

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Community Wealth Building Directorate  
PO Box 333  
Town Hall  
LONDON N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO: B1</b>
<b>Date:</b> 24 May 2021	

Application number	P2021/0039/FUL
Application type	Full Planning Application
Site Address	130 Old Street, London, EC1V 9BD
Ward	Bunhill
Listed building	Not listed
Conservation area	Close proximity to St. Luke's Conservation Area (CA16)
Development Plan Context	Core Strategy Key Area – Bunhill and Clerkenwell Archaeological Priority Area - Moorfields Central Activities Zone Employment Priority Areas (General) Finsbury Local Plan Area – Old Street (BC3) Article 4 Direction A1-A2 (Borough wide) Article 4 Direction B1(c) to C3 (CAZ) Proximity to Local Landmark 14 (LL14) - St. Luke's Obelisk Spire, Old Street
Licensing Implications	None
Proposal	Erection of a two storey roof level extension and six storey infill extension to the existing building to create 1,353 sqm GIA of additional office, flexible commercial and showroom floorspace (Class E/Class F.1/sui generis), comprehensive refurbishment of the main façade, and provision of roof terraces, bin and cycle storage

Case Officer	David Nip
Applicant	PRMO UK Properties Ltd
Agent	Maddox and Associates Ltd

## 1. RECOMMENDATION

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

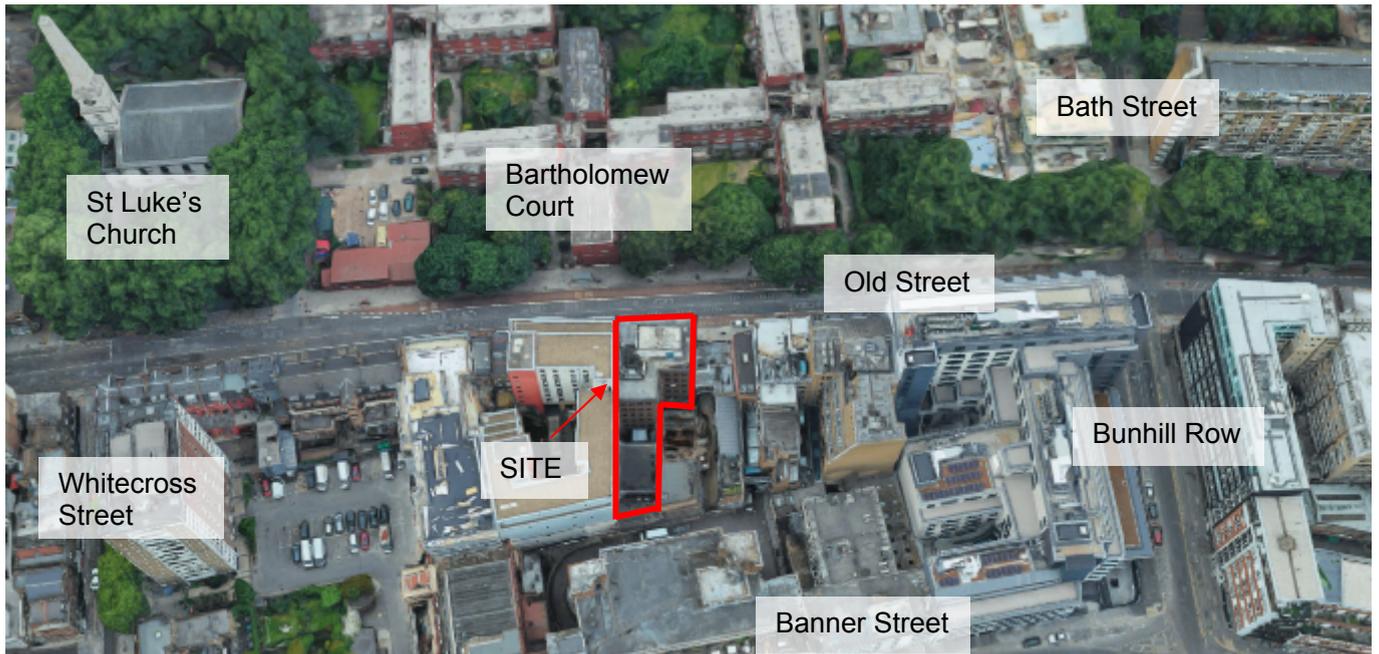
- 1.1. subject to the conditions set out in Appendix 1; and
- 1.2. conditional on the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

## 2. SITE PLAN



Fig 2.1 Site Plan. Application site outlined in red.

### 3. PHOTOS OF SITE AND SURROUNDINGS



*Image 1: Aerial view*



*Image 2: Existing building (front elevation)*



Image 3: View from Old Street (looking east)



Image 4: View from Old Street (looking west)

#### 4. SUMMARY

- 4.1 This planning application sought permission to refurbish and extend the existing building at both roof level and the rear to create a ground plus seven storey building, which provides a total of 2,970sqm (GIA) of commercial floorspace. The development also proposes to introduce flexible class E uses, showroom and gallery use at ground and first floor levels, with office floorspace above.

- 4.2 The site is located within the designated Central Activities Zone (CAZ) and the Employment Priority Area (General), the principle of the proposed commercial development with provision of additional employment floorspace is considered to be acceptable, and accords with the spatial strategies of the Development Plan. Officers consider that the proposed development would positively contribute to the commercial character of Old Street and support the strategic priority of the CAZ to maximise delivery of office floorspace where appropriate.
- 4.3 The proposed development would create additional height and massing on site and would inevitably increase its visual prominence along this section of Old Street, however, having carefully assessed the visual and heritage impact, it is considered that the proposed development would not adversely affect the character and appearance of the area, and would not pose unacceptable harm to the nearby St. Luke's Conservation Area and the surrounding heritage assets, including the Grade I St. Luke's Church, as well as the Church Obelisk Spire which is a designated local landmark. In design terms, the proposed extensions and alterations to the existing building would result in improvements to its overall appearance that are considered to be acceptable and comply with the relevant design, conservation and heritage policy objectives.
- 4.4 The proposal would also include energy and sustainability measures that comply with the Development Plan's requirements, to ensure that the proposal would maximise energy efficiency and sustainable design of the site where feasible.
- 4.5 The proposed development is not considered to have an unacceptable impact on nearby residential properties or the area in terms of loss of privacy, overlooking, or noise impacts, subject to imposition of appropriate planning conditions recommended. The daylight/sunlight assessment shows that some of the neighbouring properties would be affected by the development, however, taking into account the location of the site, the number of neighbouring windows affected and the degree of harm is not considered to be so significant as to warrant a refusal of permission purely on this ground. Any transgression and non-compliance with the BRE guidance on daylight/sunlight impact is discussed in the report and taken into account in the assessment of the planning balance.
- 4.6 Having consulted with the Inclusive Economy Team on the affordable workspace requirement, officers considered that the proposal would not provide the quality and quantity of the affordable workspace on site that would be sufficient to be meaningful. Having reviewed the submitted details, it is agreed that in this particular case, it would be acceptable to provide a financial contribution to support the council's delivery of affordable workspace elsewhere within the borough. The level of financial contribution provided in this proposal exceeds the requirement within the Development Plan and is considered to weigh in favour of the proposal.
- 4.7 The application has been referred to the planning committee because the application is a major development. There is no objection received for this application.
- 4.8 Overall, the application is considered to be in accordance with the relevant policies within the Development Plan, and is therefore recommended for approval subject to appropriate conditions and planning obligations set out in Appendix 1 of this report.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is situated on the southern side of Old Street and is approximately 529.6sqm in area. It is a 1980s built commercial building which accommodates a total of 1,617 sqm (GIA) of office floorspace. The office building is six-storey high with a plant enclosure at roof level, it is constructed in concrete frame with a brick façade which faces

Old Street, and to the rear is a 2 storey building accessed through the principal building and by a secondary access through Tilney Court.

- 5.2 The site is surrounded by a mixture of commercial and residential uses, the closest residential dwellings are located immediately to the east at Tilney Court and a student accommodation block to the west namely Canto Court (122-128 Old Street).
- 5.3 The site is not located within a conservation area but lies some 20 metres to the east of the St Luke's Conservation Area (CA16). The site is also located within the setting of a Grade I Listed building at St. Luke's Church, with its obelisk spire adopted as a local landmark (LL14) under the Local Plan.
- 5.4 The site forms part of the Finsbury Local Plan area, the site is located within the Central Activities Zone (CAZ), an Employment Priority Area (General), and an Archaeological Priority Area (Moorfields). The site has a Public Transport Accessibility Level (PTAL) rating of 6(a) (on a scale of 1 to 6 where 1 representing the lowest levels of accessibility to public transport and 6 the highest). Old Street station is the closest underground station and is approximately 300 metres east of the site.

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

- 6.1 The proposal would refurbish and extend the existing building at both roof level and rear to create an eight storey building providing a total of 2,970sqm (GIA) of commercial floorspace (an uplift of 1,353sqm GIA).
- 6.2 On the ground and first floor level, it is proposed to introduce commercial units that would have flexible class E uses (which consists of retail; restaurant; financial services; professional services; indoor sport, recreation or fitness; crèche, day nursery or day centre; office), Class F.1b (display of works of art) and Sui Generis (showroom use). On the upper floors (second to seventh) the proposed use is office floorspace (also Class E).
- 6.3 The total office floorspace proposed under this application is 1,674.8sqm (NIA), with 428.5sqm (NIA) of additional flexible commercial floorspace at ground and first floor; there would also be a SME unit located on the ground floor level (78sqm) at rear.
- 6.4 The proposal seeks permission for a new façade to the front of the building (north elevation) to replace the existing, with locally sourced brick from ground to sixth level. At the ground level, the entrance of the building is proposed to be finished with a large, glazed shopfront with a metal finish to create an office reception with a dedicated area for signage.
- 6.5 The windows are proposed to be set in traditional paired sets with a brick façade. At sixth floor a glazed balustrade would be introduced to replace the existing brick parapet wall but it would be set back to reduce its visibility from street views. The sixth and seventh floor extension would be finished in lightweight bronze metal cladding.
- 6.6 In terms of outdoor space, roof terraces are proposed at sixth and seventh floor level for the office occupiers. Green roofs are also proposed across different parts of the building to provide additional green coverage to the site.
- 6.7 To the rear, the existing two storey structure is proposed to be demolished to facilitate a proposed infill extension. A lightwell is proposed at the rear of the site to provide separation distance from the neighbouring properties, and to provide additional outlook and natural lighting for the future occupiers from the rear aspect.

- 6.8 It is proposed to provide 45 cycle parking spaces at ground level, with associated shower facilities. Bin storage is also located on the ground floor. The proposal would be car free.
- 6.9 A substation and plant room would be provided at ground level. A separate plant area is proposed to be located at seventh floor level.

## 7. RELEVANT HISTORY

- 7.1 The following history is considered most relevant to the application site.

### Planning Permission

- 7.2 **Application ref:** 820177

*Erection of 6 storey building to provide offices (1536 sq.metres gross) and industrial accommodation (261 sq. metres) with ground floor parking and delivery area.*

**Decision:** Approved 05/05/1982

- 7.3 **Application ref:** 861737

*Revised scheme for 6 storeys of offices 1416 sq.m. 2 storey industrial building (281 sq.m.) parking and loading area at ground floor.*

**Decision:** Approved 05/06/1987

- 7.4 **Application ref:** 871603

*Use of rear two storey building for Business purposes (Class B1).*

**Decision:** Approved 07/06/1988

### Pre-application

- 7.5 Pre-application advice were given in 2019 (ref Q2018/3902/MJR) and 2020 (ref Q2020/2207/MJR) respectively, for the proposed redevelopment of the site.
- 7.6 The 2019 pre-application comprised of a comprehensive refurbishment and extension of the existing building to create approximately 3,149sqm of additional office floorspace. The council objected to that proposal in principle, mainly due to the concern towards the proposed height, bulk and massing, as well as the potential adverse visual and heritage impacts.
- 7.7 The 2020 pre-application was more aligned with the proposed development under this application and was considered to be more acceptable in terms of visual and heritage impact; it was proposed to extend and alter the existing building to provide 1,364sqm of additional floorspace, with refurbishment of the main façade, and provision of roof terraces, bin and cycle storage.



Iterations of the proposed roof extensions during the first pre-app in 2019 (left), second pre-app in 2020 (centre), and at the DRP meeting (right)

### Design Review Panel

7.8 As part of the pre-application process in 2020, the proposal was presented to the Design Review Panel on 23 Nov 2020 (ref Q2020/2740/DRP). The following comments were made, with the full DRP response provided as **Appendix 3**:

- *Regarding the height, mass and bulk of the proposed building once it has been extended by two storeys at roof level, and by six (infill) to the rear, the Panel suggested that a comprehensive visual impact analysis was required in order to allow an assessment of the building's impact on sensitive views from the nearby conservation area.*

**Officer's Comment:** Views assessment has been submitted in support of the application and has been assessed by officers. To address panel comments the massing of the additional storeys was stepped back from the street elevation. The views taken close to the application site looking east and west along Old Street illustrate that the eighth storey extension would not be visible in short views, and that the further setting back of the seventh storey has reduced the visibility of that floor in views looking east.

- *Notwithstanding this, on the appearance of the rear bulk in views of 112-116 Old Street, the Panel advised that the design team should look to mitigate the impact of the building appearing in those views. They stated that the design of this elevation would have to be as high in quality as the front elevation rather than presenting a dominant blank elevation in views towards it.*

**Officer's Comment:** The proposed flank elevation of the roof extension, in views of 112-116 Old Street would comprises metal cladding that contrasts with the main brick façade, in order to provide a more modern and visually light weight appearance for the roof extension, and to ensure that the appearance of this elevation would be as high in quality as the front elevation and avoid presenting a blank elevation in views of 112-116 Old Street. This is discussed further in paragraphs 10.125-126 of the report.

