP were comfortable with this, however raised concerns with regards to the fourth (top) floor and plant enclosure. The case officer considers that the Applicant, with the submission of the revised plans, has sufficiently reduced the overall height of the building to the fourth floor, whilst the area and height of the roof plant has also been significantly reduced. The fourth floor has been set back from the main elevations of Margery Street to adequately address concerns relating to an overbearing scale, bulk and mass within the streetscene. The plant screen presented to DRP at both pre-application and application stage was considered too large, and this has now been sufficiently reduced so it is not overbearing within the streetscene.
- 9.45 The DRP suggested that further setback at fourth floor level, to remove the half-bay (two windows) overlap, could improve the setting of the cube, and form a better relationship with the three components of Yardley Street, the cube and Margery Street. The exercise by the Applicant indicates that this area at fourth floor level would not be highly visible in views from Wilmington Square.
- 9.46 Officers consider that the revised plans adequately respond to the suggestions and concerns highlighted throughout the DRP process in regards to height, scale and massing. The scale of the development proposed would generally reflect the character of the surrounding area in accordance with ICS Policy CS8, London Plan Policy 7.6 as well as emerging planning policy.

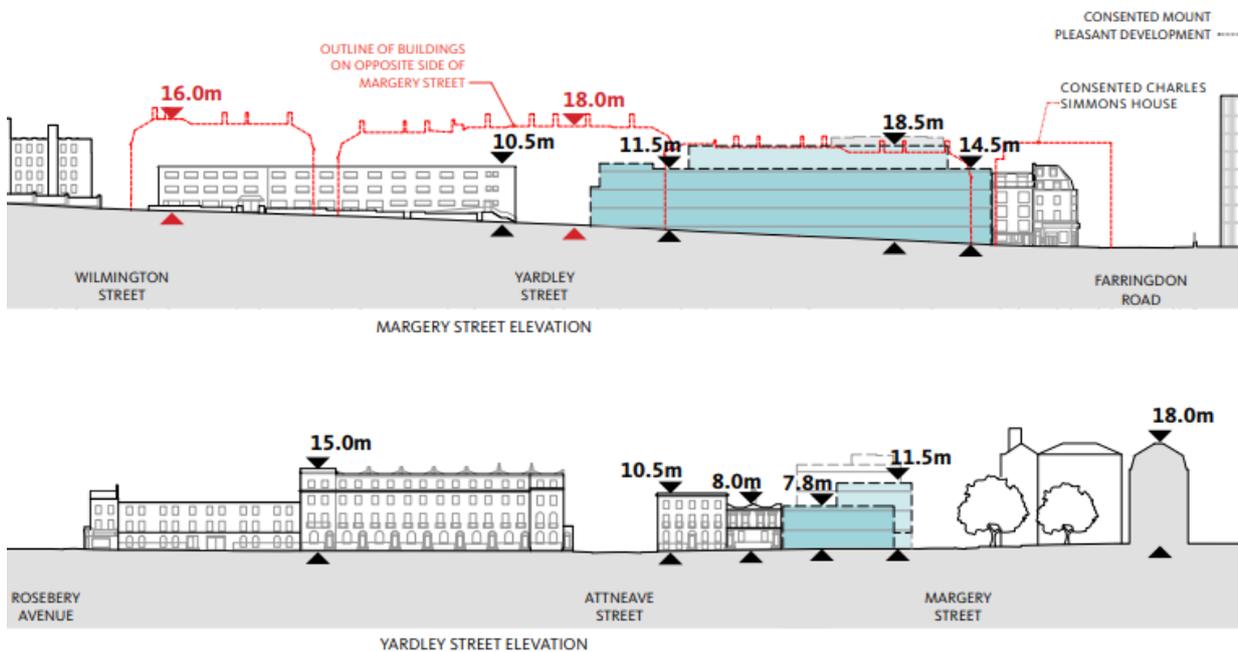


Figure 7: Image showing the height of the building within the surrounding context.

Detailed design and appearance

- 9.47 The DRP considered that the materials and elevation treatment of the proposed building would be very important to the success of the scheme.
- 9.48 The majority of the elevations would be constructed from a brick system, using warm grey bricks and white reconstituted stone. The lower ground floor brickwork will have recessed courses to reference similar detailing within the Margery Street Estate opposite the site. The brick panels are pre-fabricated as pre-cast concrete panels, which will be raised on site section-by-section. The brickwork would contain real bricks which would precision cut and engineered into the panel system.
- 9.49 The DRP in particular, stated that the joints and the technological approach needs to be carefully considered. The design does not feature junctions where one brick panel meets another brick panel, eliminating the need for mastic joints between the bricks of the panel. The Applicant has highlighted the Ray building at 188 Farringdon Road as an example in practice for the pre-fabricated panel system within Islington.
- 9.50 Following the advice of the DRP, the Applicant has ensured that the pilasters to the Margery Street elevation benefit from visual weight and a generous cornice. The elevation includes a 'rusticated basement' to the pavement across the lowest part of the Margery Street elevation which allows for a greater hierarchy. The recession between the 12 metre bays along Margery Street improves the expression of this elevation and adds interest.
- 9.51 Within the latest DRP response, the Panel considered that there was a monotony to the Margery Street elevation, and as such the revised plans include a more solid and announced pilaster to the end of the elevation where it adjoins neighbouring no.86 Margery Street. Further, as per the advice of the DRP, the revised scheme has seen additional mullions centralised within window bays; and increased an increase in width to the western-most pilaster of the facade to create a stronger 'end' to the building.
- 9.52 To Yardley Street, the horizontal reconstituted stone elements will be aligned with the horizontal elements of neighbouring 21-23 Yardley Street. Black metalwork railing balconettes are proposed at first floor level, to only the two closest bays to neighbouring 21-23 Yardley Street, offering a modern reference to the neighbouring heritage assets. This was encouraged by the by the DRP to allow for a transition from the neighbouring historic fabric towards the modern cube element on the corner of Margery Street. As per the advice of the DRP central mullions have been introduced dividing all windows into two panels; operable windows have been introduced to windows behind the balconettes; and a white reconstituted stone band at the base of the elevation at ground floor level has been replaced with grey stone to match brickwork.



Figure 8: CGI of the proposed Yardley Street elevation

- 9.53 The cube feature has been introduced by the Applicant as a “*special element which functions as a wayfinding element and announces the entrance of the building*”. The cube element is clad in reconstituted stone, with a large area of glazing to the north-facing facade. The top and bottom of the glazed facade will be shadow boxes in order maintain a feeling of depth across the entire glazed area. Rainwater collection will be integrated into the base of the glazing and where visible behind the glazing, the slab edges will be carefully dressed in metalwork finishing elements.
- 9.54 Council’s Design Officer has objected to the cube feature and entrance point, as a “*choice of this location for the entrance prevents there being an opportunity to break the monotony of the Margery Street elevation and bringing the core further down the site*”. However, the DRP were comfortable with the cube feature and considered that this element to be key in the overall success of the building’s appearance. The DRP considered that the cube could create a special space within it at the focal point of the building and had no objections to its inclusion. The entrance at this location is supported by the DRP subject to public realm improvements at Yardley Street and Margery Street. These are proposed and funding would be secured by way of a planning obligation.



Figure 9: CGI of proposed building at the corner of Margery Street and Yardley Street

#### Impact upon Heritage Assets

- 9.55 The site is not within a conservation area nor is any part of the building and curtilage statutory listed. However, the site's north-eastern and north-western boundaries adjoins the New River Conservation Area, whilst the eastern boundary adjoins Grade II listed properties (21-23 Yardley Street).
- 9.56 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.57 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that "preserving" in both s.66 and s.72 means "doing no harm".
- 9.58 The NPPF defines a "heritage asset" as: *"A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest"*.
- 9.59 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing)
- 9.60 'Significance' is defined within the NPPF as being: *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset's physical presence, but also from its "setting"*.

- 9.61 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 9.62 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.63 At the local level, policy DM2.3 encourages development to make a positive contribution to Islington's local character and distinctiveness whilst conserving and enhancing heritage assets in a manner appropriate to their significance.
- 9.64 In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been done by the Council's Design and Conservation Officer, who has identified that less than substantial harm would be caused by the proposal, due to its impact on the setting of neighbouring listed houses and the character and appearance of the Conservation Area.
- 9.65 Where the decision-maker concludes that there would be some harm to a heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, *Barnwell Manor* establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 9.66 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the *Forge Field* case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 9.67 Where more than one heritage asset would be harmed by the proposed development, (in this case the setting of listed building and the character and appearance of the Conservation Area) the decision-maker also needs to ensure that when the balancing exercise is undertaken, the '*cumulative effect*' of those harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.

#### Officer Assessment

- 9.68 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the

applicant as part of its submission. This includes the Conservation Area and Listed buildings. This is then considered in more detail in the Planning Balance, which is discussed later in this report.

9.69 The Yardley Street and Wilmington Square listed buildings and the New River Conservation Area have a significance which includes the setting of a townscape of squares and terraces from the earlier part of the 19th century, interspersed with early to mid-20th century exemplars of taller trail-blazing social housing sponsored by the radical Metropolitan Borough of Finsbury.

9.70 This architectural and historical character and background and setting contributes to significance. It is therefore clearly important in this case to assess what impact the proposal would have on nearby heritage assets.

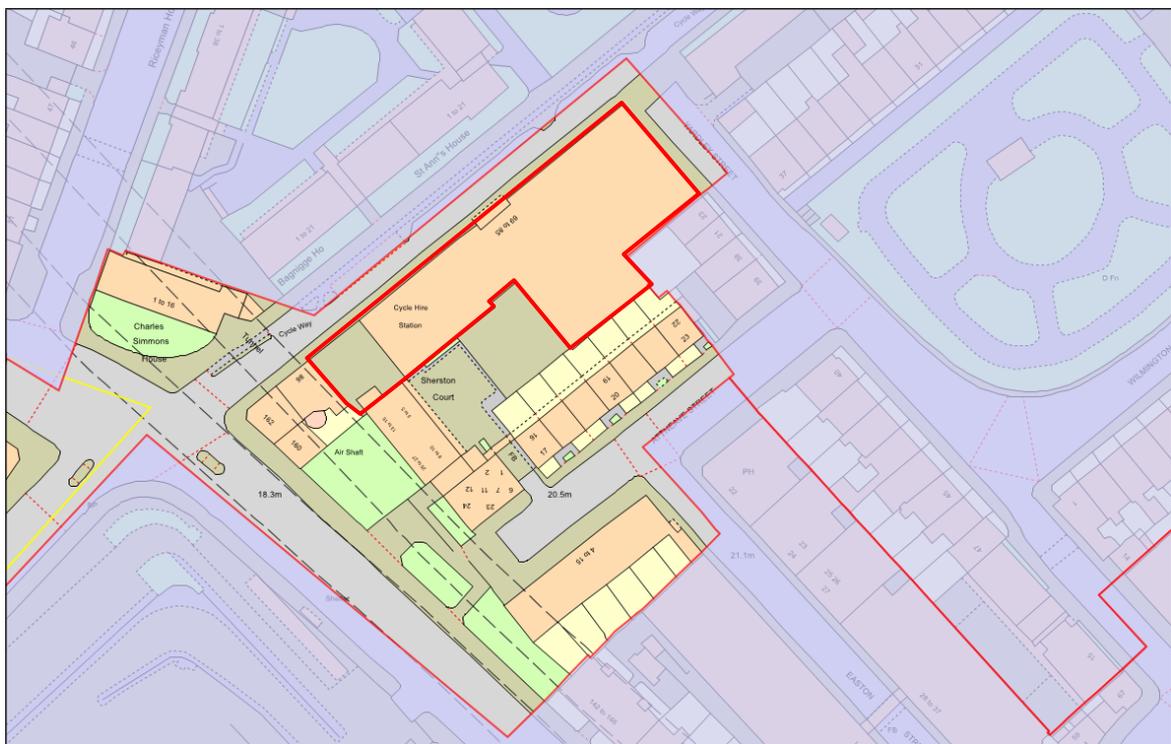


Figure 10: Site (identified in red) in relation to nearby Conservation Areas (purple)

