



PLANNING COMMITTEE REPORT ADDENDUM

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

PLANNING COMMITTEE		AGENDA ITEM NO:B2
Date:	21 st July 2020	

Application number	P2019/3464/FUL
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.

1. RECOMMENDATION

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

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

2. BACKGROUND OF DEFERRAL

2.1. Planning application P2019/3464/FUL was presented at the Planning Committee meeting on 18 May 2020. The relevant excerpt of the minutes from 18 May 2020 Planning Committee is attached as **Appendix 2** to this report. The Planning Committee Report for this meeting is appended as **Appendix 3** for reference.

2.2. During the 18 May 2020 Committee Meeting, a Member expressed that a number of concerns raised by residents and that the arguments needed to be considered sufficiently.

2.3. Further, a Member stated that whilst appreciating that the proposed development was an improvement on the existing building, there are concerns about the grey brick being proposed, the daylight/sunlight issues, insisting that guidelines on light should be strictly

adhered to. In addition, the Member added that they felt the consultation process had not been satisfactory.

2.4. Members generally were of the view that there could be a more acceptable development proposed that would be more amenable to residents.

2.5. As such, the item was deferred in order for the applicant to address issues relating to:

- Daylight/sunlight;
- The grey brick/height of the development; and
- That there should be better consultation undertaken, particularly with resident groups who had raised objections;

2.6. Since the 18 May 2020 Committee Meeting, the Applicant has submitted additional supporting documents as follows:

- Design document – Additional information for committee dated 3 June 2020;
- Daylight & Sunlight – Radiance based daylight study – Daylight Impact Assessments dated 09 July 2019;
- Edward Rudolf House – Summary of D/S/O Impacts dated June 2020;

3. FURTHER CONSULTATION UNDERTAKEN

Public Consultation Responses

3.1. Since the scheme was considered in May, a further 8 representations have been received on the application during the re-consultation period, all of which raise objections. The points raised within the objections are summarised below:

- The increase in bulk and massing and the large roof level plant, will cause significant harm to our amenity in terms of noise, loss of privacy and overshadowing of our property, and in particular the rear patio garden;
- Drawing 'MARG-GEN-XX-ZZ-DR-A-012341 P02 - proposed west elevation 2', still fails to provide information as to the proposed exact window locations, and no detail is provided as to whether there is access to the proposed area of flat roof at 1st and 2nd floor level adjoining our property.

[Officer response: No windows are proposed to the lower ground, upper ground, first or second floor of the western elevation, as indicated within this elevation drawing and associated floor plans. There are two windows located at third floor level which face neighbouring 86 Margery Street, however these are located 8.85m from the boundary and would not allow view into the rear windows or amenity space of neighbouring 86 Margery Street. Further, the flat roofs to the western side of the building are not identified for use as roof terraces/external amenity spaces, whilst Condition 7 ensures that the flat roofs of the building, unless designated as roof terraces, shall not be used as amenity spaces and shall not be accessed other than for maintenance.]

- Detriment to amenity due to reduction to neighbouring daylight and sunlight, specifically to neighbouring properties, including living rooms, kitchens and bedrooms;

[Officer response: The impact of the development in regards to reduction of daylight and sunlight is considered within the Committee Report of 18 May 2020 at paragraphs 9.132 – 9.163.]

- A window in our property would suffer a loss of 80.3% in VSC, whilst this is then 'justified' through the use of other tests, it will in reality cause a huge loss of light to the property (86 Margery Street) and our amenity.

[Officer response: Paragraphs 9.160 and 9.161 of the Committee Report relate to neighbouring 86 Margery Street in regards to daylight. Only 1 of the 17 windows assessed to 86 Margery Street would see a reduction in VSC beyond BRE guidance. As highlighted, this window is at fourth floor level serving the side of a dormer (akin to a bay window, with more than one outlook) and faces the application site. Nonetheless, there is minimal reduction to daylight distribution (NSL) and would meet BRE guidance.]

- The brick and architectural design are not fitting with the local area. They would be an eyesore to such a historic area of central London. We rejected grey and so having a new proposal for plans with grey bricks (albeit a different shade) is a disappointment.
- The additional plans do not address the reasons for the refusal of the application at the 18 May 2020 Planning Committee Meeting. The new application shows the same design with minimal, non-substantial adjustments made in the hope to push through an application that is to all intents and purposes the same as the rejected application.