- *Similarly they felt that the design and materiality of the additional two storeys needed further work to mitigate their visual impact, and suggested that a lighter-weight, contrasting material might reduce the monolithic impact of the building in views towards it. If the top of the building is visible it needs to be designed so that it either*

*enhances or does not diminish the character and quality of the neighbouring historic buildings.*

**Officer's Comment:** As mentioned above, the roof extension would comprise of metal cladding which is considered to be an appropriate material for the roof extension to ensure that it would not diminish the character and quality of the surrounding heritage assets. The materiality of the proposed roof extension, and its visibility are discussed in paragraphs 10.125-126 of the report.

- *Turning to the treatment of the primary elevation onto Old Street, the Panel commented that although the design of the proposed building was a significant improvement on the existing situation, it required further development. For example, whilst there was clearly an intention to enliven the streetscape at ground floor level, it was commented that the current proposals do not go far enough in this respect.*

**Officer's Comment:** The details of the ground floor frontage has been amended to further enliven the streetscape at this level, with a greater degree of glazing provided for the shopfront of the flexible commercial unit.



Ground floor frontage design: DRP version (above) and the latest proposal (below)

This details of the ground floor elevational design are further addressed in paragraph 10.128 of the report.

- *The Panel considered that the building was in danger of appearing monolithic due to the continuation of the brick grid structure of the upper floors to the ground floor where it meets the pavement. They commented that greater differentiation between the ground floor and upper storeys was necessary, and suggested that a more light-touch ground floor design should be explored in order to improve the building's relationship with the street. It was suggested that the balconies be omitted from the first floor level since their amenity would be severely compromised by proximity to traffic, and this would also be helpful in reinforcing the differentiation between the upper and lower floors.*
- *Whilst the balconies did add interest to the façade, their ad hoc disposition (widths and placement) seemed like a less coherent design choice, somewhat at odds with the regular bay logic and aesthetic of the commercial warehouse. The design team should revisit the rhythms of the elevation to create a finer and more vertical emphasis to the grid.*

**Officer's Comment:** Balconies have not been omitted from the proposal, and the submitted Design and Access statement has explained the reasons for that, which has been reviewed and accepted by officers. It is considered that the retention of the balcony on first floor level would create a clear demarcation at ground floor plinth level. This is addressed in paragraphs 10.132-134 of the report.

- *They also advised the design team to consider areas for signage placement for the commercial unit at this point of the design, as at present it is not clear how a tenant would arrange signage on the façade.*

**Officer's Comment:** The signage area for the ground floor commercial unit has been indicated in the elevation drawing (see image above) to ensure that it incorporates into the overall façade design rather than as an afterthought. This is discussed in paragraph 10.131 of the report.

- *The panel suggested that reducing the depths of the concrete spandrels to the window heads would also create a more vertical emphasis, although it is acknowledged that this element of the façade does currently allow the floorplates and servicing zones not to be read from the street. Increasing the glazed area here may improve the daylight penetration of the northern facing windows.*

**Officer's Comment:** The proposed window heads have been reduced to the minimum depth, and glazing area has been slightly increased for daylight purposes. This is further discussed in paragraphs 10.135-136 of the report.

- *Regarding the fenestration, the panel welcomed the inclusion of opening windows for natural ventilation and suggested further detail was required to the window design to ensure ease of use, avoidance of drafts at the perimeter and effective cross ventilation.*

**Officer's Comment:** The proposed fenestration design is discussed in paragraph 10.130 of the report.

- *As part of the overall vision for the building, fitout guidelines be developed to guide occupiers in maximising headroom and daylight, and creating a uniformity of fitout style.*

**Officer's Comment:** The issue in regard to detail of fitout guidance is discussed in paragraphs 10.137-138 of the report.

- *The Panel emphasised that the success of the greening included to the balconies and parapet of the façade would require rigorous attention to detail in terms of design and long-term management and maintenance.*

**Officer's Comment:** Details of green roofs and greenings on the balconies are addressed in paragraphs 10.253-255 of the report.

- *When discussing the rear elevation which features large windows facing south, the Panel raised a number of points relating to solar gain and glare in terms of the buildings performance and internal environment. They suggested that these issues should be addressed at this stage of the design rather than further into the process as part of a comprehensive passive (where practical) ventilation study. The panel welcomed the reuse of the existing frame to reduce embodied carbon emissions as a starting point.*

**Officer's Comment:** The fenestration design of the southern elevation and the issues regarding solar gain and glare are discussed in paragraphs 10.143-144 of the report.

- *The building has deep floorplates and that there could be an opportunity to create more daylight space by moving the service core/WCs on the plan to create two 'rooms' within the floorplate.*

**Comment:** The internal layout of the building and the issues regarding the location of the service core/WC are discussed in paragraph 10.139 of the report.

- *Providing shallow balconies to the northern elevation delivers marginally in terms of amenity and streetscape, whereas, creating sheltered, well-lit and peaceful terraces on the southern elevation would be of benefit to the building now and in the future. This suggestion for exploration is included for the design team's consideration, however, the acceptability of such an approach would be subject to no adverse amenity, overlooking or heritage and design impacts.*

**Comment:** Except the rear courtyard on the ground floor, there is no provision of terraces on the south elevation. Instead, two roof terraces are proposed on the sixth and seventh level are north facing and would provide outdoor spaces for the future office occupiers. This is addressed in paragraphs 10.145-147 of the report.

- *Lastly, in the context of the green recovery from the current pandemic, the Panel raised questions about the future adaptability of the building should there be a point at which large commercial floorplates and office development become less desirable. They suggested that the design team should look to create adaptable floorplates by moving one of the two lifts to the opposite party wall to allow for efficient partitioning of the interior in the future.*

**Comment:** The long term adaptability of the building and the issue with regard to the position of the lifts are discussed in paragraphs 10.140-141 of the report.

## 8. CONSULTATION

### Public Consultation

- 8.1 The application has been publicly consulted on 16 November 2020. Site and press notices have also been issued. The consultation process expired on 28 December 2020. Letters were sent to the surrounding neighbours on Old Street, Banner Street, Whitecross Street, Bunhill Row, Tilney Court, St Luke's Close, Mitchell Street, Bartholomew Square and Roscoe Street.
- 8.2 At the time of writing of this report, no objections were raised from the neighbouring residents.

### External Consultees

- 8.3 **Transport for London:** No objection to the submission. The applicant should work with the council to provide an appropriate level of short stay cycle parking as per new London Plan policy.

The proposed blocking off section of bus lane outside the site is not supported. A revised construction management plan would need to be submitted and approved prior to

commencement.

8.4 **Fire Brigade:** No comment received.

8.5 **MET Police:** No objection to the application but recommend the building to achieve Commercial Secured by Design Accreditation.

8.6 **Thames Water:**

Waste Comments

Informative recommended to be attached to any permission in regard to groundwater risk management and how groundwater from the site will be discharged into a public sewer.

Surface water drainage

No objection provided that the developer follows the sequential approach to the disposal of surface water.

8.7 **Historic England (Listed Buildings):** No comment to the proposal.

8.8 **Historic England (Archaeology - GLAAS):** No objection to the proposal.

Internal Consultees

8.9 **Planning Policy Team:** No objection to the proposal from a land use perspective.

8.10 **Inclusive Design Officer:** No objection to the revised proposal following initial comments, the only remaining concern is the access arrangement of the seventh floor accessible toilet.

8.11 **Design and Conservation Team:** No objection to the proposal. The proposed development would change the setting but while the proposal would be visible in views from within the St Luke's Conservation area and its listed buildings, the visibility is seen within the context of the existing townscape backdrop and would not cause harm to the significance nor setting of heritage assets, which would continue to be appreciated in an equivalent context. Therefore, it is not considered that the proposals could be said to cause harm/less than substantial harm under the NPPF.

8.12 **Energy Officer:** No objection to the proposal. Recommend further provision of solar PVs where possible on site. Condition recommended.

8.13 **Sustainability Officer:** No objection to the proposal:

- The proposed reduction in runoff rates are welcomed and policy compliant.
- Green roofs are considered acceptable in principle. Biodiversity benefits should be provided through green roofs/walls where possible.
- Recommended provision of appropriate bat and bird boxes including swift bricks.
- Recommended further details to demonstrate the feasibility of incorporating rainwater recycling on site.
- Green procurement plan recommended, to demonstrate that a minimum 10% of the total value of materials used in the construction must derive from recycled and re-used content in the products and materials selected

8.14 **Acoustic Officer, Public Protection:** No objection to the proposal.

#### Construction impact

There have been a number of redevelopments along this stretch of Old Street and undoubtedly this will cause more disruption for the residents here if consented. Conditions recommended to secure a Construction Management Plan including details of demolition control, quiet periods and noise mitigation.

#### Plant equipment

The submission includes a noise report with background sound survey and assessment of a proposed dry air cooler. There is not a full assessment of the building services plant as the tenant and their consequent plant requirements have not been confirmed. There's a plant room marked on the seventh floor facing Old Street. Details of acoustic performance of any future plant equipment are also required to be submitted and agreed by the council prior to the commencement of the relevant uses on site.

#### Sound insulation

With class E covering a wide range of uses there is the potential for noise impacts, particularly with higher sound generating uses such as gyms, restaurants or nurseries. The first floor unit appears to share a party wall with the residential at Anne House, Tilney Court and so there is the need for mitigation controls on those impacts with residential nearby. Further mitigation measures are required in regard to the flexible uses to ensure that appropriate sound insulation are installed prior to the superstructure works to minimise impact towards the neighbours nearby.

#### Roof terraces

The proposed terraces face onto Old Street with the ambient sound providing some masking but recommended condition to restrict the hours of use of the terraces to protect neighbouring amenity.

8.15 **Highways Officer:** No objection to the application.

- A section 106 agreement should be applied to the application to cover any cost to repair any damages that are caused to the public footway outside the site.
- A banks person must be present at all times when construction materials are be delivered and when construction/delivery vehicles are leaving the site.
- Any spillages/debris that appear on the footway/carriageway must be swept, cleared and washed to prevent any slips that maybe caused to the public.
- Adequate lighting must be installed to the hoarding on the carriageway.
- Pedestrian warning and road user warning signs must be in place to advise the public and road users that building works are taking place.
- No building materials are to be lifted by machinery from one construction vehicle to another on the carriageway.

8.16 **Public realm (Waste Management):** No comment received.

8.17 **Inclusive Economy Team:** The proposal should provide affordable workspace on-site, unless exceptional circumstances can be demonstrated in accordance to policy DM5.4.

8.18 **Traffic and Parking Team:** There is scope to provide visitors' cycle parking outside the

site and no objection to such provision, recommend to be secured by section 106 agreement.

8.19 **Transport Planning:** No objection to the proposal.

## **9 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

9.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

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

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

9.4 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."

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

9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the 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.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2021 (LP), Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (IDMP). The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** in this report.

### **Emerging Policies**

#### Draft Islington Local Plan

- 9.11 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 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications is taking place from 19 March to 9 May.
- 9.12 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).

9.13 Emerging policies that are relevant to this application are set out below in **Appendix 2**.

### **Designations**

9.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Central Activities Zone
- Core Strategy Key Area – Bunhill and Clerkenwell
- Archaeological Priority Area - Moorfields (Tier 2)
- Employment Priority Areas (General)
- Finsbury Local Plan Area – Old Street (BC3)
- Article 4 Direction A1-A2 (Borough wide)
- Article 4 Direction B1(c) to C3 (CAZ)
- Within proximity to St. Luke's Conservation Area (CA16)
- Within proximity to St. Luke's Church Grade I Listed – obelisk spire a Local Landmark (LL14)

9.15 The relevant SPGs and/or SPDs are listed in **Appendix 2**.

## **10. ASSESSMENT**

10.1 The main issues for consideration are:

- Principle of Development
- Land Use
- Affordable workspace
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Biodiversity, Landscaping and Trees
- Energy and Sustainability
- Highways and Transportation
- Safety and Security
- Fire Safety
- Planning Obligations and CIL
- Planning Balance Assessment

### **Principle of Development**

10.2 The existing six storey building was built in the 1980s following the council's planning approval back in 1982 (ref 820177), which was subsequently revised in 1987 (ref 861737). The existing building positively contributes to the local economy in terms of its supply of office floorspace and economic functions.

- 10.3 The new London Plan (LP) Policy GG2 states that development proposals should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.4 The proposal would extend (increase the floorspace) and improve the quality and efficiency of the existing floorspace within the building as well its flexibility of use and is acceptable in principle. The proposed commercial development is considered to be supported by national, regional and local planning policies, mainly due to the site's central and highly accessible location.
- 10.5 The principle of the development is therefore acceptable and accords with the National Planning Policy Framework's presumption in favour of sustainable development, subject to the other material considerations below.

### **Land use**

- 10.6 The existing building was built in the 1980s as an office building with a rear 2 storey industrial building. The industrial building was subsequently converted into office use in 1988 (ref: 871603) and the site has been solely used as office accommodation since.
- 10.7 The application site is not allocated within the Local Plan, however, it is located within the Central Activities Zone (CAZ), with policies applying that encourage office development.

### **Intensification of commercial use**

- 10.8 The proposal under this application would redevelop the site to provide a building that comprises 2,970sqm (GIA) of commercial floorspace. It is estimated that the proposed development (including both office and flexible commercial uses) would generate approx. 168 full time jobs on site, a significant uplift from the existing building (approx. 96 jobs).