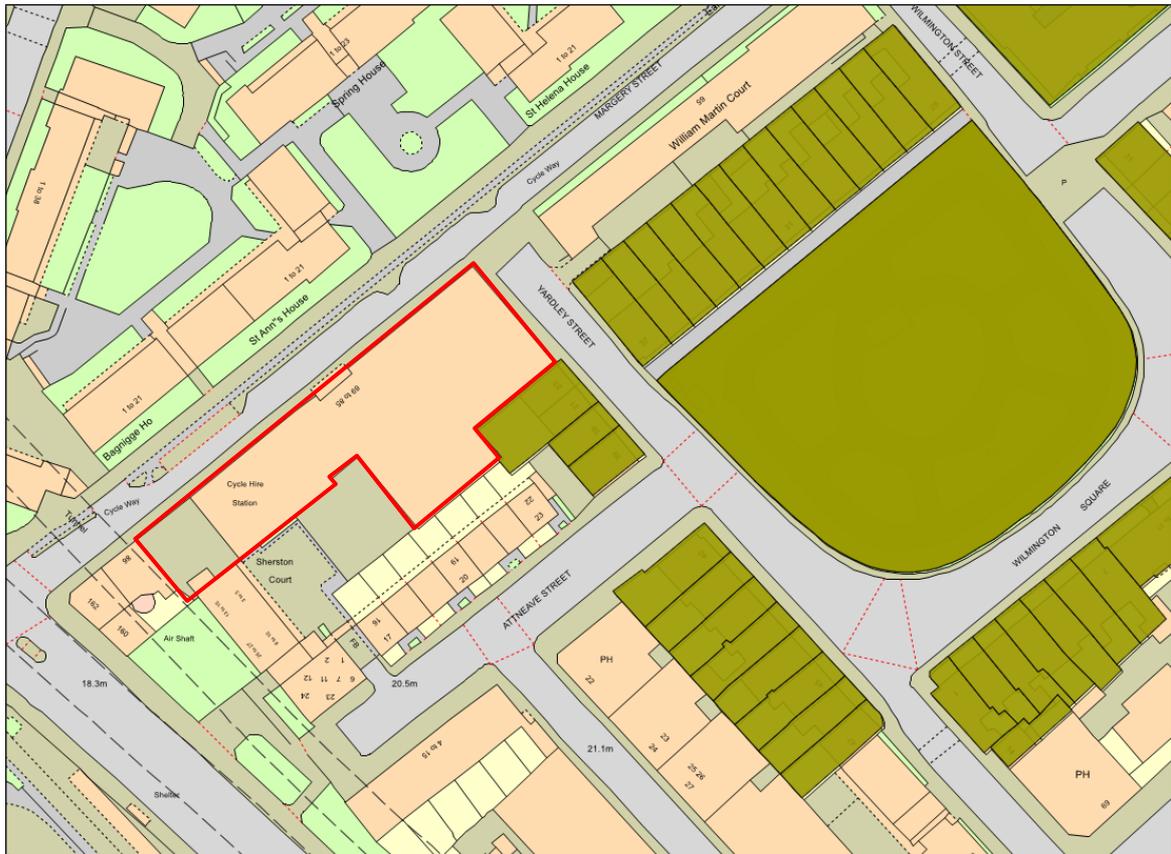


Figure 11: Site (identified in red) in relation to nearby Listed Buildings (identified in green)

- 9.71 The Council's Design & Conservation Officer has advised that the originally submitted scheme harms the significance and ability to appreciate the neighbouring heritage assets.
- 9.72 Opportunities to decrease the height, scale and detailed design have been taken within the submitted revised plans with the reduction in overall height of the building, reduction of the roof top plant and detailed design to the elevations and features to both Yardley Street and Margery Street, suggested by the DRP.
- 9.73 It is acknowledged that the scale and architectural language of the proposal would change the character of the locality and the setting of the listed buildings and the conservation area. The existing context of Yardley Street is that of taller Georgian terraces to the south, late 20th Century buildings to the east and west, and taller 20th Century housing to the north.
- 9.74 The proposed building includes features and elements which would resonate with the neighbouring listed buildings such as proportions (elevation height to Yardley Street and fenestration heights), detailing (such as balconettes and banding), centralised mullions and the appearance of operable windows. The heights of the fenestrations, the joints and the parapet would match the neighbouring listed buildings also.
- 9.75 The reduction in overall height of the building by 1.5 metres results in a change to the views of the proposed building from Margery Street, Yardley Street and Wilmington

Square, including increased 'revealing' of the chimneys of the neighbouring listed buildings.

- 9.76 The activation of the street frontage alongside the new elevation along Yardley Street, all combine to mitigate any impact to the heritage and townscape setting. Whilst the listing does not reference the setting of the buildings, setting of the listed buildings needs to be taken into account.
- 9.77 The proposed Yardley Street elevation is considered to respect the adjoining listed buildings with balconettes at first floor level.
- 9.78 It is considered that the proposal successfully creates a narrative with the gradual transition of the fenestration language from the finer residential language adjacent to Wilmington Square, to a larger more commercial and mansion block scale on Margery Street. The activation of the street frontage alongside the new elevation along Yardley Street, all combine to provide enhancement to the heritage and townscape setting. While the impact to setting has been taken into account, there is demonstrable evidence that the Applicant has designed and revised the scheme to mitigate impacts.

#### Design, Appearance and Heritage Summary

- 9.79 In summary, the revised proposal is considered to have adequately responded to the comments and concerns raised by the DRP in regards to scale, height and massing, detailed design and has been designed and revised to mitigate the impact upon neighbouring and nearby heritage assets. That said, the Council's Design and Conservation officer advises that some harm would still be caused (less than substantial) as such great weight and importance needs to be given to this in the Planning Balance.

#### **Accessibility and Inclusive Design**

- 9.80 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.
- 9.81 The proposal would see modern accessibility and inclusive design features.
- 9.82 2x mobility scooter charging points and accessible parking spaces are proposed to the upper ground floor allowing level access with the entrances onto either Yardley Street or Margery Street.
- 9.83 Entrance doors, approaches, wheelchair accessible refuge areas to each level, corridor widths, lifts and bathrooms would meet national and local guidelines and permission would be suitably conditioned to ensure that the needs of those with mobility and visual impairments are suitably met.
- 9.84 For the uplift in employees on the site, for every 33 additional employees, an accessible parking bay is required. The proposal would see an uplift in employees of 171 and as

such 5x accessible parking bays are required. No on-site parking bays are proposed as part of the development. Where provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £10,000 would be secured through a section 106 agreement.

- 9.85 The proposal is considered acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies.

### **Trees and Public Realm**

- 9.86 An Arboricultural Method Statement ('AMS') produced by SJA Trees dated February 2020 was submitted in support of the application. It identifies that there are no trees on site, however there are neighbouring street and garden trees within close proximity to the site. Minor pruning of one tree to the development boundary line will be required but this pruning is minor and the trees are cut back from the existing building already in any case.
- 9.87 The Council's Tree Officer raises no objection to the development given the submitted AMS outlines adequate tree and root protection measures during construction and post-completion. Condition 12 ensures that the development is constructed in accordance with these measures in order to protect nearby trees.
- 9.88 Further, the proposal seeks to improve the public realm to the corner of Margery Street and Yardley Street. This final design will need to be agreed in detail with the Council who would undertake the work. Preliminary designs have been prepared to understand potential costs and a planning obligation is to be secured to ensure a contribution from the Applicant is made to cover the full costs of the improvements to this area.

### **Neighbouring Amenity**

- 9.89 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**

- 9.90 The subtext to Policy DM2.1 states at paragraph 2.14 that '*to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy*'. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring

habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.

- 9.91 A number of objections raise overlooking and loss to privacy. The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.
- 9.92 The closest residential properties to the site are neighbouring 21-23 Yardley, 17-23 Attneave Street and Sherston Court.
- 9.93 The proposed windows to the southern elevation of the core are located 13 metres away from the rear elevation of 17-23 Attneave Street. As these windows serve staircase, landing area and toilets, these are to be obscured glazed to protect neighbouring privacy. Condition 7 is recommended to requires obscured glazing to be inserted prior to occupation of the development and maintained thereafter.
- 9.94 The office floorspace windows would be set between 20.75 and 21.8 metres separation distance from the rear elevation 17-23 Attneave Street. As such, it is not considered that neighbouring properties 17-23 Attneave Street would be adversely affected by overlooking given a minimum 18 metres is achieved.
- 9.95 It is not considered that windows to neighbouring Sherston Court would be adversely affected by the development due to the orientation of the windows would allow for direct overlooking, whilst these windows serving kitchens which face out onto shared walkways.
- 9.96 Neighbouring 21-23 Yardley Street would not be adversely affected given the closest windows within the development would serve the core and would be obscured glazed to avoid overlooking.

#### *Roof terraces*

- 9.97 A number of external amenity areas in the form of roof terraces are proposed to the southern elevation of the building at upper ground, first, second, third floor levels. The roof terraces are identified as follows:

<b>Level</b>	<b>Area</b>
Upper ground	34sqm
First floor	26sqm
Second floor	42sqm
Third floor	69.5sqm
<b>Total</b>	<b>171.5sqm</b>

- 9.98 All of the terraces would be set away from the buildings elevations, whilst privacy screens ensure that users of the terraces cannot overlook into neighbouring windows

and amenity spaces. The separation distance between the third floor roof terrace and windows of properties facing Margery Street would be at least a minimum of 18 metres plus.

- 9.99 Access to these roof terraces is recommended to be restricted to daytime hours to minimise potential noise and disturbance, Condition 7. Furthermore, other areas of flat roofs, including green roofs, will be restricted from being used as external amenity areas as outlined in Condition 7.

#### Outlook

- 9.100 The visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.
- 9.101 A number of objections received cited concerns that the proposal would be overbearing and lead to the loss of outlook, especially to neighbouring properties at Yardley Street Attneave Street, and Sherston Court. Whilst the increase in height would be noticeable from neighbouring properties, it is considered that the building is sufficiently set away from neighbouring Attneave Street, Sherston Court and Yardley Street properties. The building does increase in height on site, however it is sufficiently set away from neighbouring properties and also rises in a staggered manner at certain points.
- 9.102 The proposal is therefore not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties.