[Officer response: As outlined in section 1 above, the application was deferred for several reasons, not refused. The submitted information which was the subject of the re-consultation provided further justification for the height of the building and choice of brick colour, whilst an alternative 'yellow' brick is offered.]

- 3.2. The objections reiterate concerns raised previously and considered in the 18 May 2020 Committee Report.

Amenity and Interest Groups

- 3.3. Margery Street Tenant and Residents Association ('MSTRA') - The documents to the application have offered no substantive changes with regards to our previous concerns and expecting the developers to liaise with us which have not done, we ask for the application to be rejected.

Internal and External Consultation Responses

- 3.4. **Conservation and Design Officer:** A yellow brick alternative is proposed. It is considered that yellow brick would be responsive to the immediate adjoining Grade II listed buildings, which are yellow brick and would be a good contextual choice.

4. UPDATED ASSESSMENT

- 4.1. Following the deferral, the Applicant submitted additional supporting documents. It should be noted that the scheme has not been amended in regards to the built form such as bulk, massing and height. The reasons for deferral are considered in turn as follows:

Daylight/sunlight concerns

- 4.2. The submitted "Edward Rudolf House – Summary of D/S/O Impacts" document provides a summary of the daylight, sunlight and overshadowing impacts to neighbouring properties. Further, numerous images showing the existing building, proposed building, the mirror massing exercise undertaken and a 'BRE cutback' scheme is provided.
- 4.3. As outlined within the assessment of the application within the 18 May 2020 Committee Report., 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).

- 4.4. 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), this is evident with all windows which face the site (except for Sherston Court) achieving a retained value of at least 18% in regards to Vertical Sky Component.
- 4.5. 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.
- 4.6. 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.

The grey brick/height of the development

- 4.7. The submitted 'Design Document – Additional information for Committee dated 3rd June 2020' highlights that the choice of brick selected for the proposed building is 'warm grey'. Nonetheless, an alternative brick colour is proposed – 'yellow brick alternative – e.g. wienberger maziale'.
- 4.8. The document highlights the colour range of brick within the surrounding area, including yellow to Wilmington Square and Attneave Street, and red brick to Margery Street Estate and Charles Rowan House. No.86 Margery Street, adjacent to the site to the south-west has a dark grey engineered brick finish with dark framing to the fenestration.
- 4.9. Officers note that within the latest DRP response of 04 March 2020, the Chair considered that "*materials would be very important in the success of the scheme*" and that "*softer handmade brick feel to the elevation is particularly important in Yardley Street*".
- 4.10. Turning to height of the development, the submitted 'Design Document – Additional information for Committee dated 3rd June 2020 provides several exercises showing the proposed building height and silhouette within the surrounding context, both from Margery Street and Yardley Street.
- 4.11. The DRP was comfortable in principle regards to the building shoulder height when presented at DRP2 (August 2019). Further, Officers highlight that the overall height of the building, including the third floor and roof top plant enclosure, was reduced further following the 04 March 2020 DRP (DRP4) letter.
- 4.12. The proposal is considered to have responded to the comments 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.
- 4.13. The Committee Report of 18 May 2020 acknowledges that there would be 'less than substantial harm' to neighbouring heritage assets, and would be at the lower end of the

'harm' spectrum. Officers acknowledge that there would still be less than substantial harm, and as such great weight and importance must be afforded to this in the planning balance.

Planning Balance

- 4.14. As outlined within paragraphs 9.232 – 9.239 of the 18 May Committee Report, Officers have been mindful of their statutory duty in relation to harm to heritage assets and amenity impacts. However in this case, given nature and number of public benefits that the scheme would deliver, the benefits are considered to outweigh the harm in the overall planning balance.

5. CONCLUSION

- 5.1. Following the deferral of the application at 18 May 2020 Committee Meeting, the Applicant has provided additional information to support the proposal. Officers recommendation for approval subject to conditions and completion of a legal agreement, remains.
- 5.2. It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in **Appendix 1 – RECOMMENDATIONS**.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

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

- a) 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 onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- 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 of London) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the Heads of Terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	Commencement of Development (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans (Compliance)
	<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 & 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>
3	Materials (Details)
	<p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include:</p> <ul style="list-style-type: none"> 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>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>
4	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
5	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