	Commercial floorspace in sqm (GIA)	Estimated no. jobs (FTE)
Existing	1,617	96
Proposed	2,970	168
Change	+1,353	+72

- 10.9 The principle of the provision of new employment floorspace at this location is supported by the Development Plan, due to the site's commercial context and its central location. LP policy SD4 notes that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.
- 10.10 LP Policy SD5 states that within the CAZ, offices and other CAZ strategic functions are to be given greater weight relative to residential development, except sites that are situated within wholly residential streets or predominantly residential neighbourhoods. This is further supported by LP Policy E1 which states that the Mayor supports the increases in current stocks of office floorspace within the CAZ, and improvement to the quality, flexibility and adaptability of office floorspace (of different sizes), through new office provision and refurbishments.
- 10.11 Islington's Core Strategy (ICS) Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ; this is supported by Policy CS7 which sets out the spatial strategy of Bunhill and Clerkenwell Area, where employment led

development will be largely concentrated in the south of Old Street.

- 10.12 The Old Street key area policy BC3 within the Finsbury Local Plan (FLP) further supports the provision of business uses in this area, including workspace suitable for occupation by small and micro enterprises. Further, FLP policy BC8 part A states that proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 10.13 Islington Development Management policy 5.1, part E, requires that major developments within the Central Activities Zone (CAZ) that would result in a net increase in office floorspace should also incorporate housing. In accordance with this policy the proposal includes a financial contribution of £114,962 towards the off-site contribution of affordable housing so as to secure compliance with this policy, as well as part D of Finsbury Local Plan policy BC8.
- 10.14 The proposed intensification of commercial use is acceptable in land use terms, having regard to the Development Plan and the cascade of policies from the London Plan, Islington Core Strategy, Development Management Policies and Finsbury Local Plan, and as such would make an efficient use of this brownfield site as well as providing an increase in jobs. The proposal would also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.

#### **Mix and balance of commercial uses**

- 10.15 LP Policy SD5 states that mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices. The council's emerging AAP Policy BC1 (Prioritising office use) states that due to the significant evidenced need to provide office floorspace to cater for projected jobs increases and secure inclusive economic growth, office floorspace is the clear priority land use across the entire Bunhill and Clerkenwell AAP area.
- 10.16 ICS Policy CS14 set out that the borough will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live. This strategic objective is supported by the FLP policy BC3 and emerging BCAAP policy BC7 which both support the provision of retail, leisure or community facilities on ground floor frontages on Old Street.
- 10.17 IDMP policy DM4.4 states that applications proposing more than 80sqm of floorspace within the former Class A/D2/Sui Generis main town centre uses within the CAZ must demonstrate that the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, and the proposed uses can be accommodated without adverse impact on amenity; further, the proposal would support and complement existing clusters of similar uses within the CAZ, particularly important retail frontages.
- 10.18 Part B of the FLP policy BC8 states that within the Employee Priority Area (General), the employment floorspace component of a development should not be unfettered commercial uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:
- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or
  - ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or
  - iii. Affordable workspace, to be managed for the benefit of occupants whose needs

are not met by the market.

10.19 The draft Bunhill and Clerkenwell Area Action Plan policy BC2 states that the council encourages development of retail uses in predominately commercial areas. In terms of retail designations within the Development Plan, the Whitecross Street (adopted) and Old Street (draft) Local Shopping Areas (LSA) are both within close proximity to the site (100m and 120m respectively).

10.20 The proposed development comprises of flexible commercial uses on the ground and first floors, the proposed uses across each floor are as follows:

Floor	Proposed GIA (sqm)	Proposed NIA (sqm)	Proposed Use Classes
Ground	431	150	<b>E (a)</b> – retail <b>E (b)</b> – restaurant <b>E (c)(i)</b> - financial services <b>E (c)(ii)</b> - professional services (other than health or medical services) <b>E (c)(iii)</b> - any other services which it is appropriate to provide in a commercial, business or service locality <b>E (d)</b> - indoor sport, recreation or fitness <b>E (e)</b> - provision of medical or health services <b>E (f)</b> - creche, day nursery or day centre <b>E (g)(i)</b> - office <b>F.1 (b)</b> - display of works of art <b>Sui Generis</b> - showroom
First	434	356.5	<b>E (c)(i)</b> - financial services <b>E (c)(ii)</b> - professional services (other than health or medical services) <b>E (c)(iii)</b> - any other services which it is appropriate to provide in a commercial, business or service locality <b>E (d)</b> - indoor sport, recreation or fitness <b>E (e)</b> - provision of medical or health services <b>E (f)</b> - creche, day nursery or day centre <b>E (g)(i)</b> - office <b>F.1 (b)</b> - display of works of art
Second	412.5	335.8	<b>E (g)(i)</b> - Office
Third	412.5	335.8	<b>E (g)(i)</b> - Office
Fourth	412.5	336	<b>E (g)(i)</b> - Office
Fifth	384	306.7	<b>E (g)(i)</b> - Office
Sixth	313	240	<b>E (g)(i)</b> - Office
Seventh	170.5	120.5	<b>E (g)(i)</b> - Office

10.21 Based on the table above, the proposal comprises 77% (NIA) of office floorspace (1,675sqm out of 2,181.3sqm NIA) and 23% (NIA) of the building (ground and first floors) would be flexible commercial floorspace (inc. office).

10.22 The council would prefer the site to be entirely in office use from first floor and above (rather than accepting a flexible commercial at ground and first floors), which would better accord with policy BC8.

10.23 It is acknowledged that the current building is likely to be able to (subject to compliance with certain criteria and correct procedures) be changed into another use under Class E without planning permission. Given the concentration of jobs in the CAZ, even a small proportional decrease in office floorspace would have a significant impact on the borough's economy. Business clusters can be undermined by gradual losses of business floorspace, including to other Class E uses, which will have wider negative impacts on the agglomeration benefits that can be created in these areas with the

concentration of business floorspace.

10.24 In light of the introduction of Class E within the Use Class Order back in September 2020, the council is minded to restrict the permitted use for this site, should planning permission be granted; the intention is to prevent any unacceptable loss of office floorspace hereby approved in the future. Through the use of appropriate planning conditions (**23 and 24**), the Council would be able to retain control over any subsequent change of use of the site, and prevent any unacceptable change of uses within Class E which would result in significant loss of office and employment floorspace, and would clearly conflict with the strategic objectives of the Development Plan highlighted above.

10.25 Each of the proposed flexible uses are assessed below:

Class E (a) – Retail

10.26 The proposed flexible use comprises of retail use under Class E(a) at the ground floor level. The ground floor unit would provide maximum of 73sqm NIA of retail floorspace on site.

10.27 The provision of retail uses is supported in the Development Plan, provided that it does not unreasonably hinder or compromise the office-led development on site. LP policy SD4 states that the vitality, viability, adaption and diversification of the international shopping and leisure destinations of the CAZ retail clusters, including locally oriented retail and related uses should be supported.

10.28 Having reviewed the proposed ground floor layout, it is considered that the proposed retail use would only be acceptable to be located at the front of the site by Old Street. Therefore, it is recommended that the proposed retail use should be controlled by **condition 24**.

10.29 The ground floor front unit is relatively small (73sqm NIA) and is considered to meet the council's objectives set out in IDMP policy DM4.1 and the draft SDMP policy R1 in promoting and maintaining small and independent shops, which are generally considered to be units of around 80sqm GIA or less.

10.30 Although the site does not have any retail designations within the Development Plan, it is located in close proximity to two of the LSAs within the Bunhill and Clerkenwell area, and it is considered that the proposed retail use on the ground floor would complement the existing retail uses along this section of Old Street and Whitecross Street, which is one of the main retail/market hubs within the area, and accords with the policies.

10.31 The emerging BCAAP policy BC2 states that active frontages must be provided for proposals for culture, retail and leisure uses. FLP policy BC8 part B also supports the provision of retail floorspace at the ground floor of a commercial development, which are suitable for accommodation by micro and small enterprises by virtue of its design, size or management. Having reviewed the proposed ground floor frontage design, it is accepted that the proposed development would represent an improvement to the existing building in terms of the provision of active frontages at street level, which would positively contribute to the attractiveness and vibrancy of the area. (Design considerations are discussed in the Design, Conservation and Heritage section below.)

10.32 Overall, it is considered that the proposed retail use would complement the host building and the surrounding area is acceptable in land use terms.

10.33 The amenity impact of the proposed retail use is discussed in the Neighbouring amenity section below. In short, it is considered that, subject to control on the hours of operation,

the proposed retail use would have an acceptable impact to the surrounding area within the Bunhill and Clerkenwell Area as well as the CAZ.

#### Class E (b) - Restaurant

- 10.34 The proposed restaurant use is considered to fall under “retail and services” in policy terms, as it was formerly under Class A3 and is controlled by the relevant retail policies.
- 10.35 The provision of restaurant use is broadly supported by the Development Plan policies due to the commercial nature of the site and the area; and as mentioned above, the proximity to the LSAs would mean that the proposed restaurant use would complement the other retail/eateries uses within the area and would be compatible in land use terms.
- 10.36 On the other hand, restaurants are also considered to be an entertainment and night-time use which can contribute positively to the vitality and vibrancy of the CAZ, where such use would be supported where no significant adverse impacts would arise.
- 10.37 The amenity considerations of the proposed restaurant use are further discussed in the Amenity section below. In short, the proposed restaurant use is considered acceptable in terms of amenity impact, subject to restriction on hours of use to prevent unacceptable late-night uses (**condition 27**). Officers also recommended a condition to request further technical details regarding the sound insulation, plant and odour control measures, to be submitted and agreed by prior to any commencement of restaurant uses on site (**conditions 18 and 21**). As the proposal is sought for flexible uses where the future tenants are currently unknown, this is viewed as a reasonable approach.
- 10.38 Therefore, it is considered that the proposed restaurant use on the ground floor level (front unit only) would be acceptable in land use terms subject to conditions and would positively contribute to the night time economy activities in the CAZ and the Bunhill and Clerkenwell area as a dynamic and attract place.

#### Class E (c) - Financial services/Professional services

- 10.39 The Use Class E(c) has three further sub-classes:
- I. Financial services (i.e. banks and building societies)
  - II. Professional services (i.e. solicitors and estate agents)
  - III. any other services which it is appropriate to provide in a commercial, business or service locality
- 10.40 It is considered that all three sub-classes above correspond to the former A2 use, which in land use terms, would also fall under “retail and services” in the context of the Development Plan. The provision of financial or professional services are considered appropriate in this location.
- 10.41 The proposed development comprises Class E(c) use on both the ground and first floors. Although planning policies support the provision of retail and service uses on the ground floor, there is no policy reference in relation to the use of the first-floor area.
- 10.42 Although this use class is typically categorised as a retail/service use, it is acknowledged that the operation of the E(c) uses are more akin to office accommodation compared to the other former A-uses such as retail, restaurants and pubs. It is judged that the proposed E(c) uses would have an acceptable impact to the building and the surrounding area.
- 10.43 Subject to **condition 27** to control the hours of operation, it is judged that the proposed

E(c) uses are acceptable in land use terms.

Class E (d) - indoor sport, recreation or fitness

- 10.44 The proposal seeks permission for this use at the ground and first floor areas of the building to be used for “*indoor sport, recreation or fitness*” principally to visiting members of the public, provided that they do not involve motorised vehicles or firearms.
- 10.45 The Development Plan makes specific reference to leisure uses which this new subclass falls within. Formerly recognised as a D2 use, the adopted Local Plan states that leisure uses within the Central Activities Zone may be appropriate where these would not detrimentally affect the vitality and viability of Town Centres and/or local amenity (para 4.27 of the IDMP).
- 10.46 FLP policy BC3 states that leisure units would be supported within the Old Street area, particularly on the ground floor, where it creates activity and vibrancy. It is considered that the proposed E(d) uses are acceptable in land use terms, subject to the acceptability of the amenity impact which this particular use may generate.
- 10.47 Gyms and fitness centres often rely on provision of additional air conditioning, and use of amplifiers for music in support of their operations. Moreover, additional noise mitigation measures are likely to be required for these uses due to their frequent use of exercising equipment such as heavy weights, in which further provisions of noise insulation are required to make the use acceptable and to protect the neighbouring living conditions.
- 10.48 The hours of operation of these leisure uses are required to be controlled to minimise the noise and disturbance to the surrounding neighbours during nighttime and early morning.
- 10.49 Furthermore, the obscuring of the shopfront for privacy of gym users creates a blank and inactive frontage the streetscene which can be damaging to its character, vitality and vibrancy. Therefore a condition (**condition 30**) is recommended advising that no obscuring of the shopfront shall be carried out, in order to protect the activity this unit provides to the streetscene.
- 10.50 Overall, it is judged that the proposed leisure use is acceptable in land use terms, provided that the operation would not adversely affect the living conditions of the neighbours within Tilney Court, nor the vibrancy and activity of the streetscene. The hours of operation of the use is also recommended to be controlled by **condition 27**.

Class E (e) - provision of medical or health services

- 10.51 The provision of medical and health services are usually in the form of a medical clinic and health centre, which is formerly under Class D1 prior to September 2020.
- 10.52 LP policy GG3 states that planning and developments should ensure that the wider determinants of health are addressed in an integrated and coordinated way, taking a systematic approach to improving the mental and physical health of all Londoners and reducing health inequalities. In terms of health and social care facilities, LP policy S2 supports development proposals “that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies”.
- 10.53 Locally, IDMP policy DM4.12 relates to social and strategic infrastructure and cultural facilities. Part C of the policy sets out requirements for new social infrastructure, stating that it must:

- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
- ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
- iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and
- iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

- 10.54 The Finsbury Local Plan supporting text para 3.4.6 states that a good range of social infrastructure facilities already exist within the Bunhill and Clerkenwell area, but ongoing investment, maintenance and management is vital in order to ensure that they continue to meet the needs of local residents.
- 10.55 Whilst the provision of medical and health facilities is not considered to be a strategic priority within the CAZ and the Bunhill and Clerkenwell Area, in terms of adopted and emerging policies, there is broad support for provision of new medical facilities within the borough, provided that they do not contravene with other planning policies and objectives such as land use and amenity impact.
- 10.56 The amenity impact of the proposed medical and health services are likely to be less contentious compared to the other commercial uses discussed above. A typical use under this class (health centre or clinic) is unlikely to generate significant noise or disturbance. Similar to the other flexible uses, the hours of operation of the health/medical centres would be controlled by **condition 27**.
- 10.57 A medical centre is likely to require separate waste management from the typical commercial arrangement; the waste management of the site is further discussed in the highways and transportation section below and the details are recommended to be secured under **condition 12**.
- 10.58 Subject to conditions, it is considered that the proposed E(e) use is acceptable in land use terms.