#### Noise and Disturbance

- 9.103 The proposed development would be unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers given that office uses do not typically generate significant noise and are compatible with residential uses.
- 9.104 The building would be accessed via entrances onto the corner of Yardley Street and Margery Street, and it is not considered that the level of pedestrian activity, which would result from the intensification of the business use, would give rise to any discernible increase in the level of noise and disturbance at nearby properties.
- 9.105 Objections received cited the location of roof top plant as potential for increase mechanical noise to service the building. A 'Planning Noise Report' prepared by Hydrock dated 5 November 2019 was submitted in support of the application. Council's Environmental Health Officers raise no objection to the proposals subject to restrictive conditions relating to maximum noise outputs, which is secured via Condition 10.
- 9.106 All servicing for the building would be carried out using a proposed on-street loading bay on Yardley Street. Objections have been received in relation to the storage of bins and activity close to neighbouring properties, the location of the servicing entrance of the

building ensures quick and easy access for collection. Nonetheless, a Delivery and Servicing Plan is to be secured through Condition 15, to ensure that servicing is done at an appropriate time during the day to avoid disruption.

#### Light Pollution

- 9.107 Given the proposed number and proximity of new full height glazing panels facing the adjoining buildings to Margery Street, Yardley Street, Attneave Street and Sherston Court. It is acknowledged that light emanating from the proposed development could 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. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds.
- 9.108 Furthermore, it is recommended that the use of the external roof terraces is to be limited to daytime only with external lighting to be restricted. Condition 8 are recommended to address light pollution concerns.

#### Daylight, Sunlight and Overshadowing

- 9.109 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.
- 9.110 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.
- 9.111 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings
- 9.112 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 9.113 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.114 Of note is the recent publication of Government's Planning Practice Guidance (PPG) revised on 22/07/2019, as follows:

### **How are daylight and sunlight regulated?**

Where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

In some cases, properties benefit from a legal 'right to light', which is an easement that gives a landowner the right to receive light through specified openings, and can be used to prevent this from being obstructed without the owner's consent. Such rights are not part of the planning system, but may affect the scope for development on neighbouring sites.

Paragraph 006 Reference ID: 66-006-20190722

### **What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?**

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings. In such situations good design (such as giving careful consideration to a building's massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.

Paragraph: 007 Reference ID: 66-007-20190722

### **Daylight Guidance**

- 9.115 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).
- 9.116 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."*
- 9.117 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.118 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".*

- 9.119 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.
- 9.120 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"*.
- 9.121 Further, BRE Guidelines suggests that, in some scenarios, it may be appropriate to test daylight and sunlight impacts with reference to a hypothetical mirror image of an impacted building. This concept is often referred to as "mirror massing", and involves an imaginary building of the same height and size, and of an equal distance away from the site's boundary (or centre line of the street), as the impacted building – this, arguably, represents the massing that might reasonably be found on a development site. The mirror massing concept involves setting the impacts of this hypothetical building as a bar or baseline, and then ascertaining how the impacts of a proposed development would worsen or improve on the hypothetical scenario.

### **Sunlight Guidance**

- 9.122 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".*
- 9.123 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.”*

- 9.124 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*”.
- 9.125 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**

- 9.126 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’.
- 9.127 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**

- 9.128 The Applicant has submitted a Daylight & Sunlight Impacts Report dated 14 November 2019 and prepared by Gordon Ingram Associates. Revised Daylight and Sunlight update dated 17 March 2020 and prepared by GIA was submitted following revisions to scheme. The original report and update considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 9.129 The submitted Daylight and Sunlight report includes information on where internal arrangements have been sourced (planning applications and estate agent detail). Further, the Report incorporates recent planning permissions (either implemented or unimplemented) within its assessment. Charles Simmons House, to the west of the site, is currently under construction.
- 9.130 The submitted report surmises that “*Whilst there will be changes in VSC and NSL at neighbouring properties in breach of the BRE Guidelines, we would consider the impact on daylight amenity to be appropriate and acceptable in consideration of emerging and current policy, the specific site context, the retained daylight values, alternative baseline assessments (mirror massing and no balconies) and high sunlight compliance*”.

9.131 Alternative target exercises have also been investigated by the Applicant. Balconies/overhangs have been removed from neighbouring Sherston Court and a mirror massing exercise has been undertaken by the Applicant, where removed the existing building on site and replicated Bagnigge House and St Ann's House onto the site.

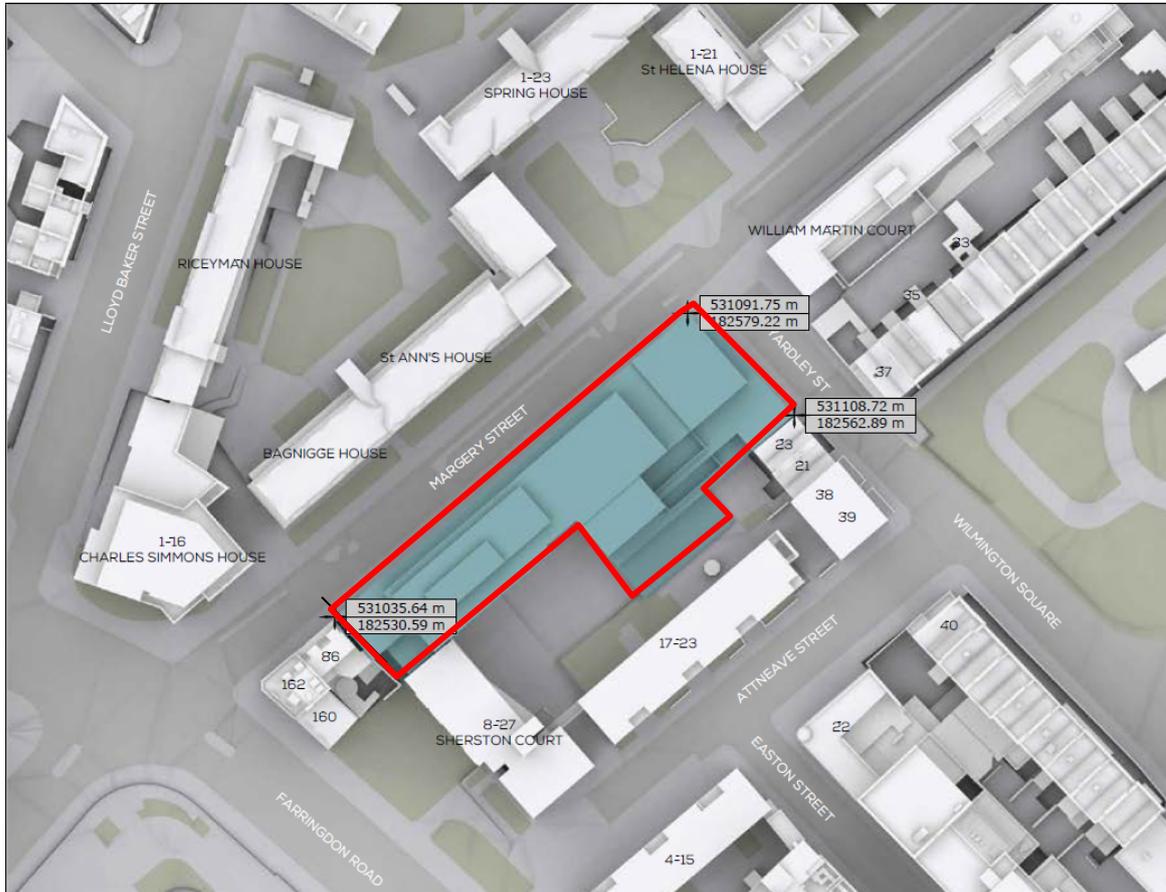


Figure 12: Map of adjoining properties tested

### **Impacts to Daylight**

9.132 The submitted report indicates that a total of 242 windows facing the site and 168 rooms were assessed. The updated report demonstrates that 102 (39.3%) of the windows and 50 (29.8%) of the rooms assessed would fail BRE criteria. It is noted that in regards to VSC, the majority of the reductions are within the 20 - 29.99% range.

9.133 The following properties comply with the BRE guidance:

- Riceyman House;
- 1-23 Spring House;
- 1-21 St Helena House;
- William Martin Court;
- 33, 35, 37, 38, 39 and 40 Wilmington Square; and
- 21 and 23 Yardley Street;

9.134 Transgressions are reported to neighbouring Charles Simmons House, Bagnigge House, St Ann's House, 17-23 Attneave Street and 8-27 Sherston Court. These are individually assessed further below:

Charles Simmons House

9.135 Charles Simmons House is currently under construction and is not yet complete following planning permission: P2015/3050/FUL. 53 windows and 22 rooms for NSL were assessed at Charles Simmons House. The transgressions to neighbouring Charles Simmons House properties are reported for reference in Table 1 below:

Table 1		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Charles Simmons House</b>								
<i>First Floor</i>								
R3 / W4	LKD	7.8	6.2	<b>20.5%</b>	25.3	21.7	14.0	<b>35.5%</b>
R4 / W5	LKD	8.6	6.4	<b>25.6%</b>	28.3	28.2	19.4	<b>31.1%</b>
R4 / W6	LKD	20.8	17.8	14.4%				
R5 / W7	LKD	4.7	3.6	<b>23.4%</b>	29.3	25.8	25.8	0
R5 / W8	LKD	21	21	0				
R5 / W9	LKD	21	21	0				
<i>Second Floor</i>								
R3 / W5	LKD	10.7	9	15.9%	32.6	32.6	24.7	<b>24.1%</b>
R3 / W6	LKD	24.7	22.1	10.5%				

9.136 As shown in the table above, 3 windows to the first floor of Charles Simmons House would see reductions in VSC of between 20% and 30%. Further, 3 of the 22 rooms tested would see reductions of between 24.1% and 35.5% in NSL, 2 of which also see reductions in VSC. Given these windows have low level of existing VSC (0.85%) it is considered sensitive to any change, and any change would therefore be perceptible.