6	<p>Obscured Glazing (Compliance)</p> <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>
7	<p>Roof Terraces (Compliance)</p> <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>
8	<p>Internal lights and blinds (Details)</p> <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include, but not limited to:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>
9	<p>Inclusive Design (Details)</p> <p>CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ol style="list-style-type: none"> a) All entrances to the building must be level, step free; b) The location of the mobility scooter charging points at ground floor. c) A management plan, including a PEEP. 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. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: In order to facilitate and promote inclusive and sustainable communities.
10	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, 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 & 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>
11	Green/Brown Biodiversity Roofs (Details)
	<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>
12	Tree Protection (Compliance and Details)
	<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</p>

	Locality.
13	BREEAM (Compliance)
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
14	Energy Efficiency (Compliance)
	<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>
15	Delivery and Servicing Plan (Details)
	<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>
16	Demolition and Construction Method Statement (Details)
	<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"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis

- and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
- o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;
- p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/usernrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

17	Air Quality (Compliance)
	CONDITION: The Development is to be built in accordance with the hereby approved Air Quality Assessment. The measures outlined within the Assessment are to be completed prior to occupation of the development and shall be permanently maintained thereafter. 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

	<p>"Air Quality Neutral" policy.</p> <p>REASON: To protect the amenities of the future occupants and to avoid harm to health arising from exposure to poor air quality.</p>
18	<p>Basement Excavation (Compliance)</p> <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>
19	<p>Removal of Permitted Development Rights – Office Use (Compliance)</p> <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>
20	<p>Road Safety Audit (Details)</p> <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 & 4 (Detailed Design, Post Opening Audit & 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> <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.</p>

List of Informatives:

1	Positive Statement
	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.
2	Community Infrastructure Levy (CIL)
	<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 cil@islington.gov.uk. 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
3	The Building Acts and Building Regulations
	<p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
4	Street Naming and Numbering
	<p>If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.</p> <p>T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>

APPENDIX 2: 18 MAY 2020 PLANNING COMMITTEE MEETING MINUTES- EXERRPT

174 EDWARD RUDOLPH HOUSE, 69-85 MARGERY STREET, LONDON, WC1X 0JL (Item B2)

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.

(Planning application number: P2019/3464/FUL)

The Chair informed the meeting that given the number of objectors to the application he would allow 5 speakers, in addition to considering the written submission and a submission from Councillor Nathan.

In the discussion the following points were made:

- The Planning Officer informed the meeting that the scheme had been revised, in order to take account of comments of the Design Review Panel and objections from residents.
- Following consideration of the report of the Planning Officer, discussion took place on the issues of loss of daylight/sunlight, mirror massing, design/height of the new building, the brick colour of the new scheme not being in keeping with the area, and the lack of adequate consultation with residents.
- The Planning Officer stated that the scheme had been revised to take account of the Design Review Panel comments in respect of the height of the building, and it was felt that whilst some properties would face a loss of light, the retained light would be acceptable.
- With regard to the issue of mirror massing, the Planning Officer stated that it given the scheme is within an urban area, that the existing building is low level type, the loss of light is not seen as a major transgression.
- On concerns about the use of the roof terrace, the Planning Officer referred to condition 7, that the hours of use has been amended to reflect that the roof terraces could only be used between the hours of 8.00 a.m. – 6.00 p.m.
- In response to a question about the consultation process, it was stated that this had not been possible at pre-application stage due to confidentiality issues, however there had been consultation following this with residents.
- An objector referred to the loss of light to properties in Yardley Street and these properties were situated close to the new development and that it was felt that the loss of light contravened the guidelines. In addition, it was stated that the building was too high, and if appropriate consultation had taken place a number of the objectors concerns could have been addressed. He added that the proposed changes would be significant to residents.
- Concerns were raised with regard to the loss of light to both Bagnigge and St.Anne's House particularly on the ground floors, and that there had been no provision for the Railtrack and TfL implications on the development. The development is adjacent to a conservation area, and to a number of residential buildings, and the fire escape provision was questioned.
- An objector stated that she was a resident of St.Anne's House and the proposal for a roof terrace would particularly affect the living rooms of families who rely on natural light. The height and scale of the building was in her view unacceptable. Plants in dwellings be impacted by loss of light from the proposal. In addition, she stated that the proposed development in grey brick was not in line with the other properties in the area, which were mainly red brick.