Class E (f) - creche, day nursery or day centre

- 10.59 The proposed crèche, day nursery or day centre uses would be similar to medical/health care, as both uses are considered as social and community infrastructure in policy context; however, the nature of the crèche and day nursery uses are considerably different to a clinic/medical centre, with provision of childcare and education, which is judged to be less compatible with the rest of the building.
- 10.60 Similar to class E(e), the proposed crèche, day nursery or day centre is not a priority use within this area, as the Development Plan is clear that the priorities within this part of CAZ is office development, and with a small mix of retail and leisure uses where applicable.
- 10.61 The site is also not considered to be suitable for the proposed Class E (f) uses, due to its primary function as an office building; the proposed flexible uses on the ground and first floor would also mean that there would potentially be a wide range of flexible commercial uses on site, which may not be reconcilable with the class E(f) uses.
- 10.62 Additional to the proposed building and range of potential future uses it could accommodate, the context of the area has also been taken into account. Old Street is a

predominately commercial street with busy traffic and higher levels of air pollution and is not considered to be an ideal location to provide services for childcare and education. Therefore, it is judged that the proposed E(f) uses are not appropriate at this location and therefore, the use would be restricted by **condition 24**.

#### Class F.1 (b) - Display of works of art

- 10.63 The proposed F.1(b) use is categorised under the “Local Community and Learning” section (Schedule 2 Part B) within the latest Use Class Order, and within the context of the Development Plan, it is considered that the proposed Class F.1(b) would be a “cultural use” in policy terms.
- 10.64 FLP Policy BC8 makes specific reference to galleries and exhibition space as the non-office floorspace which are suitable to be located within the Employment Priority Area (General). Further, paragraph 3.7.5 of the FLP recognises cultural uses such as galleries which underpin the area’s substantial cultural offer.
- 10.65 Emerging SDMP policy R10 states that cultural uses can be supported within the CAZ, provided that they would complement the existing uses in the surrounding area and mitigate any adverse impacts on the amenity, be accessible by a range of sustainable transport modes, and the buildings are designed to be inclusive, accessible and flexible.
- 10.66 In land use terms, the proposed F.1(b) use is considered to be acceptable and would complement the proposed office development as well as the commercial nature of the surrounding area. Notwithstanding that, it is considered that the hours of use would need to be controlled to ensure that the proposed use would not unacceptably affect the surrounding neighbours.

#### Showroom (Sui Generis)

- 10.67 The proposed showroom use is limited to the ground floor area only. Although most of the showrooms are akin to a retail use under Class E(a), it falls within its own class (Sui generis).
- 10.68 Similar to Class F.1 (b), policy BC8 makes reference to exhibition space as appropriate non-office uses that can form part of the commercial development within the designated Employment Priority Area (General). The site is accessible as would be the proposed building and the commercial context of the area means the proposed showroom would be compatible with the office-led development in land use terms.
- 10.69 The main issue in relation to the proposed showroom use is the associated noise and disturbance impact, which could be detrimental to the surrounding neighbours. It is judged that the proposed showroom would need to provide further details in relation to noise mitigation and premises management plan to ensure that the proposal would have an acceptable impact in acoustic terms. Similar to the other proposed flexible uses, the hours of operation would also need to be controlled to ensure that the proposed showroom use would not adversely affect neighbouring amenity.

#### **Residential Use**

- 10.70 Whilst the London Plan policy SD5 has replaced policy 4.3 of the former London Plan, the Islington Local Plan (Bunhill and Clerkenwell Area Action Plan) contains policy BC8 and Development Management Policies DM5.1 which seeks housing as an element of developments within the CAZ (20% of the floorspace). In order to secure compliance with this policy (BC8) a financial contribution of £114,962 has been secured towards the off-site delivery of (affordable) housing.

- 10.71 The introduction of the new permitted development rights under Class MA in Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order (2021 No.428) would allow change of use of a building from Class E to C3 (dwellinghouses), which takes effect from 1<sup>st</sup> August 2021. This means the proposed commercial development would be able to (subject to limitations and conditions) be converted into residential use, which would clearly conflict with the objectives of the Development Plan that supports commercial, especially office development within this site as well as the surrounding Finsbury Local Plan Area and CAZ.
- 10.72 In accordance with the aforementioned policies, officers considered that it would be necessary to resist unacceptable change of use from commercial to residential use, in order to protect the commercial floorspace within the site and the wider CAZ. It is recommended that a condition is imposed to restrict the permitted development rights within the provision of Class MA of the GPDO and this is secured by **condition 22**.

### **Land Use Summary**

- 10.73 The flexible commercial uses proposed for ground and first floors would not generate the same level of employment as office floorspace. Existing policies do provide support for non-office floorspace at the ground floor level therefore the key policy concern relates to the first floor proposals. However, the proposed uses (excluding the creche use that is not supported by officers) are still important for the functioning of the AAP area and CAZ, and would positively contribute to economic growth acting as support uses for the primary office function of the site and the surrounding area.
- 10.74 In this instance, subject to the appropriate conditions to restrict the uses of the building to the proposed use(s) (excluding the creche use) to prevent any unacceptable change of use without planning permission in the future, it is considered that the proposal would have an acceptable balance of uses and would positively contribute to the local economy in terms of its supply of office floorspace and economic functions. The proposal would deliver guaranteed office floorspace of 1,633sqm (NIA) and provides with the potential for a further 431sqm (NIA) at ground and first floors.
- 10.75 The proposed office development would provide a significant uplift of overall employment floor space to the area (1,353sqm GIA) when compared to the existing building, for which there is high demand and a significant shortfall and would positively contribute to the stock of office floorspace within the borough, which is supported by national, regional and local policies.
- 10.76 The development would also, in accordance with policy CS13 and the Planning Obligation SPD, provide an appropriate amount of on-site opportunity or off-site financial contribution to support local employment, skills development and training opportunities, by providing construction training opportunities on site during the development phase (1 placement or £5,000 of financial contribution), and jobs and training opportunities including apprenticeships from developments (financial contribution - £12,021).
- 10.77 Overall, it is the view of officers that the proposed development would be acceptable in land use terms, subject to compliance with other Development Plan policies.

### **Affordable Workspace**

- 10.78 The London Plan (2021) policy E3 part B states that considerations should be given to the need for affordable workspace based on:

- 1) where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site
- 2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)
- 3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.

10.79 Policy E3 also states that in defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose such as:

- 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises
- 2) for specific sectors that have cultural value such as creative and artists' workspace, rehearsal and performance space and makerspace
- 3) for disadvantaged groups starting up in any sector
- 4) supporting educational outcomes through connections to schools, colleges or higher education
- 5) supporting start-up and early stage business or regeneration.

10.80 IDMP policy DM5.4 is concerned with the size and affordability of workspace. As set out in paragraph 5.25 of the IDMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).

10.81 The Finsbury Local Plan Policy BC8 part B (iii) requires commercial developments within the Employment Priority Area (General) to incorporate affordable workspace, which would be managed for the benefit of occupants whose needs are not met by the market.

10.82 The emerging Local Plan (SDMP) policy B4 (Modifications for consultation - March 2021) states that within the CAZ and Bunhill and Clerkenwell AAP area, major development proposals involving office development must incorporate at least 10% affordable workspace (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years. The policy is currently at draft stage and can be afforded limited weight.

10.83 The supporting texts for Policy B4 (para 4.47) further outlines that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to all redeveloped, refurbished and/or extended space, regardless of the fact that there is existing floorspace. For proposals solely involving extension of floorspace with no change to existing floorspace, the requirement can be considered to apply to the new floorspace only. Having reviewed the Planning Statement dated December 2020, it is noted that the proposed development would amount to a full redevelopment of the site building with substantial building works, and the use of the building would be significantly changed.

10.84 Officers noted that the emerging policy B4 can only be afforded limited weight, reflecting the stage the local plan is at and the number of objections received; therefore, taking the

current and emerging local plan into account, it is considered that an onsite affordable workspace area based on 5% of the whole re-development would be sought, rather than just the uplift.

- 10.85 Generally, provision of affordable workspace should be made on site in the first instance; however, when the development proposal is not suitable for on-site delivery then an equivalent financial contribution can be accepted, to enable the council to deliver and support the provision of Affordable Workspace elsewhere within the borough. It is acknowledged that not every development can achieve this objective without compromising other aspects of the proposal, as some of the Affordable Workspace may be too small to operate as a serviced office.
- 10.86 Part F of the current Policy DM5.4, and the emerging SDMP para 4.52 in support of Policy B4, states that in exceptional circumstances, where the Council is not satisfied with the proposed size or quality of the affordable workspace, financial contributions will be sought to secure equivalent provision off site.
- 10.87 The Council's Inclusive Economy Team has reviewed the proposal and advised that on-site provision should be sought for this case. The applicant has provided floor plans to show the provision of affordable workspace units on site.
- 10.88 The proposal includes dedicated SME units located at the ground and first floor level, which is approximately 78sqm and 72sqm in area respectively, and represents 5% of the site's total GIA.
- 10.89 Having assessed the internal layout, it is considered that the proposed ground floor rear unit (78sqm) would be suitable to be used as a dedicated SME unit and would comprise a good working environment for occupiers. It is located on the ground floor level with step free access, and a courtyard which would be exclusively used by the future occupiers as external amenity space. The proposed unit would also be benefitted by natural daylight and outlook which is welcomed by officers.
- 10.90 In contrast, due to the nature of the existing building and the proposed internal layout, the provision of a SME unit at first floor level would result in a loss (199sqm) of net lettable space due to the circulation space required for means of escape, as each unit would require direct access into a protected corridor leading to both means of escape as per relevant Building Regulations.
- 10.91 Having reviewed the submitted floor plans, it is judged that the proposed SME unit on the first floor would result in an undesirable layout that would unacceptably compromise the provision of the flexible commercial unit on the first floor. The loss of the net lettable space would negatively affect the delivery of commercial floorspace within this site and conflict with the aforementioned policies such as IDMP policy DM5.1 and FLP policy BC8, which support the intensification of the commercial use. Therefore, in this particular case, officers recommend the first floor affordable workspace unit to be secured by an off-site payment in lieu financial contribution.
- 10.92 Overall, it is considered that the proposed ground floor SME unit can be secured on site as affordable workspace by virtue of its size; and for the first floor unit, due to the site constraints and the access requirement, would result in an undesirable layout and would fail to maximise the commercial floorspace that can be reasonably provided on site. Therefore, officers recommend the proposal to provide 50% of SME floorspace on the ground floor, and 50% of affordable workspace to be secured as an offsite financial contribution, in order to meet the 5% requirement of the total floorspace as affordable workspace.

- 10.93 In accordance with the emerging SDMP policy B4, the agreed off-site payment is calculated based on the 2.5% NIA of the scheme (54.5sqm), the average annual rent of office premises within the local area (agreed at £42.50 per sq ft following consultation with the Development Viability Team) and a 10-year period (equivalent to the peppercorn rate requirement for on-site provision). The total offsite contribution for affordable workspace is **£192,519** and this will be secured by section 106 agreement. This contribution weighs in favour of the proposal.
- 10.94 Overall, the proposal would also make a positive contribution of affordable workspace via off site contribution, which would meet the council's objectives on promoting an inclusive economy.

## **Design, Conservation and Heritage**

### **Policy context**

- 10.95 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.
- 10.96 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 10.97 Paragraph 129 goes on further to state that in assessing applications, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.

### **London Plan**

- 10.98 LP Policy D3 states that development must make the best use of land by following a design-led approach that optimises the capacity of sites, to ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.99 In terms of design and heritage considerations, LP Policy D3 part D states that development proposals should:
- enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
  - respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards

the local character;

- be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

10.100 Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.

### **Local Plan**

10.101 The national and regional policies are supported locally by ICS Policy CS7 (Bunhill and Clerkenwell) which states that much of the area has a rich character and is noted for its historic value, the historic significance and character of the area will be protected and enhanced.

10.102 ICS Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.

10.103 IDMP Policy DM2.1 (Design) requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will 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.

10.104 IDMP Policy DM2.3 (Heritage) requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The council requires new developments within Islington's conservation area settings to be of high quality contextual design, and the policy states that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part C of the policy states that the significance of Islington's listed buildings is required to be conserved or enhanced; new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.

10.105 IDMP Policy DM2.5 (Landmarks) states that the council will protect views of well-known local landmarks and will exercise stringent controls over the height, location and design of any building which blocks or detracts from important or potentially important views. This includes the St. Luke's Obelisk Spire which is identified in the policy (LL14) and it is located within the vicinity of the site (approximately 125m away).