## Bagnigge House



9.137 53 windows and 29 rooms for NSL were assessed at Bagnigge House. The transgressions to neighbouring Bagnigge House properties are reported for reference in Table 2 below:

Table 2		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Bagnigge House</b>								
<i>Ground Floor</i>								
R1 / W1	Bedroom	29.4	22	<b>25.2%</b>	16.5	16.3	16	2%
R1 / W2		29.5	21.6	<b>26.8%</b>				
R1 / W11		11.6	11.5	0.9%				
R2 / W3	Bedroom	29.5	21.2	<b>28.1%</b>	14.4	14.4	11.5	20%
R2 / W4		29.5	20.8	<b>29.5%</b>				
R3 / W5	Reception	29.4	20.3	<b>31.7%</b>	16.0	15.9	10.7	<b>32.6%</b>
R3 / W6		29.3	20	<b>31.7%</b>				
R4 / W7	Bedroom	29.2	19.6	<b>32.9%</b>	14.4	14.4	9.4	<b>34.5%</b>
R4 / W8		29.1	19.5	<b>33%</b>				
R5 / W9	Bedroom	29	19.3	<b>33.4%</b>	14.4	14.4	9.2	<b>35.8%</b>
R5 / W10		28.8	19.2	<b>33.3%</b>				
<i>First Floor</i>								
R1 / W1	Living	33	25.8	<b>21.8%</b>	16.5	16.4	16.4	0
R1 / W2		33.2	25.4	<b>23.5%</b>				
R1 / W11		14.4	14.3	0.7%				
R2 / W3	Living	33.3	25	<b>24.9%</b>	14.4	14.4	13.8	3.8%
R2 / W4		33.4	24.5	<b>26.6%</b>				
R3 / W5	Reception	33.5	23.9	<b>28.7%</b>	16	15.9	13.4	16%

R3 / W6		33.5	23.6	<b>29.6%</b>				
R4 / W7	Living	33.6	23.2	<b>31%</b>	14.4	14.4	11.3	<b>21.4%</b>
R4 / W8		33.5	23	<b>31.3%</b>				
R5 / W9	Living	33.5	22.8	<b>31.9%</b>	14.4	14.4	10.4	<b>24.6%</b>
R5 / W10		33.4	22.7	<b>32%</b>				
<b>Second Floor</b>								
R3 / W5	Reception	36.2	27.8	<b>23.2%</b>	16	15.9	15	5.5%
R3 / W6		36.3	26.5	<b>24.2%</b>				
R4 / W7	Bedroom	36.3	27	<b>25.6%</b>	14.4	14.4	13.5	6.4%
R4 / W8		36.4	26.8	<b>26.4%</b>				
R5 / W9	Bedroom	36.4	26.7	<b>26.6%</b>	14.4	14.4	13.5	6.3%
R5 / W10		36.4	25.5	<b>27.2%</b>				

- 9.138 As shown in Table 2 above, 24 of the 53 (39.3%) windows assessed at Bagnigge House would see reductions of more than 20% in VSC. Further, 10 of the 53 (18.9%) windows assessed would see reductions of more than 30% in VSC. It is noted that although there would be reductions of up to 33.4%, all of the windows would retain a value of at least 19.2% or more in VSC.
- 9.139 5 of the 29 (17.2%) rooms assessed at Bagnigge House would see reduction of more than 20% in NSL, whilst 3 rooms (10.3%) would see reduction of more than 30%.
- 9.140 A mirror massing exercise has been undertaken by the Applicant in relation to Bagnigge House and St Annes House. The Mirror Massing exercise shows that of the 53 windows assessed, 4 windows would experience no change, 12 windows would see a reduction of up to 2% in VSC and 37 window would see a reduction of 2% – 4.3%, versus the proposal. It is noted that utilising mirror massing to establish an alternate baseline, that there would be no transgressions beyond the BRE guidelines (above 20% reductions). This provides a useful insight, but nonetheless, the actual impacts to both VSC and NSL to the ground and first floor rooms remain of concern and weigh against the scheme in the planning balance.

### St Ann's House



- 9.141 78 windows and 54 rooms for NSL were assessed at St Ann's House. The transgressions to neighbouring St Ann's House properties are reported for reference in Table 3 below:

Table 3		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>St Anne's House</b>								
<i>Ground Floor</i>								
R2 / W12	Bedroom	29.6	20.6	<b>30.4%</b>	13.6	13.5	8.9	<b>33.9%</b>
R2 / W13		28	19.1	<b>31.8%</b>				
R3 / W2	Bedroom	30.3	20.2	<b>33.3%</b>	15.4	15.2	8.8	<b>42.2%</b>
R3 / W3		30.3	20.3	<b>33%</b>				
R4 / W4	Bedroom	30.3	20.3	<b>33%</b>	15.8	15.7	8.6	<b>42.1%</b>
R4 / W5		30.3	20.4	<b>32.7%</b>				
R5 / W6	Bedroom	30.3	20.4	<b>32.7%</b>	16.5	16.4	9.5	<b>39%</b>
R5 / W7		30.2	20.5	<b>32.1%</b>				
R6 / W8	Bedroom	30.2	20.6	<b>31.8%</b>	16.5	16.4	9.8	<b>36.7%</b>
R6 / W9		30.2	20.7	<b>31.5%</b>				
R7 / W10	Bedroom	30.1	20.8	<b>30.9%</b>	15.8	15.7	10.4	<b>33.4%</b>
R7 / W11		30	20.8	<b>30.7%</b>				
R8 / W14	Unknown	30.9	21.8	<b>29.4%</b>	11	10.7	7.2	<b>33.1%</b>
R9 / W15	Unknown	30.9	22.1	<b>29.4%</b>	7.7	7.6	5.1	<b>32%</b>
R10 / W16	Unknown	30.9	22.4	<b>27.5%</b>	7.7	7.6	5.3	<b>30.6%</b>
R11 / W17	Unknown	30.9	22.6	<b>26.9%</b>	11.9	11.5	7.4	<b>35.9%</b>
<i>First Floor</i>								
R1 / W1	Unknown (Core)	32.9	22	<b>33.1%</b>	10.1	10	5.5	<b>44.8%</b>
R2 / W12	Living	34	24.5	<b>27.9%</b>	15.2	15.1	12.1	19.9%
R2 / W13		32.2	23	<b>28.6%</b>				
R3 / W2	Living	34.6	23.8	<b>31.2%</b>	17.1	16.9	11	<b>35%</b>
R3 / W3		34.7	23.9	<b>31.1%</b>				
R4 / W4	Living	34.6	23.9	<b>30.9%</b>	15.7	15.6	10.1	<b>34.9%</b>
R4 / W5		34.7	24	<b>30.8%</b>				
R5 / W6	Living	34.6	24.1	<b>30.3%</b>	17.4	17.2	11.7	<b>32.1%</b>
R5 / W7		34.6	24.2	<b>30.1%</b>				
R6 / W8	Living	34.6	24.4	<b>29.5%</b>	17.4	17.2	12.2	<b>28.9%</b>
R6 / W9		34.5	24.5	<b>29%</b>				
R7 / W10	Living	34.5	24.6	<b>28.7%</b>	15.7	15.6	12.4	<b>20.3%</b>
R7 / W11		34.3	24.7	<b>28%</b>				
R8 / W14	Unknown	35.3	26.2	<b>25.8%</b>	11	10.7	9.5	11.5%
R9 / W15	Unknown	35.3	26.5	<b>24.9%</b>	7.7	7.6	7	8.2%
R10 / W16	Unknown	35.3	26.7	<b>24.4%</b>	7.7	7.6	7.4	3.2%
<i>Second Floor</i>								
R1 / W1	Unknown (Core)	35.6	25.7	<b>27.8%</b>	10.1	10	7.3	<b>27.3%</b>

- 9.142 As shown in Table 3 above, 33 of the 78 (42.3%) windows assessed at St Anne's House would see reductions of more than 20% and have a retained value of less than 27% in VSC. Further, 19 of the 78 (24%) windows assessed would see reductions of 30% or more.
- 9.143 Turning to daylight distribution, 17 of the 54 (31.5%) rooms assessed at St Anne's House would see reduction of more than 20% in NSL. 11 of the 54 (20%) rooms assessed would see reductions of between 30% - 39.99%, whilst 3 of the 54 (5.5%) of the rooms assessed would see reductions in excess of 40% in NSL.
- 9.144 As with Bagnigge House above, a mirror massing exercise has been undertaken by the Applicant in relation to both Bagnigge House and St Annes House. The Mirror Massing exercise shows that of the 78 windows assessed, 1 window would experience no change, 12 windows would see a reduction of up to 2% in VSC and 37 window would see a reduction of 2% – 4.3%, versus the proposal. It is noted that utilising mirror massing to establish an alternate baseline, that there would be no transgressions beyond the BRE guidelines (above 20% reductions). This provides a useful insight, but nonetheless, the actual impacts to both VSC and NSL to the ground and first floor rooms remain of concern and weigh against the scheme in the planning balance.

#### 17-23 Attneave Street



- 9.145 28 windows and 28 rooms were assessed at 17-23 Attneave Street. The transgressions to neighbouring 17-23 Attneave Street properties are reported for reference in Table 4 below:

Table 4		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>17 – 23 Attneave Street</b>								
<i>Ground Floor</i>								
R1 / W1	Living	24.5	18.7	<b>23.7%</b>	20.4	18.5	12.3	<b>33.3%</b>
R2 / W2	Living	26.6	18.9	<b>28.9%</b>	21.3	21	12.3	<b>41.6%</b>
R3 / W3	Living	28	19.2	<b>31.4%</b>	21.2	20.9	12.1	<b>41.9%</b>
R4 / W4	Living	28	19.3	<b>31.4%</b>	20.3	20.3	11	<b>45.8%</b>
R5 / W5	Living	26.9	18.7	<b>30.5%</b>	21.3	21.2	11.1	<b>47.9%</b>
R6 / W6	Living	23.4	19	18.8%	21.3	18.6	13.4	<b>27.7%</b>
R7 / W7	Living	21.5	18.9	12.1%	20.3	17.9	12.2	<b>31.9%</b>
<i>First Floor</i>								
R1 / W1	Bedroom	30.9	22.4	<b>27.5%</b>	9.7	9.6	5.7	<b>40.7%</b>
R2 / W2	Bedroom	31.1	22.2	<b>28.6%</b>	10.3	10.2	5.6	<b>45.2%</b>
R3 / W3	Bedroom	31.5	22.3	<b>29.2%</b>	11.2	11	5.9	<b>46.3%</b>
R4 / W4	Bedroom	31.8	22.3	<b>29.2%</b>	9.7	9.6	5.4	<b>43.8%</b>
R5 / W5	Bedroom	31.8	22.7	<b>28.6%</b>	9.7	9.6	5.2	<b>46.1%</b>
R6 / W6	Bedroom	31.9	22.9	<b>28.2%</b>	11.1	11	5.9	<b>45.8%</b>
R7 / W7	Bedroom	31.7	23.1	<b>27.1%</b>	10.3	10.2	5.8	<b>42.6%</b>
R8 / W8	Bedroom	31.4	23.1	<b>26.4%</b>	9.7	9.6	5.4	<b>43.2%</b>
R9 / W9	Bedroom	31	22.9	<b>26.1%</b>	9.7	9.6	5.5	<b>42.7%</b>
R10 / W10	Bedroom	30	22.4	<b>25.3%</b>	11.2	11	5.9	<b>43.1%</b>
R11 / W11	Bedroom	29.6	23.3	<b>21.3%</b>	9.7	9.6	7.6	16%
R12 / W12	Bedroom	30.3	23.5	<b>22.4%</b>	11.2	11.1	8.1	<b>22.3%</b>
R13 / W13	Bedroom	30.6	23.2	<b>24.2%</b>	10.2	10.1	6.5	<b>36.1%</b>
R14 / W14	Bedroom	30.8	22.7	<b>26.3%</b>	9.7	9.6	5.4	<b>43.7%</b>

- 9.146 As shown in Table 4 above, 19 of the 28 (68%) windows assessed at 17 – 23 Attneave Street would see reductions of more than 20% in VSC. 3 of the 28 (10.7%) windows assessed would see reductions of more than 30% in VSC. It is noted however that although there would be reductions of up to 31.4%, all of the windows would retain a value of 18.7% or more in VSC.
- 9.147 Turning to daylight distribution, 27 of the 28 (96.4%) rooms assessed would see reductions of more than 20% in NSL, ranging between 22.3% and 47.9%.
- 9.148 It is considered that the properties at 17-23 Attneave Street are the worst affected by the proposed development, given the number of transgressions to both VSC and NSL.