- Reference was made to the objections from the Amwell Society, Mount Pleasant Forum and the Margery Street Tenants and Residents Association and that it was felt that the grey brick was incongruous to the area, and that whilst the development was an improvement on the existing site this did not mean that it was an acceptable development.
- Concern was raised with regard to the cube being proposed on the corner of Yardley Street as not visually acceptable for pedestrians, cyclists and motorists especially as they would be viewing a grey brick wall. Also the loss of daylight/sunlight to properties is not acceptable. The Objector was concerned that in some instances, the scheme would result in a loss of light of 30% to many properties and 40% in some cases, which could have been avoided if residents had been consulted at an earlier stage so that they could work with developers on these issues to provide a more acceptable development.
- An objector stated that she lived in Attneave Street and that she was concerned by the proposed demolition of the boundary wall and expressed concern at the loss of light due to the height of the building, as this would affect the main living rooms of residents and their view.
- Councillor Nathan expressed the view that it was clear that residents were not satisfied with the consultation process and the development was not sympathetic to the area in his view. Councillor Nathan enquired whether the pandemic would result in the development not being fully occupied.
- In response to objections raised, the agent for the applicant responded that he was not aware of any sales at the moment, however this was a high quality development and presently could not respond as to whether the pandemic would have an effect on sales.
- The agent for the applicant stated that there had been a number of meetings with Planning officers and 4 meetings with the Design Review Panel, and the development had evolved as a result of these discussions. In addition, the agent acknowledged the objections from the Design and Conservation officer in relation to the impact on listed buildings in the area, however it was felt that this was a high quality development from a high quality architect, and that the scheme also provided significant improvements to the public realm.
- On the issue of massing, the agent added that the development ranged from 2-5 metres high, which is due to the gradient of Margery Street. In addition the agent indicated that the choice of brick and the range of materials being proposed complemented the area.
- On the issue of amenity, the agent added that the proposal would not have been submitted to the Committee if it was felt that the daylight/sunlight issue had not been resolved satisfactorily, and the necessary guidelines had not been met.
- In terms of 'overlooking' concerns, the agent indicated that this was an improvement of the previous scheme, that would result in an improvement for the environment of residents. It was added that refurbishment of the existing site had been considered, however it had been considered that demolition was more appropriate.
- The agent added that in respect of the point raised relating to Railtrack and TfL discussions had taken place and there no concerns had been raised.
- In response to the concerns about consultation process, it was stated that a public meeting with the community had taken place in December 2019, and feedback had been 'taken on board', and the redesign of the scheme had taken account of these. The site of the development was one that tended to design itself, and it was felt to be a high class quality development.
- In relation to the point raised in relation to fire escapes, it was stated that a fire safety expert had been consulted and fire safety measures complies with building regulations.
- Meeting was informed that 1184 residents were leafletted in addition to local Ward Councillors, and 313 residents had been consulted as part of the formal consultation,

and that 30 representations had been received. The agent stated that he felt that appropriate consultation had been carried out and copies of the application were also available on the Planning portal 'on line'. It was accepted that part of the consultation had taken place over the Xmas period, however this reflected the timing of submission of the planning application. The agent stated that he felt that efforts had been made to consult local residents.

- In response to a question on design, the agent stated that adjustments had been made to the height of the building as much as possible, and part of the building had been built into the ground, and ceiling height had been reduced.
- The development had been designed in an urban context and it was felt to be acceptable in the location, and had been amended in the light of comments from the Design Review Panel.
- A Member expressed the view that there had been a number of concerns raised by residents and that these needed to be considered sufficiently.
- A Member stated that the arguments on both sides were finely balanced, however she was concerned about loss of daylight/sunlight issues and the development not being sympathetic to the surrounding area.
- A Member stated that whilst appreciating that the proposed development was an improvement on the existing building, there are still concerns about the grey brick being proposed, the daylight/sunlight issues, insisting that guidelines on light should be strictly adhered to. Members were advised that there were substantial light loss issues at the rear of the properties in Attneave Street, and added that he did not consider the use of mirror massing was acceptable. In addition, he felt that the consultation process had not been satisfactory.
- Members generally were of the view that there could be a more acceptable development proposed that would be more amenable to residents.
- A suggestion that the item be deferred in order for the applicant to address the issues of concern relating to daylight/sunlight issues, the grey brick/height of the development and that there should be better consultation undertaken with residents, particularly in relation to defined resident groups who had raised objections.

Councillor Kay proposed a motion to defer the application. This was seconded by Councillor Poyser and carried unanimously.

RESOLVED:

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