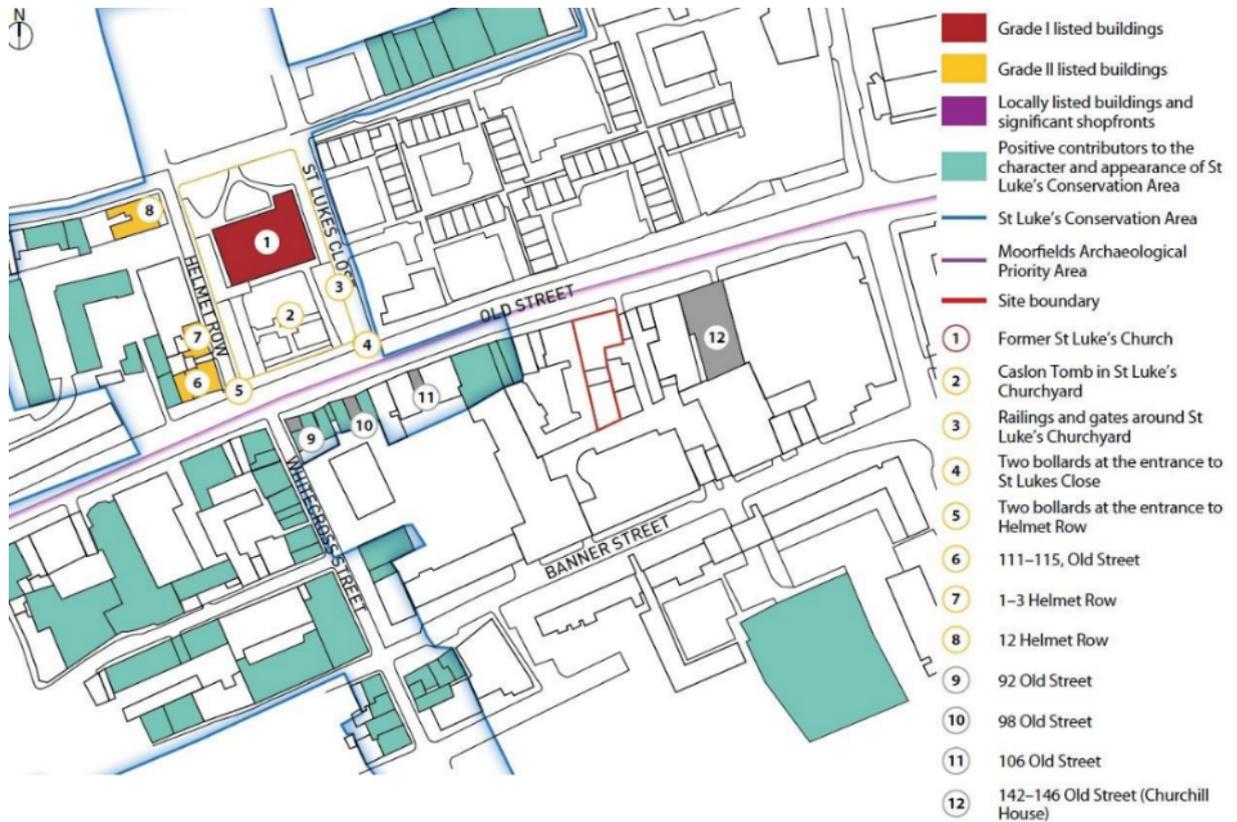
10.106 Moreover, the Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and facilities, and shopfront design.

10.107 In terms of conservation area and heritage asset, the Planning (Listed Buildings and

Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (section 72); it also requires decision maker to have special regard to preserve or enhance the significance of heritage assets (including their setting) through the planning process (section 66).

## **Context**

- 10.108 Most buildings within the surrounding area range from four to seven storeys in height, with the exception of Coltash Court (152 Whitecross Street), which is a council's housing block at 14 storeys in height. Some of the taller and recently developed buildings can be found along this section of Old Street, including 160 Old Street (8-9 storeys), Bentima House (168-172 Old Street, 8 storeys), and Classic House (174-180 Old Street, approved under P2019/2450/FUL for 9 storeys).
- 10.109 To the west, Canto Court (122 Old Street) sits adjacent to the application site and it is a part 6, 7 and 8 storeys building and on the east, the site at 134 Old Street has recently received planning approval for a new seven storey building (approved under P2018/3917/FUL).
- 10.110 The St Luke's Conservation Area (CA16) is at close proximity to the site (23m away), therefore, the site is considered to be within the setting of the Conservation Area.
- 10.111 The most significant heritage asset within the vicinity is the Grade I Listed St. Luke's Church which was built in 1727-33. In recognition of the importance of this ecclesiastical building to the borough (in terms of its contribution to the townscape and wayfinding within the borough) the St. Luke's obelisk spire has also been adopted as a local landmark (LL14) within the Development Plan.
- 10.112 The following buildings have been identified as heritage assets which could potentially be affected by the proposal:
- Former Church of St Luke (Grade I);
  - Calson Tomb in St Luke's Churchyard (Grade II);
  - Railings and gates around St Luke's Churchyard (Grade II);
  - Two bollards at the entrance to Helmet Row and Ironmonger Row respectively (both Grade II);
  - 1-3 Helmet Row (Grade II);
  - Helmet Row (Grade II);
  - 111-115, Old Street (Grade II);
  - Nos. 142-146 (even) Old Street (known as Churchill House) (locally listed, Grade B); and
  - Nos. 92, 98 and 106 Old Street (locally significant shopfront).



Map showing location of heritage assets within the context of the site (extract from Heritage Statement prepared by Alan Baxter & Associates). Note: Locally listed buildings and significant shopfronts are highlighted in grey on the map, not purple as indicated in the key.



Obelisk Spire of the Former St. Luke's Church, Local Landmark (LL14). The church is Grade I Listed.

10.113 The St Luke's churchyard and burial ground is now a public open space, with fine plane trees, railings and tombs including the Grade II Listed Caslon Tomb. Fronting onto these spaces are several important groups of Georgian and Victorian buildings which are of architectural and historic interest and which contribute to the setting of the church.

10.114 The area around the church which straddles the ancient thoroughfares of Whitecross Street and Old Street, is designated as St Luke's Conservation Area. It is an important surviving part of historic Finsbury with medieval origins. The character of St. Luke's Conservation Area is a mixture of commercial, institutional, recreational and residential uses.

### **Proposal**

10.115 The applicant has submitted a Design and Access Statement (prepared by GPAD - Dec 2020) in support of the application. Furthermore, it is also supported by a Views Assessment and a Heritage Statement (both prepared by Alan Baxter - Dec 2020).

10.116 The proposal comprises of a 2 storey roof extension and 6 storey rear infill extension, as well as a comprehensive refurbishment of the front façade. The proposed façade would incorporate brick and textured concrete panels, as well as metal cladding with fin detailing; other design features including balconies with planters and textured brick elements. The proposed façade incorporates extensive glazing at ground floor level in attempt to enhance the visual permeability and creates a greater degree of active frontage at street level.

10.117 The above policy framework makes it clear that the relationship between the height of buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street. The building heights along Old Street are varied, however, the height of the built form does reduce moving away from Old Street Roundabout towards St Luke's Conservation Area. In order to be successful, the proposals should be both sympathetic to the host building, harmonise with the pattern of development of the area and be sensitive to the setting of adjacent heritage assets.

### Scale and massing

10.118 The proposed 2 storey roof extension would increase the height of the building from six to eight storeys, and certain parts of the proposed extension would be publicly visible. Views of the proposed development have been provided under the View Assessment accompanying this application including those from St Luke's Close and St Luke's Churchyard.

10.119 Following the Design Review process the massing of the additional storeys was stepped back from the street elevation. The views taken close to the application site looking east and west along Old Street illustrate that the eighth storey extension would not be visible in short views, and that the further setting back of the seventh storey has reduced the visibility of that floor in views looking east.



Existing (top) and proposed (bottom) views from the Grade II Listed railings around the St. Luke's Churchyard, the roof extension would only be marginally visible from the listed churchyard. As shown in the views above, the proposed development would be largely blocked by the new residential development at the Redbrick Estate which was previously approved under P2015/0709/FUL.

- 10.120 The submitted views assessment shows that while the extended form of the building will be visible in views from within the St Luke's Conservation area and its listed buildings, the visibility is seen within the context of a townscape backdrop of varying degrees of height and the effect on views from within the conservation area and on Old Street more generally is not overly dominant or harmful to the significance and setting of heritage assets.
- 10.121 Additionally, with the additional height there is also the very welcome design enhancement of the facades of the building that introduce a positive element to the conservation area. The design of the roof extension has evolved during the development of the proposal at pre-application stage, as well as the Design Review Panel.

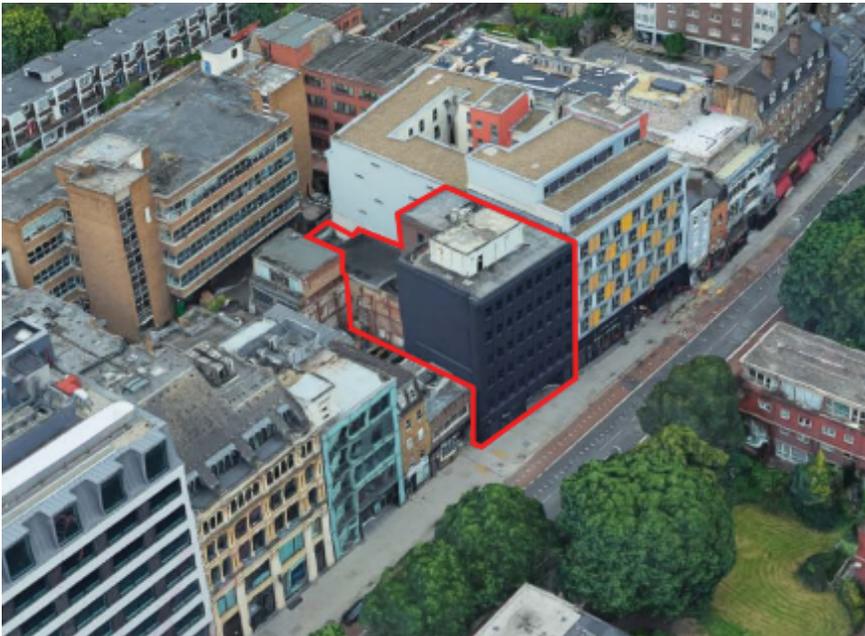


Previous iterations of the proposed roof extensions during the first pre-app (left), second pre-app (centre), and at DRP (right)



CGI of the proposed front elevation, with a revised roof extension comprised of metal cladding.

10.122 To the side and rear, the proposed development, which comprises a roof and rear infill extensions, would not be highly visible from public views, as the site is highly enclosed by the adjacent buildings on Old Street and Banner Street from the south.



Aerial view of the site, the rear of the building is enclosed by the surrounding buildings on Old Street, Tilney Court and Banner Street. Apart from the front elevation, the side (east) elevation is the most visible, however, this elevation will be largely screened by the approved development at 134 Old Street on the adjacent site.



View of the existing (top) and proposed (bottom) site building looking from east, close to the Bath Street junction. The pink line indicates the scale of the approved development at 134 Old Street.

10.123 It is therefore accepted that the scale and massing of the proposed development is

acceptable.

#### Elevational treatment and materiality

- 10.124 It is proposed to replace the existing elevations of the building with a façade design comprised of brick and textured concrete. The proposals for the materials and elevational treatment of the building are considered to have followed and been amended in accordance with the key points identified by the DRP.
- 10.125 The Design Review Panel felt that the design and materiality of the additional two storeys needed further work to mitigate the visual impact in views of 112-116 Old Street. It was suggested that a lighter-weight, contrasting material might reduce the monolithic impact of the building in views. If the top of the building is visible it needs to be designed so that it either enhances or does not diminish the character and quality of the neighbouring historic buildings.



112 - 116 Old Street, approximately 35m west of the application site, and forms part of the St. Luke's Conservation Area (CA16)

- 10.126 To address the DRP comment, the roof extension would comprise of metal cladding that contrasts with the main brick façade, this would provide a more modern and visually light weight appearance. It is considered that this side elevation is sensitively designed in respect of the view of 112-116 Old Street, and the proposed two storey roof extension would have an acceptable impact in terms of materiality and appearance.



Proposed roof extension



Precedent of metal cladding (left) and fin details (right)

### Façade treatment

10.127 The proposed development comprises of a new façade to replace the existing in its entirety. It is noted that the design of the façade has evolved during the development of the proposal at pre-application stage.



Previous iterations of the proposed façade during the first pre-app (left), second pre-app (centre), and at DRP (right)



Existing (left) and proposed (right) front façade

10.128 The DRP commented on the proposal that it did not go far enough in enlivening the streetscape, it was recommended that greater differentiation between the ground floor and upper storeys was necessary, and a more light-touch ground floor design should be explored in order to improve the building's relationship with the street. In response to that, the proposal has incorporated a different ground floor façade design, with a larger opening at reception to create a greater level of visual permeability and open up the façade to the street. It is accepted that this design change facilitates a greater degree of active frontage at street level and would complement the flexible commercial use on the ground floor.



Proposed ground floor facade design, with contrasting brickwork and incorporated greater proportion of glazing. Metal cladding to define the site entrance.

10.129 The proposed flexible uses on the ground and first floor levels include indoor sport, recreation and fitness uses (Class E(d)). These uses often utilise obscure glazing or vinyl graphics to the fenestration to block off the internal views of the unit from the outside to facilitate the provision of studio classrooms etc. In order to ensure that the proposed development would provide an active frontage and positively contribute to the activity and vibrancy of the area, it is recommended that planning **condition 30** is imposed to restrict the use of vinyl graphics or obscure film/glazing on the front elevation.

10.130 In regard to fenestration design, the proposal incorporates opening windows to allow natural ventilation, which is welcomed by officers and the DRP; the proposal would incorporate balconies which are openable and would allow natural ventilation into the

building.

### Signage

10.131 The panel also advised the applicant's design team to consider areas of signage placement for the commercial unit. It is noted that the submitted proposal has indicated the areas of signage and ventilation that would be required for the ground floor commercial unit. The site entrance incorporates the metal cladding with the brick of the central façade to create a coherent style that ties the overall façade design together.

### Articulation and balconies

10.132 The DRP also suggested that the balcony should be removed from first floor level since the amenity would be severely compromised by proximity to traffic (bus lane right outside the building), and such change would also aid the differentiation between the upper and lower floors. The proposal has retained an element of balconies at first floor level as it would create a clear demarcation at ground floor plinth level and the applicant argued that the removal of balconies would diminish the design narrative of the central façade element. This justification has been accepted by the Design and Conservation Officer.