## 8-27 Sherston Court



9.149 16 windows and 16 rooms were assessed at 8-27 Sherston Court. The transgressions to neighbouring Sherston Court properties are reported for reference in Table 5 below:

Table 5		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>8 – 27 Sherston Court</b>								
<i>Ground Floor</i>								
R1 / W8	Kitchen	2.4	1.6	<b>33.3%</b>	5.9	4.6	4.6	0
R4 / W11	Kitchen	2.4	1.7	<b>29.2%</b>	6	4.7	4.6	2.7%
R5 / W10	Kitchen	2.3	1.5	<b>34.8%</b>	6	4.8	4.7	1%
R14 / W14	Kitchen	15.8	10.2	<b>35.4%</b>	11.9	11.7	5.4	<b>54.4%</b>
<i>First Floor</i>								
R1 / W8	Kitchen	3.5	2	<b>42.9%</b>	5.9	4.6	4.6	0
R4 / W11	Kitchen	4.1	2.3	<b>43.9%</b>	6	4.8	4.6	2.9%
R5 / W10	Kitchen	3.8	2.1	<b>44.7%</b>	6	4.8	4.8	0.8%
R14 / W14	Kitchen	3.4	0	<b>100%</b>	11.9	10.6	1.9	<b>81.8%</b>
<i>Second Floor</i>								
R1 / W8	Kitchen	4.6	3	<b>34.8%</b>	5.9	4.7	4.7	0
R4 / W11	Kitchen	6.1	3.6	<b>41%</b>	6	4.8	4.6	3.5%
R5 / W10	Kitchen	6.2	3.3	<b>46.8%</b>	6	4.8	4.8	0.0%
R14 / W14	Kitchen	19.8	15.8	<b>20.2%</b>	11.9	11.7	8.2	<b>26.7%</b>
<i>Third Floor</i>								
R1 / W8	Kitchen	5.7	4.4	<b>22.8%</b>	5.9	4.2	4.2	0
R4 / W11	Kitchen	7.7	5.2	<b>32.5%</b>	6	4.3	4.2	2.6%
R5 / W10	Kitchen	7.6	4.7	<b>38.2%</b>	6	4.3	4.3	0
R14 / W14	Kitchen	21	18.1	13.8%	11.9	11.7	11.7	0

9.150 As shown in the table above, 15 of the 16 (93.7%) windows at 8-27 Sherston Court would see reductions of more than 20% in VSC. 12 of the 16 (75%) windows assessed

would see reductions of more than 30%, whilst 5 of the 16 (31.25%) windows would see reductions of over 40%.

- 9.151 Turning to daylight distribution, 3 of the 16 rooms (19%) assessed would see reductions of more than 20% in NSL, ranging between 26.7% to 81.8% reductions.
- 9.152 At first floor level, Room 14 Window 14 would see a reduction in VSC of 100% and an 85.5% reduction in NSL.
- 9.153 The identified windows look out onto the access to Sherston Court properties via walkway balconies. The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. The BRE guidelines state that *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even the modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight, for both the existing and proposed situations, without the balcony in place”*.



Figure 13: Existing balcony walkways to neighbouring Sherston Court

- 9.154 Appendix 4 of the Applicant’s Daylight and Sunlight Report gives ‘without balconies’ results, in which the additional calculations of the VSC for both the existing and proposed situations, without the balconies in place.
- 9.155 The results of the Applicant’s ‘without balconies’ calculations indicate that the balconies do cause harm to the windows at Sherston Court. Table 6 below shows the ‘without balconies assessment’ undertaken. 10 windows of the 16 windows assessed would still have reductions to daylight (in particular VSC) beyond BRE guidelines.

Table 6 - Without Balconies Assessment		Vertical Sky Component			Comparison with Balconies assessment
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
<b>8 – 27 Sherston Court</b>					
<i>Ground Floor</i>					
R1 / W8	Kitchen	20.6	16.8	19.4%	<b>33.3%</b>
R4 / W11	Kitchen	26.6	20.7	<b>22.2%</b>	<b>29.2%</b>
R5 / W10	Kitchen	24.9	19.1	<b>23.3%</b>	<b>34.8%</b>
R14 / W14	Kitchen	15.8	10.2	<b>35.4%</b>	<b>35.4%</b>
<i>First Floor</i>					
R1 / W8	Kitchen	22.5	18.8	16.4%	<b>42.9%</b>
R4 / W11	Kitchen	31.2	23.6	<b>24.4%</b>	<b>43.9%</b>
R5 / W10	Kitchen	30.1	21.7	<b>27.9%</b>	<b>44.7%</b>
R14 / W14	Kitchen	3.4	0	<b>100%</b>	<b>100%</b>
<i>Second Floor</i>					
R1 / W8	Kitchen	24	21	12.5%	<b>34.8%</b>
R4 / W11	Kitchen	34.6	27	<b>22%</b>	<b>41%</b>
R5 / W10	Kitchen	34.9	24.7	<b>29.2%</b>	<b>46.8%</b>
R14 / W14	Kitchen	19.8	15.8	<b>20.2%</b>	<b>20.2%</b>
<i>Third Floor</i>					
R1 / W8	Kitchen	25.4	23.3	8.3%	<b>22.%</b>
R4 / W11	Kitchen	36.5	30.7	15.9%	<b>32.5%</b>
R5 / W10	Kitchen	36.6	28.2	<b>22%</b>	<b>38.2%</b>
R14 / W14	Kitchen	21	18.1	13.8%	13.8%

- 9.156 Balconies cannot actually be removed, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance.

160 Farringdon Road

- 9.157 3 windows for VSC and 3 rooms for NSL were assessed at 160 Farringdon Road. The transgressions to neighbouring 160 Farringdon Road are reported for reference in Table 7 below:

Table 7		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>160 Farringdon Road</b>								
<i>Ground Floor</i>								
R1 / W1	Unknown	15.9	12.1	<b>23.9%</b>	11.5	8.6	5.2	<b>40%</b>
<i>First Floor</i>								
R1 / W1	Unknown	22.7	18.6	18.1%	11.5	10.7	8.5	<b>20.5%</b>

9.158 As shown in Table 7 above, 1 of the 3 windows assessed at 160 Farringdon Road would see a reduction over 20% in VSC whilst 2 of the 3 windows assessed would see reductions in NSL. At ground floor level, the window would see a marginal transgression of 20.5% reduction in VSC coupled with a 40% reduction in NSL to the room.

#### 86 Margery Street

9.159 17 windows for VSC and 11 rooms for NSL were assessed at 86 Margery Street. The transgressions to neighbouring 86 Margery Street are reported for reference in Table 8 below:

Table 8		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>86 Margery Street</b>								
<i>Fourth Floor</i>								
R1 / W1	Unknown	24.4	4.8	<b>80.3%</b>	12.9	12.7	12	5.1%
R1 / W3		17.4	17.4	0				
R1 / W6		31.4	29.8	5.1%				
R1 / W7		37	29.9	19.2%				

9.160 As shown in Table 8 above, 1 of the 17 windows assessed would see reductions of more than 20% and have a retained value below 27% in VSC. This window is located at fourth floor level and serves as a secondary window to a dormer projection. Although there is a reduction of 83.6% in VSC to Window 1, the NSL of the room which it serves would not be reduced beyond BRE guidance.

9.161 Window 1 is within a dormer projection to the roof and faces the application site, and as such is sensitive to any change, and any change would therefore be perceptible.

Officers consider the development would therefore not be of detriment to the daylight enjoyed by occupiers of 86 Margery Street.



Figure 14: Photograph showing the side facing dormer window to neighbouring no.86 Margery Street

### *Daylight Summary*

- 9.162 In summary, the proposal would see the reduction in daylight to a number of neighbouring residential properties. Whilst neighbouring properties at Bagnigge House and St Annes House would see reductions in VSC of up to 33%, these windows would still receive in excess of 18% in VSC values. 60.7% of neighbouring windows assessed would not see reductions to VSC contrary to BRE, whilst 67.5% of neighbouring rooms assessed would not reductions to NSL contrary to BRE.
- 9.163 Properties to the rear of the proposed building, namely Attneave Street properties, would be worst affected by the proposal, with reductions in both VSC and NSL in excess of 20%. Reductions to both VSC and NSL to the ground and first floor rooms weigh against the scheme in the planning balance.

### *Impacts to Sunlight*

- 9.164 The submitted Daylight & Sunlight Impacts Report highlights that a total of 112 rooms facing the site were assessed for Annual Probable Sunlight Hours ('APSH'). The report highlights that 110 (98.2%) of the rooms assessed are BRE compliant.
- 9.165 The following properties comply with the BRE guidance:
- Riceyman House;
  - Bagnigge House;
  - St Ann's House;
  - 1-23 Spring House;
  - 1-21 St Helena House;
  - William Martin Court;
  - 33, 35, 37, 38, 39 and 40 Wilmington Square;
  - 23 Yardley Street; and
  - 86 Margery Street;

9.166 The transgressions to neighbouring these neighbouring properties are reported for reference in the below table:

<u>Table : Sunlight Transgressions</u>		<b>Annual (APSH)</b>			<b>Winter (WPSH) (between 21 September and 21 March)</b>		
Room / Window	Room Use	Existing	Proposed	Reduction %	Existing	Proposed	Reduction %
<b>21 Yardley Street</b>							
First Floor R4	Unknown	34	28	17.6%	4	3	<b>25%</b>
<b>Charles Simmons House</b>							
Third Floor R5	LKD	20	19	5%	4	3	<b>25%</b>

9.167 The transgressions occur to one window at 21 Yardley Street and one window at Charles Simmons House.

9.168 The window at 21 Yardley Street is located at first floor level to the rear of the building and would serve an unknown room.

9.169 The window at Charles Simmons House is located at third floor level and would serve a LKD. This room is served by three windows, with two facing northeast. The affected window is southeast facing and is the largest of the three windows serving the room. As such, this reduction is not considered to give rise to undue loss of sunlight to the room which the window serves.

### ***Overshadowing***

9.170 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).

9.171 The submitted Daylight & Sunlight Impacts Report highlights that due to the proposed development's orientation in relevance to neighbouring properties, only 21-23 Yardley Street is required to be tested in accordance with BRE guidance.

9.172 23 Yardley Street adjoins the south eastern boundary of the site and is split into self-contained units. As such, the rear amenity space is also split into two separate spaces for occupiers of 23 Yardley Street. The two separate amenity areas are identified in Figure 13 below as A1 and A2. Both A1 and A2 will experience an increase in 'sun on the ground', A1 increases from 39.66% to 86.54% and A2 increases from 0.58% to 1.50%.

9.173 21 Yardley Street has a rear amenity area of 22.21sqm. It currently benefits from 2.84% of sunlight coverage which would increase to 19.95% following the development.

9.174 The proposed development would therefore see an increase to ‘sun on the ground’ to the nearest neighbouring properties external amenity, to the benefit of those occupiers. This is due to the proposed reduction of mass to the building along the south-eastern boundary adjoining neighbouring 21 and 23 Yardley Street.