10.133 Regarding the upper storeys to the shoulder of the building, the panel welcomed the efforts that had been made in creating a high-quality and well detailed design. They understood that the inherent heaviness of the building suggested a warehouse typology as a design approach, however, they commented that whilst the balconies did add interest to the façade, their ad hoc disposition (widths and placement) seemed like a less coherent design choice, somewhat at odds with the regular bay logic and aesthetic of the commercial warehouse. It was suggested that the design team should revisit the rhythms of the elevation to create a finer and more vertical emphasis to the grid.

10.134 In response to the DRP, the applicant's Design Statement stated that the proposal is not aspiring to warehouse typology and would draw away from the vernacular and break down elements in a contemporary way; the proposed irregular grid provides architectural interest and greening amenity in the form of balconies, the proposed façade would allow for ventilation, daylighting and provision of usable balconies for the future occupiers.

10.135 The panel also suggested that reducing the depths of the concrete spandrels to the window heads would create a more vertical emphasis, though they acknowledged that this element of the façade does currently allow the floorplates and servicing zones not to be read from the street. The panel also felt that increasing the glazed area here may improve the daylight penetration of the northern facing windows.

10.136 To address the panel's comment, the proposed window heads have been reduced to the minimum depth, as they are dictated by the existing downstand beams which are retained within the existing structure. Further, glazing has been slightly increased for daylight purposes, however, this has been balanced against the council's pre-application advice Q2020/2207/MJR that stated that the façade should not incorporate a high proportion of glazing and overly large window openings.

### Internal layout

10.137 The Design Review Panel also recommended that the details of fitout guidance to be developed, to assist occupiers in maximising headroom and daylight, and creating a uniformity of fitout style.

10.138 The issue of fit-out is not a material planning consideration with respect of commercial quality and therefore in order to address the DRP comment, an informative will be

attached should permission be granted, but no planning condition would be imposed to this effect.

- 10.139 The proposed development would result in a deep floorplate and it was advised by the Panel that more daylight space can be created by moving the service core and WC on the plan to create two 'rooms' within the floorplate. Having reviewed the proposed layout of the building, it is considered that the proposed development has reasonably maximised the daylight of the operational floorspace. The lift and stair core are located along the western boundary which has no openings, this would ensure that the building would benefit by maximum level of daylight in terms of the proposed office and flexible commercial floorspace.
- 10.140 The DRP has made further comment in regard to the internal layout, stating that the future adaptability of the building should be considered with large commercial floorplates becoming less desirable after the pandemic. It was suggested that the proposal should include adaptable floorplates by moving one of the two lifts to the opposite party wall to allow for efficient partitioning of the interior in the future.
- 10.141 The comment made by DRP has been reviewed and it is noted that the proposal does not incorporate two lifts on either side of the party wall. Officers accept that the site is linear and the building comprises deep floorplates. If the proposal would incorporate two separate lift cores, it is likely that the operational floorspace (NIA) would be reduced and the internal layout would need to be significantly reconfigured, with a considerable increase in the amount of circulation space and an additional lift overrun.



The ground floor layout showing the main core and circulation spaces within the building.

- 10.142 Thus, whilst the proposal does not follow the DRP guidance, it is accepted that the proposed building would still be adaptable, mainly due to the location of the lifts being in the central part of the building, and the fact that there is a secondary stairwell which has

direct access from Tilney Court. Therefore, it is considered that the proposed internal layout would still offer a good level of adaptability for the future occupiers.

### Solar gain and glare

- 10.143 Lastly, the panel reviewed the proposed rear elevation which features large windows facing south, and raised a number of points relating to solar gain and glare in terms of the building's performance and internal environment. They suggested that these issues should be addressed at this stage of the design rather than further into the process as part of a comprehensive passive ventilation study.
- 10.144 The submitted Design and Access Statement confirmed that the proposal would incorporate Brise-Soleil on the rear façade to mitigate solar gain; also, glazing design to rear and east facades have been designed to maximise natural light whilst reducing solar gain. The overheating and ventilation issues are further discussed in the Energy and Sustainability Section below.

### Outdoor terraces

- 10.145 The proposal comprises of mainly three areas of usable outdoor space: 1) ground floor rear courtyard, 2) sixth floor roof terrace and 3) seventh floor roof terrace. Having regard to the DRP comments, it was suggested that the proposal should explore the potential in creating sheltered, well-lit and peaceful terraces on the south elevation to be of benefit to the building.
- 10.146 The proposed roof terraces are north facing and only the ground floor courtyard is located to the south (rear) of the building. Whilst there are flat roof areas within the infill extension, they are proposed as intensive green roofs in attempt to enhance the greening and biodiversity of the site. Taking this into account, it is considered that the proposed outdoor terraces and courtyard is acceptable in this case. In terms of the boundary treatment of the terraces, it is noted that frameless glazed balustrades are proposed and they would be set back from the front elevation at 1.1-1.8m in height. Further details of the glazed balustrade would need to be submitted and agreed by the council prior to commencement of superstructure works and this is secured in **condition 3**.
- 10.147 The proposed development would have an acceptable appearance and materiality, and has adequately addressed the comments raised by the design officer and the Design Review Panel during the pre-application stage. The material details and samples would need to be submitted to and agreed by the council prior to the commencement of the development. This would be secured by planning condition (**no. 3**).

### **Impact on heritage assets**

- 10.148 The development site is within the setting of designated heritage assets including St Luke's Church and St Luke's Conservation Area. Paragraph 194 of the NPPF sets out that harm to a designated heritage asset can arise both from direct alteration or destruction and/or from development within its setting. In this case the proposals would alter the setting of both St Luke's Church and the conservation area.
- 10.149 The submitted verified views as shown in the previous section have demonstrated that the upwards and rear extensions would be partially visible from within the churchyard of the Grade I statutorily listed St Luke's Church. However the impact of this as demonstrated in the Views Assessment is not considered to cause harm to the setting of heritage assets.
- 10.150 Even at its new height the proposed addition would still be consistent with the scale,

materials and form of other buildings in the vicinity of the site, taking into account the consented scheme at 134 Old Street which is currently under construction. In this regard the resulting height and appearance of the building would sit harmoniously within this part of Old Street.



CGI of the proposed building, in the context of the existing Canto Court at 122-128 Old Street to right, and the approved development at 134 Old Street to the left.

10.151 Therefore, it is considered that the proposed development would not cause harm to both the designated and undesignated heritage assets within the vicinity.

### **Design and Heritage Summary**

10.152 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as well as special regard to the desirability of preserving the setting of the nearby listed buildings and features of special architectural or historic interest which it possesses (including its setting).

10.153 Overall, the proposed development would have an acceptable impact in terms of massing, scale and appearance, and it would cause no harm to the setting of the heritage assets nearby. The proposal accord with relevant planning policies including the NPPF, London Plan Policies D3 and D4, Islington Core Strategy Policies CS7, CS9, Development Management Policies DM2.1, DM2.3, the Urban Design Guide SPD and the Conservation Area Design Guidance for St. Luke's. The same could be said with respect of the emerging Local Plan policies relevant to Design, Conservation and Heritage.

### **Archaeology**

10.154 The application site is located within the Tier 2 Moorfields Archaeological Priority Area,

which is defined in the Archaeological Priority Areas Appraisal by Historic England's Greater London Archaeological Advisory Service (July 2018). This APA is significant as it contains the remains of prehistoric and Roman occupation, medieval reclaimed land and extensive post-medieval development, significant to many minority groups.

10.155 The submission includes an Archaeological Desk-Based Assessment (prepared by Border Archaeology - December 2020). The submitted information has been reviewed by Historic England's Archaeological Advisor who considered that the proposed development is unlikely to pose any adverse impact to the site's archaeological potential.

### **Inclusive Design**

10.156 The new London Plan 2021 policy GG1 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.

10.157 The Inclusive Design principles are set out in LP policy D5 which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- 4) be able to be entered, used and exited safely, easily and with dignity for all
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

10.158 Locally, Islington's Development Management Policy DM2.2 requires all new developments to demonstrate that they:

- i) provide for ease of and versatility in use;
- ii) deliver safe, legible and logical environments;
- iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
- iv) bring together the design and management of a development from the outset and over its lifetime

10.159 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing proposed new buildings.

10.160 The key inclusive design considerations are as follows:

### **Access**

- The site comprises of a main entrance from Old Street with a side access via Tilney Court. The two ground floor entrances would be made level for ease of access.

- The Old Street entrance would be the main office reception and the Tilney Court entrance is designed for back of house access, including the cycle and refuse storage, and a substation on the ground floor.
- The ground floor flexible use unit would comprise of a separate entrance from Old Street. According to the submitted plans, both the main entrance and the flexible unit entrance would have a clear opening of at least 1 metre in width.

### **Circulations**

- The proposed building would be served by two lifts and two sets of stairwells, which is considered to be appropriate given the scale of the building.
- The existing stair core would be retained and utilised for means of escape to Tilney Court.

### **Facilities**

- The proposed access to the cycle storage has been amended to an automated door to improve the access, in line with the Inclusive Design Officers comments.
- The ground floor reception area has also allocated space to charging points for mobility scooters.
- Accessible toilets are provided across all floors and this is supported by officers.
- It is noted that the seventh floor accessible toilet would need to comprise an outward opening door; this can be secured by **condition 25** to ensure that the development would meet the inclusive design standard.

10.161 Overall, the proposed development would comply with the relevant policies in delivering an inclusive environment that is safe, convenient and inclusive for all future users.

### **Neighbouring Amenity**

10.162 The NPPF para 127F states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users. 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.

10.163 London Plan Policy D3 part D states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.

10.164 Development Management Policies DM2.1 and DM6.1 which require all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.

10.165 The closest residential properties which could potentially be affected by the development are shown on the map below (edged blue), including:

- Bartholomew Court, Redbrick Estate (the closest properties being 1, 15, 24, 33)
- 122 to 128 Old Street (Canto Court - student accommodation)
- 136 Old Street
- 1-5 Tilney Court
- 6 Tilney Court
- 7-9 Tilney Court
- 16-26 Banner Street



Map showing the site (green) and the surrounding residential properties (blue)

### Daylight and Sunlight Impact

- 10.166 To assess the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.167 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 10.168 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.169 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given 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.

#### BRE Guidance: Daylight to existing buildings

- 10.170 The BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- The VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.
  - The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value." (No Sky Line / Daylight Distribution).

- 10.171 At paragraph 2.2.7 of the BRE Guidelines it states: "If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."
- 10.172 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.173 At paragraph 2.2.8 the BRE Guidelines state: "Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside".
- 10.174 Paragraph 2.2.11 states: "Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight." The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 10.175 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states 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".

#### BRE Guidance: Sunlight to existing buildings

- 10.176 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*".
- 10.177 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 during the winter months between 21 September and 21 March and;
  - Receives less than 0.8 times its former sunlight hours during either period and;
  - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours."
- 10.178 The BRE Guidelines) state at paragraph 3.16 in relation to orientation:

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

10.179 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”.*

10.180 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.

#### BRE Guidance: Overshadowing

10.181 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.

10.182 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

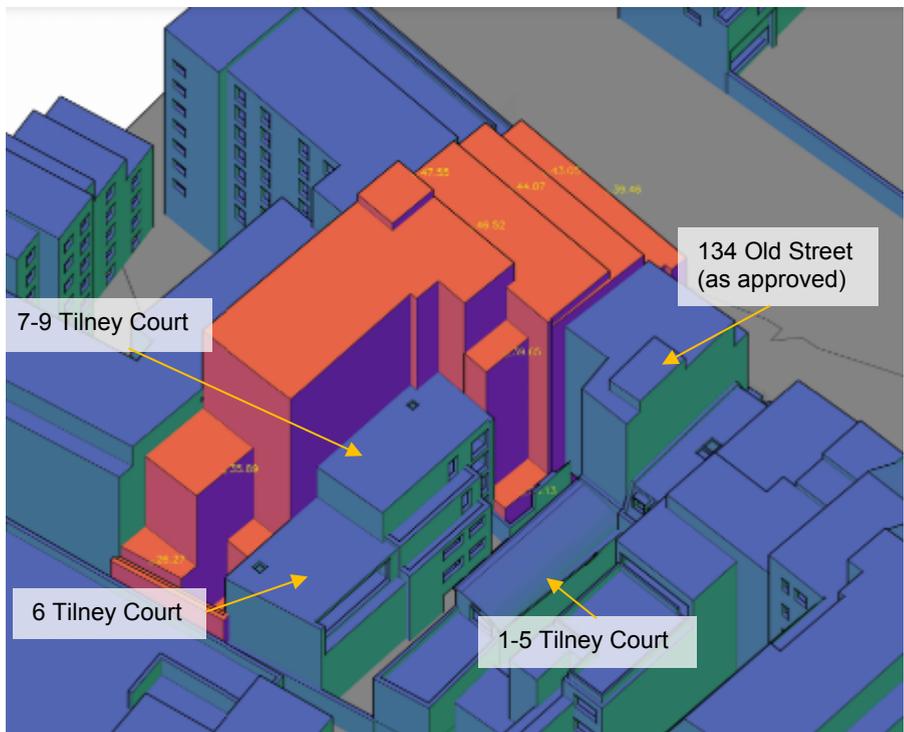
10.183 The Applicant has submitted a Daylight and Sunlight report prepared by Michaels Reynolds Chartered Building Surveyors, dated 16 Dec 2020. The report and addendums consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

10.184 The report concludes that the properties relevant for assessment are as follows:

- 1-5 Tilney Court
- 6 Tilney Court
- 7-9 Tilney Court
- 1, 24, 15, 33 Bartholomew Court
- Canto Court, 122 Old Street

10.185 It is noted that where the internal layout of neighbouring properties cannot be confirmed, the assessment would be carried out based on an assumed layout for the buildings identified above. It is accepted that due to the current restrictions relating to the pandemic, it was not possible to organise visits to the surrounding properties to inspect the accuracy of the internal room layout and window positions.

10.186 The layout of some of the residential properties identified above have been found to ensure that the assessment carried out is accurate; where the usage of the rooms are unknown, the assessment would be based on the worst case scenario and assumes that the room is habitable (i.e. living room) and requires daylight/sunlight.



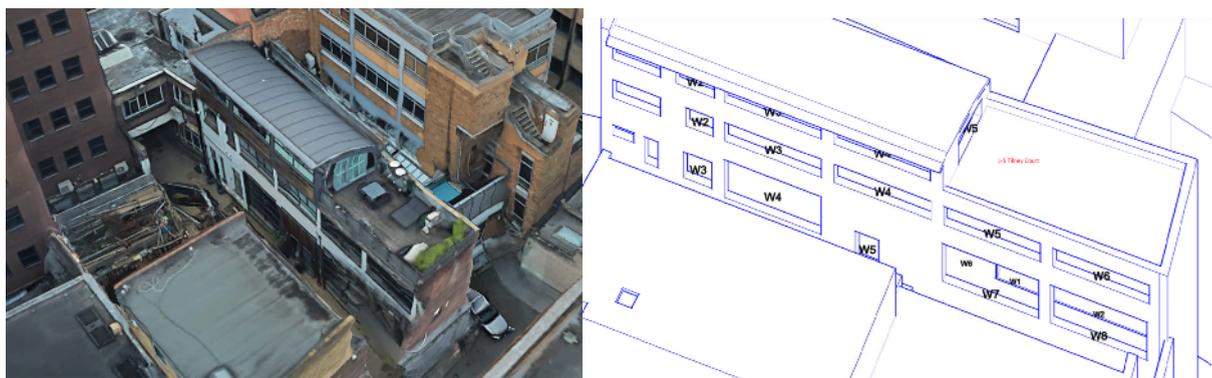
The site (highlighted in red) and the neighbouring sites on Tilney Court and 134 Old Street.

### Impacts to Daylight

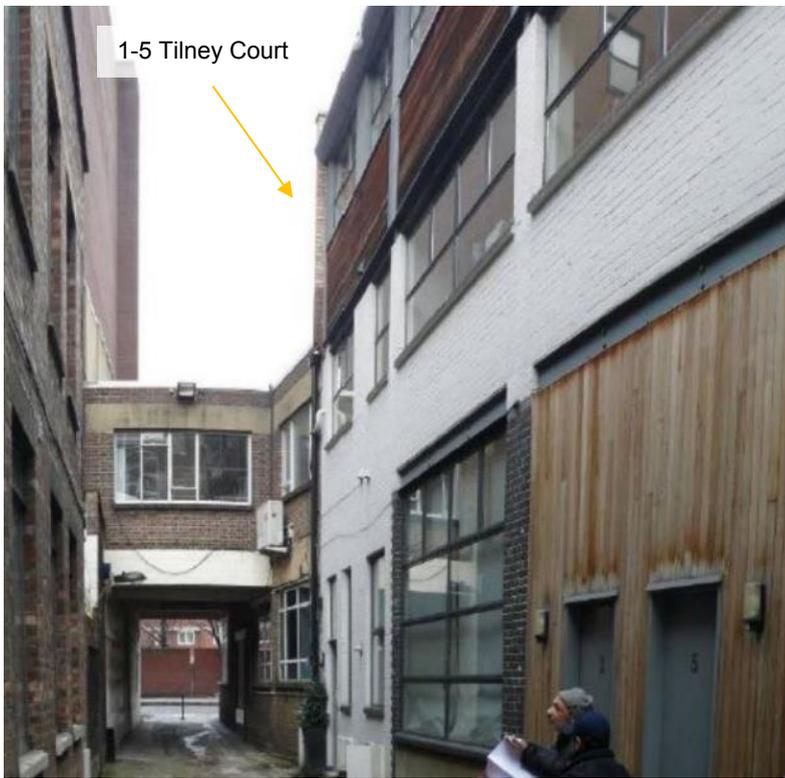
10.187 The submitted report indicates that some of the windows assessed at 1-5 Tilney Court and 6 Tilney Court would fail the BRE criteria relating to VSC, however, all the rooms tested under daylight distribution have complied with the BRE guidance.

10.188 The transgressions that are reported in the assessment are outlined further below.

#### 1-5 Tilney Court



Aerial view of 1-5 Tilney Court (left) and the windows tested (right)



1-5 Tilney Court, view from ground floor

10.189 The transgressions are reported for reference in the below table:

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>Ground Floor</b>								
R2 / W3	Unknown	4.03	3.13	<b>22%</b>	34.27	18.03	15.04	17%
R2 / W4		4.83	4.10	15%				
R2 / W5		3.89	3.49	10%				
R3 / W6	LKD	6.88	6.08	12%	42.65	24.57	23.78	3%
R3 / W7		5.95	5.27	11%				
R3 / W8		6.75	6.00	11%				
<b>Mezzanine Floor</b>								
R1 / W2	Bedroom	7.17	6.31	12%	26.74	10.10	10.02	1%
R1 / W3		7.84	6.92	12%				
<b>First Floor</b>								
R2 / W2	Unknown	7.53	4.90	<b>35%</b>	42.87	22.95	22.36	3%
R2 / W3		8.56	6.00	<b>30%</b>				
R2 / W4		10.29	7.93	<b>23%</b>				
R3 / W5	Unknown	12.23	9.39	<b>23%</b>	34.07	24.62	24.57	0%
R3 / W6		13.35	10.41	<b>22%</b>				
<b>Second Floor</b>								
R2 / W2	LKD	9.14	3.59	<b>61%</b>	42.87	40.47	40.37	0%
R2 / W3		10.76	4.93	<b>54%</b>				
R2 / W4		13.42	7.79	<b>42%</b>				
R2 / W5		18.00	17.88	1%				

10.190 As shown in table 1 above, 9 windows assessed would see reductions in VSC over BRE guidelines, the worst affected area is second floor where 3 of the windows fall below 40% in VSC, with one of the windows losing 61% of VSC. However, it is worth noting that the existing VSC values are considerably low, mainly due to the enclosed nature of Tilney Court which means the existing windows of the residential properties do not benefit from high VSC values (between 3-18%). As a result any transgression is likely to result in large reductions in relative terms, as shown in the table above.



Photographs of ground floor apartment in the submission, (obtained via Google search - Rightmove)



Second floor apartment, windows affected serve a living room (source: <https://www.thedesignawards.co.uk/design-architecture-winners-2015/tilney-court-1-61-london>)

10.191 Images gathered from the applicant's submission and the internet have provided further information on the internal layout of the building, in which the windows on the ground and second floor are serving one large living room (images above).

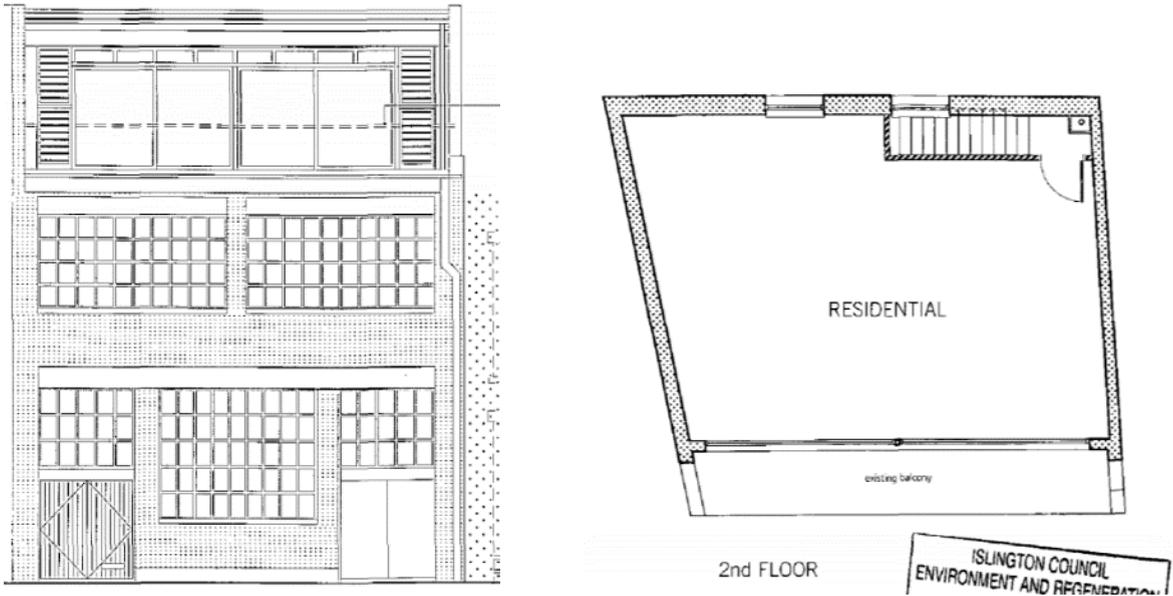
10.192 For the second floor unit which reports significant transgressions in VSC, it is noted that the living room comprises of a full height glazed double door on the southern elevation which would provide additional daylight and sunlight to the living room.

10.193 To further assess the impacts on the daylight conditions of the neighbouring properties, the NSL (DD) test would measure the area of lit area within the rooms and based on the results above, it is noted that all rooms would remain BRE compliant as the reduction of lit areas are less than 20% of their former value.

10.194 Having reviewed the submitted assessment and verified the test results with the images available, it is considered that despite some of the windows failing to comply with the BRE guidance in VSC, the rooms that they serve would still receive a significant amount of daylight, and therefore, it is judged the proposed development would have an acceptable impact on daylight for the neighbouring occupiers at 1-5 Tilney Court.

### 6 Tilney Court

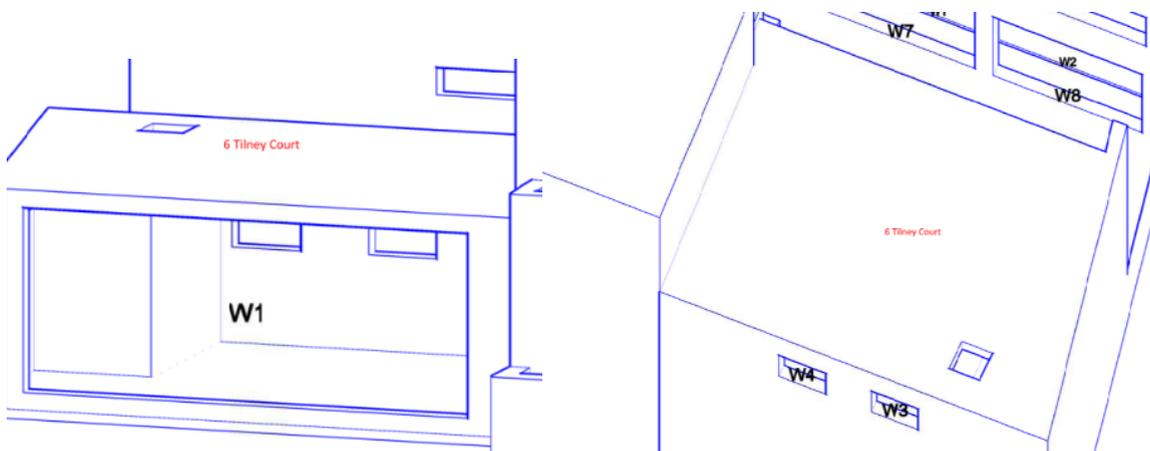
10.195 Floor plans for 6 Tilney Court have been gathered from planning application ref P070277, it shows the internal layout of the second floor residential unit, which comprises of two small windows at rear and a large set of glazed doors which serves the front balcony.



Existing elevation (left) and layout of the second floor residential unit (right). Plans extracted from planning application ref P070277 back in 2007.



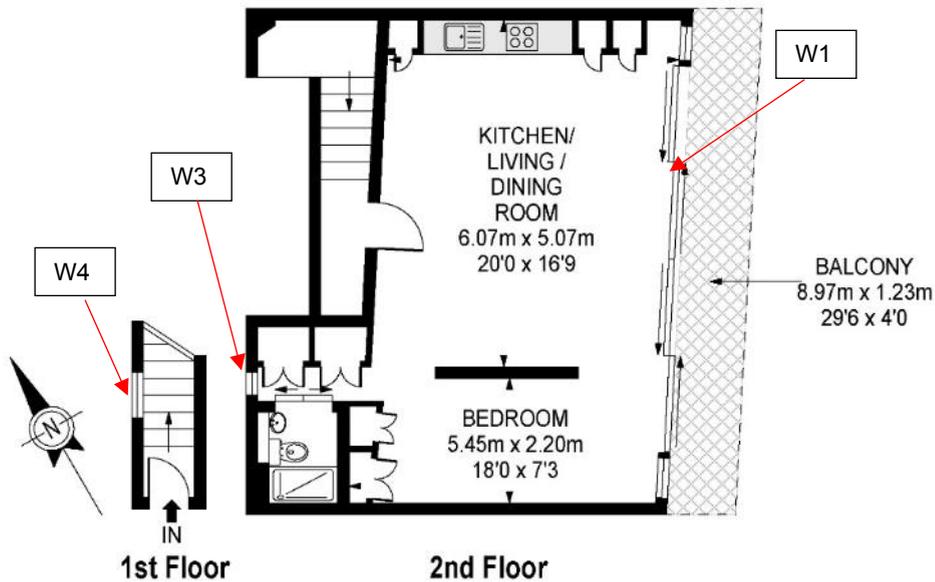
Aerial images of 6 Tilney Court, with the front (left) and rear elevation (right)



Windows tested for 6 Tilney Court, W1 (left) is a large balcony window/door, and W3/W4

(right) are the windows at rear, facing the application site.