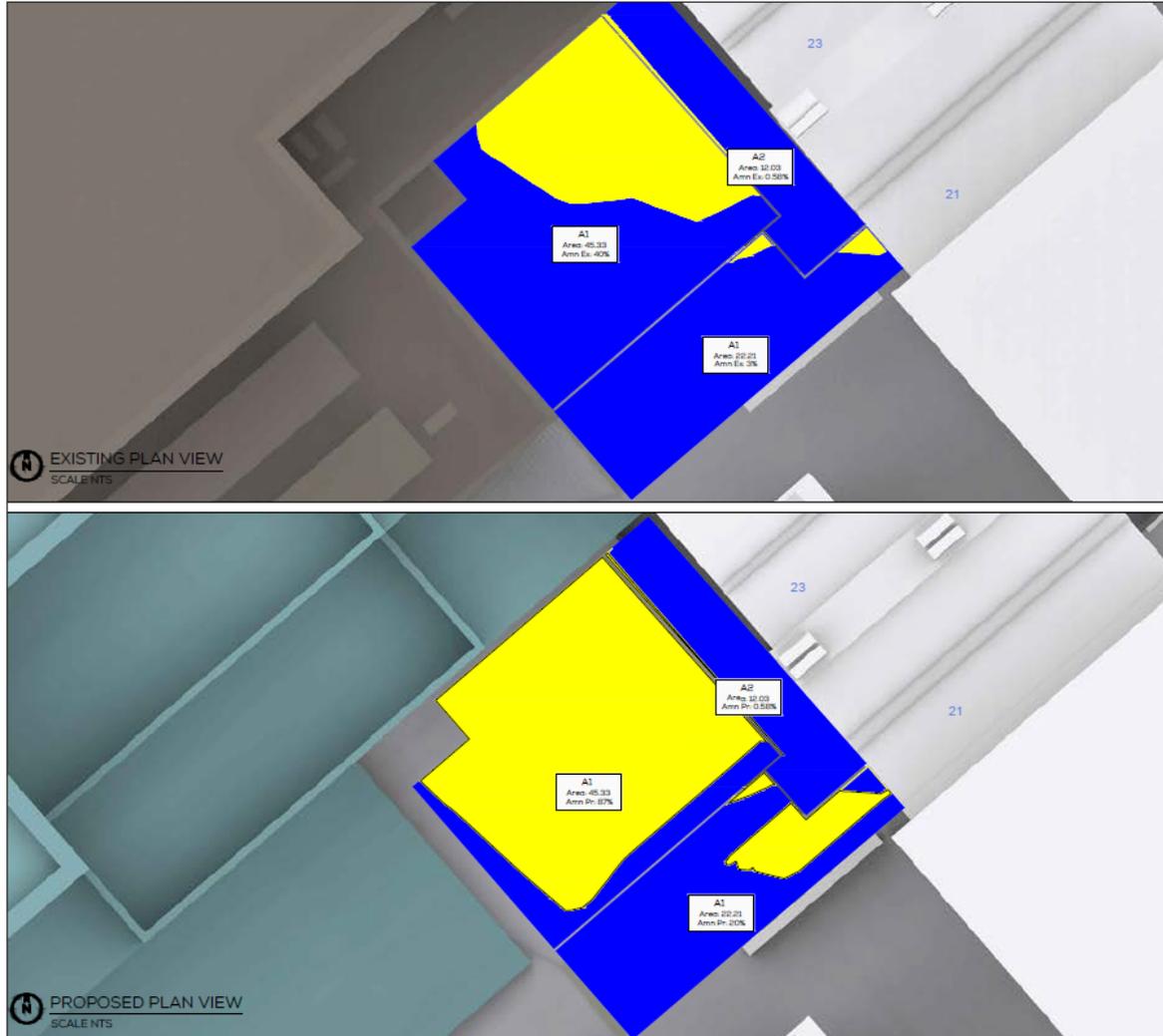


Figure 15: Existing vs Proposed ‘sunlight on ground’ to neighbouring properties on Yardley Street.

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

9.175 A comprehensive assessment of the proposed development on surrounding windows, rooms and gardens in nearby dwellings has been undertaken in accordance with BRE guidance and practice.

9.176 The results show the development would see the reduction in daylight to a number of neighbouring residential properties. Transgressions beyond the BRE guidance are not a benefit and weigh against the scheme in the planning balance. The ‘without balconies’ and ‘mirror massing’ exercise undertaken by the Applicant are useful in outlining the impacts of the development and understanding the extent of how under-developed the site currently is.

- 9.177 The BRE guidelines must be viewed flexibly and considering the wider adherence to the required standards, allowance should be made for the Central London location and the surrounding context of the site which includes 5 storey mansion blocks.

#### Construction Impacts

- 9.178 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents and a number of objections have been received raising this point. A Construction Environmental Management Plan would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by recommended condition 16. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

#### Highways and Transportation

- 9.179 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.
- 9.180 The application site has a PTAL of 6a, which is considered 'excellent', due to the numerous bus links along Kings Cross Road / Farringdon Road.
- 9.181 Margery Street is a one-way single carriageway road with on street parking and a cycle lane. Yardley Street is a cul-de-sac which does not allow vehicles to join onto Margery Street, however, the cycle route allows cyclists to ride between Margery Street and Yardley Street.

#### Trip Generation

- 9.182 The submitted Transport Statement dated 29 October 2019 indicates that 707 daily trips to and from the existing building is expected based on floorspace. There are minimal trips within a personal car (a total of 10 daily equating to 1.4%) with the primary mode of trips (a total of 600 equating to 85%) coming from public transport such as underground/tube, trains and buses. Cycles account for 12 daily trips.
- 9.183 The proposal is anticipated to generate a total of 1,501 daily trips to and from the site. There would be minimal trips within a personal car (a total of 21 daily equating to 1.4%) with the primary mode of trips (a total of 1,274 equating to 85%) coming from public transport. Cycle trips would increase to 25 daily trips.

#### Pedestrian / Cycle Improvements

- 9.184 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is highly accessible for pedestrians given its two entrances front onto Yardley Street and Margery Street.

- 9.185 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.
- 9.186 The proposal provides a secure cycle parking enclosure for the proposed office use internally, at lower ground level. This would be accessed by two lifts to allow for level access.
- 9.187 A total of 88 long-stay cycle parking spaces could be accommodated within the lower ground floor enclosure to serve the entire building in accordance with London Plan policy 6.9 and Islington's Development Management policy DM8.4. A further 4 accessible cycle parking spaces are also provided.
- 9.188 Lockers, shower and changing facilities are also proposed next to the cycle storage area so that they can be accessed by both the office building and the affordable workspace unit.

Servicing, deliveries and refuse collection

- 9.189 The existing building is serviced from a yard to the south-west part of the site, accessed from Margery Street. This is to be built-over as part of the proposal and as such the building is to be serviced on-street.
- 9.190 The proposed service entrance is from Yardley Street and as such refuse and recycling collection is to be undertaken from Yardley Street. The waste collection vehicle would reverse down Yardley Street towards the site and waste collection operatives would wheel the containers to the vehicle. This is supported by Council's Highways officers.
- 9.191 A condition (no.15) is recommended requiring details of the proposed Delivery/Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

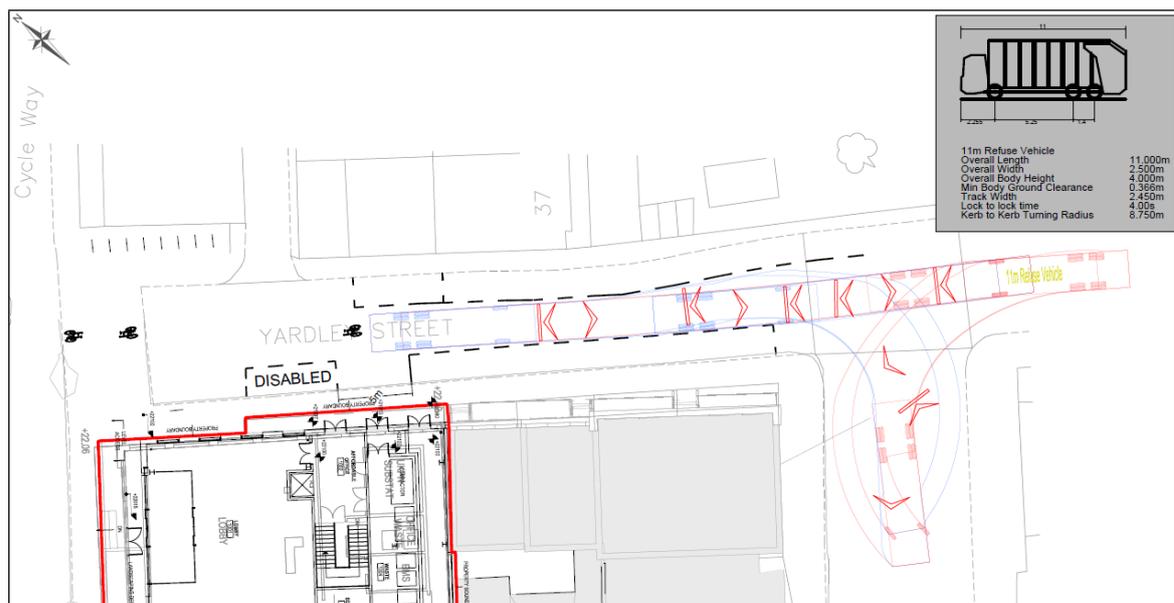


Figure 16: Swept paths for proposed refuse collection vehicles servicing the site

### Vehicle parking

- 9.192 The site does not currently include any on-site formal parking arrangements and no parking is proposed within the site as part of the application. The subject site is located within a 'residents only' Controlled Parking Area (CPZ) 'Zone A', which operates weekdays between 0830 – 1830 and on Saturdays between 0830 – 1330. 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. An objection raised concerned the loss of controlled parking bays being lost to facilitate a loading bay, at the expense of nearby residents.
- 9.193 Within the submitted 'Transport Statement', a parking survey was conducted. It concludes that the overall parking stress to on-street bays to the surrounding streets at approximately 72% capacity, outlining that on average 9 parking bay spaces are available. The reduction of on-street parking bays to Yardley Street is supported by Transport for London.
- 9.194 Given the site has a 'excellent' PTAL rating of 6a, the highly accessible area alongside on-street parking restrictions, a car-free proposal is considered acceptable in sustainable transport regards.
- 9.195 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). For commercial developments, an uplift in 33 employees would require one additional accessible parking bay.
- 9.196 The proposal would see an uplift in approximately 240 employees and therefore at least 7 accessible parking bay is required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of £14,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.
- 9.197 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.

### Air Quality

- 9.198 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.
- 9.199 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. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 16.

- 9.200 Furthermore, an Air Quality report, which includes air quality neutral assessment, was submitted by the Applicant in support of the scheme. It highlights that with the assumption of no CHPs/boilers, the development will achieve air quality neutral status. This is accepted by the Council's Environmental Health Team and Condition 17 ensures the measures outlined within the Air Quality report are to be completed prior to occupation and maintained thereafter.

### **Energy & Sustainability**

- 9.201 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.202 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.
- 9.203 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 7.1 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.
- 9.204 The applicant has submitted the relevant detail within the Sustainability and Energy Statement, prepared by FHP Engineering Services Solutions, October 2019; Draft Green Performance Plan, prepared by FHP Engineering Services Solutions, October 2019; and BREEAM pre-Assessment Report, prepared by Verte Sustainability, October 2019
- 9.205 Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, revised information was submitted (Sustainability and Energy Statement Rev 5, prepared by FHP Engineering Services, dated 16/03/20 and

### **Carbon emissions**

- 9.206 The London Plan sets out a CO<sub>2</sub> reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.

- 9.207 The initial Energy Strategy submitted indicated a 49% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, however this has been increased to 69% within the revised energy strategy thereby exceeding the London Plan target.
- 9.208 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.
- 9.209 The revised Energy Strategy shows outstanding total (regulated and unregulated) emissions equivalent to 39% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.210 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 Assessment Report includes a correctly calculated Carbon Offset contribution of £128,690.52 for the 139.881 tonnes of outstanding emissions. This is to be secured by way of a planning obligation.

#### Sustainable Design Standards

- 9.211 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."
- 9.212 A BREEAM Pre-Assessment has been submitted for the non-residential area of the development. This shows a score of 72.82% meeting the requirements of Islington DM 7.4A which requires a minimum of an 'Excellent' rating, which shall be secured through Condition 3.

#### Energy Demand Reduction (Be Lean)

- 9.213 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".
- 9.214 Following clarification with the revised Energy Strategy, the fabric values met or improve on the recommendations of Islington's Environmental Design SPD, including external

walls, roof, floor, windows, doors and air tightness. Further, LED lighting is proposed throughout with presence and daylight sensors.

- 9.215 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”.
- 9.216 Thermal modelling has been carried out by the Applicant which shows that the building is at risk from overheating without active cooling. However, once active cooling is introduced the overheating risk is removed, which is accepted by Council’s Energy Officer.

#### Low Carbon Energy Supply (Be Clean)

- 9.217 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;”*
- 9.218 Air Source Heat Pumps (‘ASHP’) / Virtual Routing and Forwarding (‘VRF’) system have been specified by the Applicant. The Energy Strategy explains that the proposed system is more carbon efficient than communal gas. This is shown in the fact that there is a 48% reduction in regulated emissions at the ‘Be Clean’ stage where ASHP/VRF is introduced. The baseline figure allows for communal gas.
- 9.219 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.
- 9.220 Furthermore, the revised Energy Strategy states that a protect pipe route and space in the plant room have been reserved to allow future connection and that the required ventilation provisions in the plant room will be made. 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.
- 9.221 The revised Sustainability and Energy Statement shows includes evidence of an investigation into the possibility of forming a Shared Heating Network with neighbouring buildings. It is accepted by the Council’s Energy Officer that this is not feasible.
- 9.222 The revised Energy Strategy also rules out the possibility of a Carbon Heating Plant (‘CHP’) due to the projected yearly figure for the amount of hours the smallest commercially available CHP unit would run and demonstrates that CHP would not be viable for this development, which is accepted by the Council’s Energy Officer.

#### Renewable Energy Supply (Be Green)

- 9.223 The use of renewable energy should be maximised to enable the achievement of CO2 targets.

- 9.224 A suitable range of renewable technologies has been reviewed and Wind Turbines, Solar Thermal, Biomass and Ground Source Heat Pumps ruled out for valid reasons. The revised Sustainability and Energy Strategy specifies a 14.kWp / 100m<sup>2</sup> PV array at roof level.

#### Green Performance Plan (GPP)

- 9.225 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO<sub>2</sub> emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.” The council’s Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.226 A Draft Green Performance Plan (‘GPP’) has been submitted and includes measurable targets for gas, electricity, CO<sub>2</sub> emissions and water usage. The GPP 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 GPP is to be submitted and is secured through a section 106 agreement.
- 9.227 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.

#### Basement and Sustainable Urban Drainage System (SUDS)

- 9.228 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council’s application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E).
- 9.229 The Basement Development SPD sets out inter alia:
- 9.230 *“All basement development will need to be appropriate and proportionate to its site and context. Basement development should be proportionate in scale to the above ground portion of building, not unduly intensify the use of a site, or cause significant environmental harm. Design of basements and associated structures must be of a high quality and should respect and respond positively to existing buildings; streetscape and the wider context; surrounding heritage assets; and locally distinctive patterns of development and landscape.”*
- 9.231 The extent and depth of the proposed basement accords with the principles of the Basement Development SPD. A Structural Method Statement approved by a chartered Civil Engineer has been submitted. The proposals include excavations at basement level which are considered necessary to enable development and facilitate construction. Furthermore, the Applicant is in ongoing discussion with neighbouring stakeholders, such as Network Rail and Transport for London, in relation to basement excavation near railway tunnels.

## **Planning Balance**

- 9.232 This section will identify the adverse impacts caused by the development and compare these to the benefits of the development, and weigh them in the planning balance of decision making.
- 9.233 As outlined within the assessment of the application above, Officers have identified that the proposed development would cause harm to the amenity of neighbouring residential properties, specifically to sunlight/daylight. Harm to neighbouring amenity weighs against the scheme in the planning balance. To understand what weight to give to the impact, it is important to note the urban context in which the site is set, which is dense (some amount of impact is almost unavoidable in situations where buildings are close together).
- 9.234 It is also worth noting that the existing building is much lower than existing buildings on the opposite side of Margery Street. This is relevant in that a Mirror Massing exercise was undertaken, and this showed that using alternate targets (a methodology allowed by the BRE guidance) the impact to properties on the opposite side of Margery Street would be within or very close to the BRE guidance. The units currently receive very high levels of light (more than would be usual in such a dense urban area).
- 9.235 It is also noted that there are deck accesses to residential properties to the rear (east) of the site, which limit light to windows in the deck access elevation. Additionally, some of the affected window are high level (slot like) windows. These narrow windows, by virtue of their location and size will always receive limited light.
- 9.236 In many cases dwellings that have some rooms or windows which are impacted, these units also have other rooms and windows which will not be impacted. Some units are dual aspect and the main living areas face away from the application site, and this means the impacts will cause less of an issue for those units. Officers consider that there are circumstances in this case which mean that the weight afforded to this impact is moderated.
- 9.237 In terms of heritage impacts, this would be less than substantial and that the Applicant has designed and revised the proposal to mitigate impacts, such that they would be at the lower end of the spectrum. That said, there would still be less than substantial harm, and as such great weight and importance must be afforded to this before considering and benefits.
- 9.238 In terms of the public benefits that would arise from the development, these have been discussed throughout the report where relevant, and are surmised as follows:
- Significant uplift in office (B1a) floorspace within the CAZ and ERG, with associated jobs and support for the economy;
  - 439sqm (10.3% of the total NIA floorspace) of the development for affordable workspace (adding social value to the scheme);
  - Financial contribution in-lieu of on-site affordable housing provision of £498,720;
  - Public realm improvements to the corner of Yardley Street and Margery Street;
  - Improved energy efficiency and sustainability of the new building (reduction in carbon emissions in a time of climate emergency and a green performance plan);
  - Enhanced accessibility into and through the building;
  - Enhanced facilities for cyclists (encouraging travel by sustainable forms of transport);

- Contributions towards sustainable transport initiatives;
- Contributions towards employment and training initiatives;
- Jobs during construction and in the future building;
- A high quality design, improving the appearance of the area;

9.239 In summary, while officers have been mindful of their statutory duty in relation to harm to heritage assets and amenity impacts, given nature and number of public benefits that the scheme would deliver, these would outweigh the harm in the overall planning balance.

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

9.240 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

9.241 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- a) A contribution of £498,720 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 of Affordable Workspace, totalling 10.3% of the overall NIA to be secured at a peppercorn rate for 10 years;
- c) Contribution TBC towards Public Realm improvements on the corner of Margery Street and Yardley Street;
- d) Compliance with the Code of Employment and Training including delivery of 2x 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 £10,000;
- e) Compliance with the Code of Construction Practice, including a monitoring fee of £3,117, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- f) Payment towards employment and training for local residents of a commuted sum. Calculated at £28,617 based on the current proposal;

- g) Compliance with the Code of Local Procurement;
- h) Contribution towards 5x bays or other accessible transport initiatives of: £10,000;
- i) 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).
- j) The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;
- k) A bond/deposit of £31,970.86 to cover costs of repairs to the footway and £34,014.20 for repairs to the highway (total £65,985.06). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- l) A contribution of £128,690.52 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- m) Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- n) 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.
- 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.

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

## **10 SUMMARY AND CONCLUSION**

### **Summary**

10.1 The provision of additional business use floorspace is considered acceptable in land use terms given its location within an Employment Growth Area and the Central Activities Zone.

- 10.2 It is recommended that conditions are attached to minimise the impact of the development upon neighbouring amenity, such as privacy and overlooking, noise and/or light disturbance to an acceptable level.
- 10.3 The proposal is considered to constitute a sustainable form of development in regards to energy efficiency, renewable energy and sustainable transport subject to the recommended conditions.
- 10.4 While officers have been mindful of their statutory duty in relation to harm to heritage assets and amenity impacts, given the nature and number of public benefits that the scheme would deliver, these would outweigh the harm in the overall planning balance. In the overall planning balance, the benefits of the proposal to be secured through a s106 legal agreement, are considered to outweigh the harm caused to neighbouring residential amenity.

### **Conclusion**

- 10.5 It is recommended that planning permission be granted subject to conditions and legal obligation as set out in Appendix 1 – RECOMMENDATION.

## 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 £498,720 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 of Affordable Workspace, totalling 10.3% of the overall NIA to be secured at a peppercorn rate for 10 years;
- c) Contribution TBC towards Public Realm improvements on the corner of Margery Street and Yardley Street through ongoing talks with the Local Planning Authority;
- d) Compliance with the Code of Employment and Training including delivery of 2x 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 £10,000;
- e) Compliance with the Code of Construction Practice, including a monitoring fee of £3,117, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- f) Payment towards employment and training for local residents of a commuted sum. Calculated at £28,617 based on the current proposal;
- g) Compliance with the Code of Local Procurement;
- h) Contribution towards 5x bays or other accessible transport initiatives of: £10,000;
- i) 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).
- j) The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;

- k) A bond/deposit of £31,970.86 to cover costs of repairs to the footway and £34,014.20 for repairs to the highway (total £65,985.06). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- l) A contribution of £128,690.52 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- m) Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- n) 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.
- 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.

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

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:

<b>1</b>	<b>Commencement of Development (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>A010010 P02 - Location Plan; A010015 P02 - Site Plan; A-012109 P02 - Lower Ground Floor Plan; A-012110 P02 - Upper Ground Floor Plan; A-012111 P02 - First Floor Plan; A-012112 P02 - Second Floor Plan; A-012113 P02 - Third Floor Plan; A-012114 P02 - Roof/Plant Floor Plan; A-012310 P02 – North Elevation; A-012320 P02 - South Elevation; A-012330 P02 - East Elevation; A-012340 P02 - West Elevation 1; A-012341 P02 - West Elevation 2; A-012410 P02 - Section A; A-012420 P02 - Section B; A-012430 P02 - Section C; A-012440 P02 - Section D; A-012450 P02 - Section E; A-012460 P02 - Section F;</p> <p>Air Quality Neutral Assessment v2 February 2020;  Arboricultural Method Statement February 2020;  Bat Roost &amp; Nesting Bird Potential Building Assessment Report September 2019;  Design and Access Statement rev.2 March 2020;  Drainage Strategy Report ERH-HYD-XX-XX-RP-C-0002 October 2019;  Environmental Report AEL-0219-TSR-942484 April 2018;  Heritage and Townscape Assessment  Framework Workplace Travel Plan October 2019;  Islington Health Impact Assessment Screening;  Planning Noise Report ERH-HYD-ZZ-XX-RP-YA-1001 November 2019;  Site Waste Management Plan October 2019;  Structural Method Statement  Sustainability and Energy Statement rev.5, March 2020;  Sustainable Design and Construction Statement October 2019;  Transport Statement 18119-01-TS01 October 2019;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Details)</b>
	CONDITION: Details and samples of the following facing materials shall be submitted

	<p>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:</p> <p>a) Detail of windows including glazing, sections and reveals and samples;  b) Details and sample panel of the prefabricated brick, stone and concrete panel system, including joint detailing;  c) Details of all rooftop materials, including louvres and screens;  d) Details of the materiality to the ground floor frontage;  e) Details of any steel cladding;  f) Materials used for lift/stair core equipment;  g) Details of the privacy screens to the roof terraces;  h) Details of all entrances and openings;  i) Any external boundary treatments; and  j) Any other materials to be used.</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>
<b>4</b>	<b>Refuse and Recycling (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>5</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>6</b>	<b>Obscured Glazing (Compliance)</b>
	<p>CONDITION: The hereby approved development shall not be occupied until all of the core staircase and corridor windows to the first, second and third floors, have been obscure glazed and either fixed shut or with 150mm opening restrictors, as outlined within pages 35 and 36 the Design and Access Statement revision 2, 17 March 2020. The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p>
<b>7</b>	<b>Roof Terraces (Compliance)</b>
	<p>CONDITION: Only the areas defined as terrace areas within the hereby approved plans shall be used as external amenity spaces. The development shall not be occupied until the 1.8 metre high, obscured glazed.</p>

	<p>The roof terraces shall only be used between the hours of 0800 and 1800 Monday to Friday</p> <p>The flat roofs of the development hereby approved, unless designated as roof terraces, 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>
<b>8</b>	<b>Internal lights and blinds (Details)</b>
	<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"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>
<b>9</b>	<b>Inclusive Design (Details)</b>
	<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. The details shall include:</p> <ul style="list-style-type: none"> <li>a) All entrances to the building must be level, step free;</li> <li>b) The location of the mobility scooter charging points at ground floor.</li> <li>c) A management plan, including a PEEP.</li> <li>d) WC provision - clear space of at least 1570mm should be achieved between the door swings. All stair landings must have a 1200mm deep space, clear of all door swings.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>10</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced &amp;</p>

	<p>competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that an appropriate standard of accommodation is provided.</p>
<b>11</b>	<p><b>Green/Brown Biodiversity Roofs (Details)</b></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: 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). 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. 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>
<b>12</b>	<p><b>Tree Protection (Compliance and Details)</b></p> <p>CONDITION: The development shall be carried out in accordance with the tree protection measures, monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required), as outlined within the Arboricultural Method Statement produced by SJA Trees dated February 2020. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>The completed schedule of site supervision and monitoring of the arboricultural protection measures hereby approved shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>REASON: In order to ensure trees will not be damaged during demolition and construction and to protect and enhance the appearance and character of the site and Locality.</p>
<b>13</b>	<p><b>BREEAM (Compliance)</b></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</p>

	development.
<b>14</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the hereby approved Sustainability and Energy Statement Rev 5 dated 16/03/20 prepared by FHP Engineering Services 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>
<b>15</b>	<b>Delivery and Servicing Plan (Details)</b>
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. 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>
<b>16</b>	<b>Demolition and Construction Method Statement (Details)</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ol style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</li> </ol>

	<p>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <a href="https://nrmm.london/usernrmm/register">https://nrmm.london/usernrmm/register</a> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
17	<b>Air Quality (Compliance)</b>
	CONDITION: The Development is to be built in accordance with the hereby approved

	<p>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. 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>
<b>18</b>	<b>Basement Excavation (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (ERH-HYDXX-XX-RP-S-0005 Issue 06) (Dated 03 March 2020, 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>
<b>19</b>	<b>Removal of Permitted Development Rights – Office Use (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved 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>
<b>20</b>	<b>Road Safety Audit (Details)</b>
	<p>CONDITION: Prior to the commencement of highway works secured to support the development, a Stage 1 Road Safety Audit (RSA) of the local highway network from the junction of Margery Street with King's Cross Road A201 up to the junction of Margery Street with Yardley Street should be undertaken due to the presence of Quietway 2 which is a TfL Cycleway.</p> <p>It shall identify any additional highway safety measures required to ensure and improve safety and it will include a timetable for implementation. Subsequent to this, Road Safety Audit/Assessment Stages 2, 3 &amp; 4 (Detailed Design, Post Opening Audit &amp; Post Opening Audit + 12 months) shall be carried out, unless otherwise agreed in writing by the Council in consultation with TfL. All stages shall be carried out in accordance with TfL's Road Safety Audit procedure (SQA 170). After each Stage of Road Safety Audit/Assessment, the approved measures shall be implemented as approved.</p>

	REASON: In the interests of road safety and Vision Zero; the Mayor's aim to eliminate all deaths and serious injuries on London's roads by 2041.
--	--

## List of Informatives:

<b>1</b>	<b>Positive Statement</b> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2</b>	<b>Community Infrastructure Levy (CIL)</b> <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/">www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</a></p>
<b>3</b>	<b>The Building Acts and Building Regulations</b> <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: <a href="mailto:building.control@islington.gov.uk">building.control@islington.gov.uk</a></p>
<b>4</b>	<b>Street Naming and Numbering</b> <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: <a href="mailto:address.management@islington.gov.uk">address.management@islington.gov.uk</a></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:

<b>A) The London Plan 2016 - Spatial Development Strategy for Greater London</b>	
<p><b>1 Context and strategy</b>  <b>Policy 1.1</b> Delivering the strategic vision and objectives for London</p> <p><b>2 London's places</b>  <b>Policy 2.9</b> Inner London  <b>Policy 2.10</b> CAZ- strategic priorities  <b>Policy 2.11</b> CAZ- strategic functions  <b>Policy 2.12</b> CAZ- predominately local activities</p> <p><b>3 London's people</b>  <b>Policy 3.1</b> Ensuring equal life chances for all  <b>Policy 3.2</b> Improving health and addressing health inequalities  <b>Policy 3.9</b> Mixed and balanced communities  <b>Policy 3.10</b> Definition of affordable housing  <b>Policy 3.11</b> Affordable housing targets  <b>Policy 3.12</b> Negotiating affordable housing on individual private residential and missed use schemes  <b>Policy 3.13</b> Affordable housing thresholds</p> <p><b>4 London's economy</b>  <b>Policy 4.1</b> Developing London's economy  <b>Policy 4.2</b> Offices  <b>Policy 4.3</b> Mixed use development and offices  <b>Policy 4.12</b> Improving opportunities for all</p> <p><b>5 London's response to climate change</b>  <b>Policy 5.1</b> Climate change mitigation  <b>Policy 5.2</b> Minimising carbon dioxide emissions  <b>Policy 5.3</b> Sustainable design and construction  <b>Policy 5.5</b> Decentralised energy network  <b>Policy 5.6</b> Decentralised energy in development proposals  <b>Policy 5.7</b> Renewable energy  <b>Policy 5.8</b> Innovative energy technologies  <b>Policy 5.9</b> Overheating and cooling  <b>Policy 5.10</b> Urban greening  <b>Policy 5.11</b> Green roofs and development site environs</p>	<p><b>Policy 5.12</b> Flood risk management  Policy 5.13 Sustainable drainage  <b>Policy 5.18</b> Construction, excavation and demolition works  <b>Policy 5.21</b> Contaminated land</p> <p><b>6 London's transport</b>  <b>Policy 6.3</b> Assessing effects of development on transport capacity  <b>Policy 6.9</b> Cycling  <b>Policy 6.10</b> Walking  <b>Policy 6.11</b> Smoothing traffic flow and tackling congestion  <b>Policy 6.12</b> Road network capacity  <b>Policy 6.13</b> Parking</p> <p><b>7 London's living places and spaces</b>  <b>Policy 7.1</b> Building London's neighbourhoods and communities  <b>Policy 7.2</b> An inclusive environment  <b>Policy 7.3</b> Designing out crime  Policy 7.4 Local character  <b>Policy 7.5</b> Public realm  <b>Policy 7.6</b> Architecture  <b>Policy 7.8</b> Heritage assets and archaeology  <b>Policy 7.12</b> London view management framework  <b>Policy 7.13</b> Safety, security and resilience to emergency  <b>Policy 7.14</b> Improving air quality  <b>Policy 7.15</b> Reducing noise and enhancing soundscapes  <b>Policy 7.18</b> Protecting open space and addressing deficiency  <b>Policy 7.19</b> Biodiversity and access to nature  <b>Policy 7.21</b> Trees and woodlands</p> <p><b>8 Implementation, monitoring and review</b>  Policy 8.1 Implementation  Policy 8.2 Planning obligations  Policy 8.3 Community infrastructure levy</p>
<b>B) Islington Core Strategy 2011</b>	
<p><b>Strategic Policies</b>  <b>Policy CS8</b> Enhancing Islington's character  <b>Policy CS9</b> Protecting and Enhancing Islington's Built and Historic Environment  <b>Policy CS10</b> Sustainable Design</p>	<p><b>Policy CS11</b> Waste  <b>Policy CS13</b> Employment Space</p> <p><b>Infrastructure and Implementation</b>  <b>Policy CS18</b> (Delivery and Infrastructure)</p>
<b>C) Development Management Policies June 2013</b>	

<p><b>2. Design and Heritage</b>  <b>DM2.1</b> Design  <b>DM2.2</b> Inclusive Design  <b>DM2.3</b> Heritage  <b>DM2.4</b> Protected views</p> <p><b>3. Housing</b>  <b>DM3.1</b> Design  <b>DM3.2</b> Inclusive Design  <b>DM3.3</b> Heritage</p> <p><b>5. Employment</b>  <b>DM5.1</b> New business floorspace  <b>DM5.2</b> Loss of existing business floorspace  <b>DM5.4</b> Size and affordability of workspace</p> <p><b>6. Health and open space</b>  <b>DM6.1</b> Healthy development  <b>DM6.5</b> Landscaping, trees and biodiversity  <b>DM6.6</b> Flood prevention</p>	<p><b>7. Energy and Environmental Standards</b>  <b>DM7.1</b> Sustainable design and construction statements  <b>DM7.2</b> Energy efficiency and carbon reduction in minor schemes  <b>DM7.3</b> Decentralised Energy Networks  <b>DM7.4</b> Sustainable design standards  <b>DM7.5</b> Heating and cooling</p> <p><b>8. Transport</b>  <b>DM8.1</b> Movement hierarchy  <b>DM8.2</b> Managing transport impacts  <b>DM8.3</b> Public transport  <b>DM8.4</b> Walking and cycling  <b>DM8.5</b> Vehicle parking  <b>DM8.6</b> Delivery and servicing for new developments</p> <p><b>9. Infrastructure</b>  <b>DM9.1</b> Infrastructure  <b>DM9.2</b> Planning obligations  <b>DM9.3</b> Implementation</p>
--	--

### Designations

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

- Central Activities Zone (CAZ)
- Adjacent to Strategic and Local Cycle Route
- Within 50m of a Conservation Area (New River)
- Within 50m of a Conservation Area (Rosebery Avenue)
- Within 100m of a TFL Road Network (TLRN)
- Adjacent to National Rail Owned Land
- Adjacent to Transport for London Tunnels
- Article 4 Direction (B1c to C3)
- Article 4 Direction (A1 to A2)
- Heathrow Safeguarding Area

### 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