10.196 Apart from the plans from the 2007 application, a more up-to-date layout has been found on a website from an estate agent, showing the more detailed internal layout of the flat.



Internal layout of 6 Tilney Court (source: [https://www.thespacestation.co.uk/singleproperty/tilney-court-ec1\\_a09240000btjhu/](https://www.thespacestation.co.uk/singleproperty/tilney-court-ec1_a09240000btjhu/) website accessed on 16 April 2021)



10.197 The transgressions are reported for reference in the below table:

Table 2 - 6 Tilney Court		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>Second Floor</b>								
R1 / W1	LKD	26.82	26.82	0%	53.87	53.87	53.87	0%
R1 / W3		13.70	6.27	54%				
R1 / W4		12.26	3.22	74%				

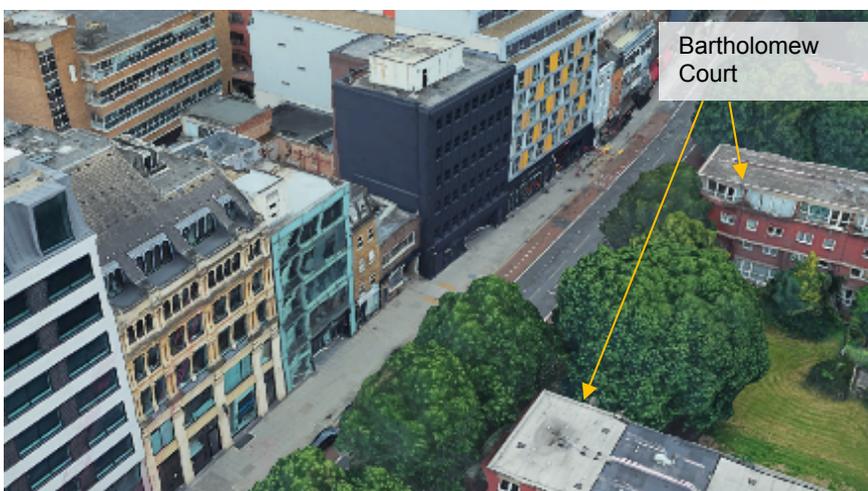
- 10.198 The second floor of 6 Tilney Court has been identified in the assessment, and it is noted that the two west facing windows (W3 and W4) would have a significant reduction of VSC at 54% and 74% respectively; however, based on the layout found on the estate agent website, it is clear that W4 serves a stairwell (as shown in the 2007 planning document) and W3 serves the shower and storage area. The living room at the front is served by a very large east facing opening (W1) which provides the required daylight for the habitable space. This is reflected in the Daylight Distribution results, which shows that the lit area of the room affected by the development is negligible.
- 10.199 Therefore, based on the information available, it is considered that the windows which transgressions were identified in the VSC test are not serving any habitable room and taking into account the daylight distribution result, officers are satisfied that the proposed development would not adversely affect the neighbours at 6 Tilney Court in terms of daylight.

### 7-9 Tilney Court



- 10.200 7-9 Tilney Court (namely Anne House) is a modern development which backs on to the site, with windows facing Tilney Court instead of the proposed infill extension.
- 10.201 The internal layout tested was based on the planning approval under P2019/2687/S73 (original approval P2014/0954/FUL) and therefore is considered to be reliable. The daylight results show that all the rooms and windows tested comply with the BRE guidance.

### 1, 24, 15, 33 Bartholomew Court



10.202 The Bartholomew Court is located on the opposite side of Old Street and due to the distance between the site and the closest residential properties at nos. 1, 24, 15 and 33, the daylight results show that all windows and rooms would comply with the BRE guidance.

Canto Court, 122-128 Old Street



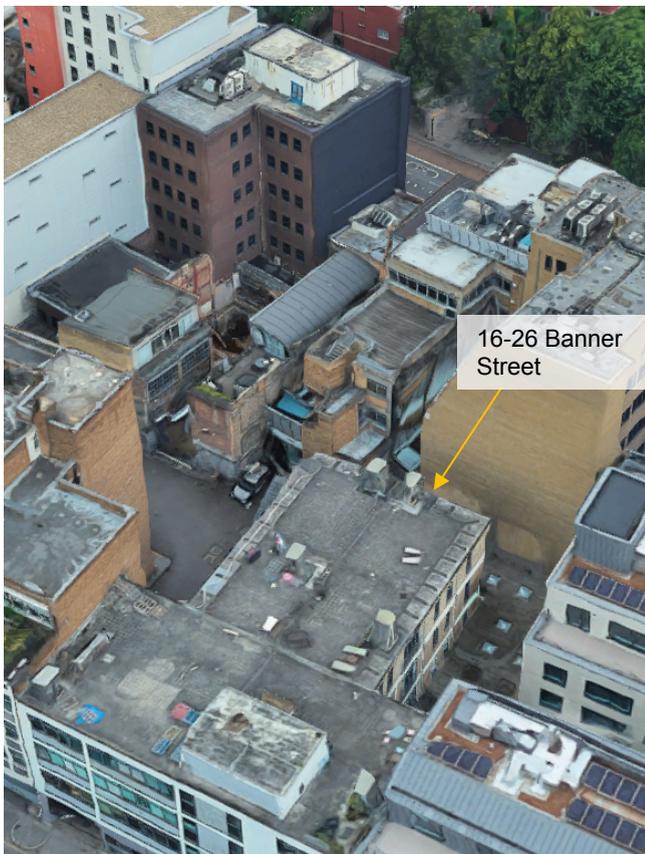
10.203 Canto Court is a large block of student accommodation in which contains windows that could potentially see the proposed development from the east. According to the submitted daylight assessment, the internal layout tested was based on the floor plans from the original planning approval of the building under ref P061450. Therefore, the layouts can be accepted as reliable.

10.204 The daylight results have shown that all windows and rooms would comply with the BRE guidance in terms of VSC, however, 5 out of the 88 bedsit rooms tested would fail to comply with the NSL test. Table 3 below shows the 5 rooms which failed the NSL test and the respective VSC test results:

Table 3 - Canto Court (transgression only - NSL)		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>Fourth Floor</b>								
R1 / W1	Bedsit	14.76	13.16	11%	20.96	6.94	5.25	<b>24%</b>
R2 / W2	Bedsit	12.36	10.76	13%	16.83	6.46	4.78	<b>26%</b>
<b>Fifth Floor</b>								
R1 / W1	Bedsit	16.86	13.82	18%	16.83	12.43	6.29	<b>49%</b>
R3 / W4	Bedsit	16.26	13.67	16%	14.83	9.18	6.50	<b>29%</b>
<b>Sixth Floor</b>								
R2 / W3	Bedsit	24.04	20.06	17%	14.83	14.26	8.72	<b>39%</b>

- 10.205 It is noted in the table above that all the rooms which failed to comply with BRE guidance on NSL would comply with the VSC test. The worst result occurs on the fifth floor, where one of the rooms would have a 49% reduction in NSL but would still retain greater NSL than some of the lesser impacted rooms. Based on the results provided in the report, it is noted that a large number the bedsit units on the same floor would have a similar NSL level (circa 6sqm) post development and therefore, it is considered that the rooms that are in breach of the BRE guidance would not be adversely affected and would receive similar level of daylight expected at this level.
- 10.206 It is therefore considered that the proposal would have an adverse impact towards the student accommodation at Canto Court, even though most of the student bedsits within Canto Court would not be adversely affected. This is considered to be material harm caused by the development and would need to be taken into account in the planning balance assessment.

#### 16-26 Banner Street



- 10.207 In terms of the neighbouring properties on 16 - 26 Banner Street, it is worth noting that they are sited further away from the application site, in comparison to the properties in Tilney Court.
- 10.208 The submitted VSC and NSL tests both show that the residential units at 16-26 Banner Street would comply with the BRE guidance.

#### Summary of Daylight Impacts

- 10.209 Based on the assessment above, it is considered that the proposed development would result in some level of noticeable reduction of daylight for neighbouring properties at 1-5 and 6 Tilney Court, as well as 5 of the bedsits within the Canto Court student accommodation. It is noted that 10 windows at Tilney Court have failed the VSC test, none of them have failed the test on daylight distribution (NSL).

10.210 On the other hand, 5 of the student bedsits would fail the daylight distribution test, but all pass the VSC test. Overall, it is considered that the proposed development would cause a certain degree of harm to the neighbouring properties in terms of daylight, however, it is considered that the level of harm is not so great as to warrant a refusal on this ground.

### **Impacts to Sunlight**

#### 1-5 Tilney Court

10.211 In terms of sunlight impact, three second floor windows (W2, W3, W4) at 1-5 Tilney Court would have annual probable sunlight hours that fail to meet the 25% annual probable sunlight hours (threshold in the BRE guidance). The loss of the annual probable sunlight hours would be higher than 20% (reduction of 39%, 27% and 21% respectively); further, the reduction of the annual probably sunlight hours are more than 4%.

10.212 Therefore, although the three windows would comply with the BRE guidance with at least 5% of annual probable sunlight hours during winter (between 21 September and 21 March), they would fail the BRE guidance and the loss of sunlight is considered to adversely affect the neighbours.

10.213 The submitted report explained that the transgressions are mainly due to the very high levels of sunlight experienced in the existing condition due to little massing (2 storey) to the rear of the application site. It further states that there are four windows which serve the same room and this equates to a mean of 0.76 (24% reduction) this degree of transgression is not considered to be significant.

10.214 Whilst officers do not dispute the figures and consider that the level of transgression is not considered to be severe in this case, it is worth noting that all three windows affected serve a single property. Further, officers also take into account the site's central location and its urban setting, particularly for Tilney Court, which is a short mews with little separation distance between buildings.

#### 6 Tilney Court

10.215 It is noted that one second floor window (W4) at 6 Tilney Court would experience loss of sunlight in both annual (39%) and winter (33%) probable sunlight hours which fails to comply with the BRE guidance, this is largely due to its proximity to the application site and the fact that the window is located on the site boundary. However,

10.216 window W4 serves a stairwell and not a habitable space and therefore it is not considered that the loss of sunlight to the occupiers at 6 Tilney Court would be harmful.

#### Sunlight summary

10.217 Overall, there are 4 neighbouring windows at Tilney Court which would be affected by the proposed development, to an extent that they would fail to comply with the BRE guidance on sunlight. However, it is worth noting that the second floor window at 6 Tilney Court, is unusually situated on a site boundary and serves a non-habitable room. Nonetheless, the non-compliance to the BRE guidance is considered material and the transgressions, although not severe, would still weigh against the scheme. This is further discussed in the planning balance section.

#### Overshadowing

10.218 The submitted report also assessed the potential impact of the development towards the surrounding private outdoor space, including the Bartholomew Court, 1-5 Tilney Court, 122- 128 Old Street (Canto Court) and 138-140 Old Street. The assessment concluded that the proposed development would have no adverse impact towards the surrounding amenity spaces.

#### Daylight, Sunlight and Overshadowing Summary

10.219 An assessment of the proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. The BRE guidelines must be applied flexibly. There are failures that exceed the BRE Daylight Guidance at 1-5 and 6 Tilney Court in respect to the VSC test, and 5 of the student bedsit rooms at Canto Court would also fail to comply with the BRE guidance in daylight distribution. Having reviewed the results and the extent of the impact caused by the proposed development, it is judged that the adverse impacts are not severe and would not justify a refusal of planning permission on this ground.

10.220 In terms of sunlight impact, it is noted that properties at 1-5 Tilney Court and 6 Tilney Court would see some reductions in sunlight received which breaches the BRE guidance, however, as discussed above, the level of reductions are not considered to be severe, taking into account the setting of the site and the developments within Tilney Court.

10.221 The proposed development would cause adverse impact to 1-5 Tilney Court in terms of sunlight received, although the level of harm in this case is considered to be minor, this would still weigh against the proposal, which is further discussed in the planning balance section.

#### **Overlooking**

10.222 The supporting text to IDMP 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.

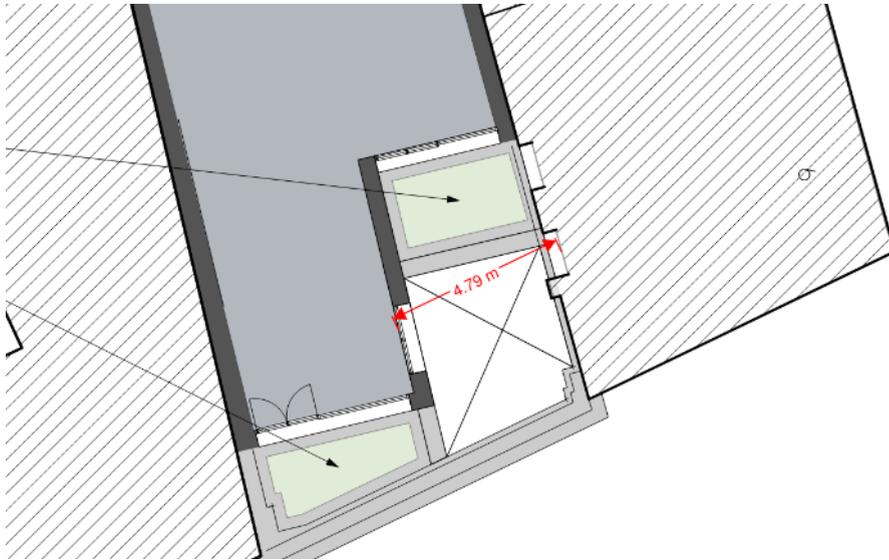
10.223 Paragraph 2.3.36 of the Mayor of London’s Housing SPG states that such minimum distances “can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density”. This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor’s guidance does not override Islington’s Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.

10.224 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.

10.225 Based on the information provided, it is noted that the existing building already overlooks

the neighbouring occupiers at Tilney Court to a significant degree. Therefore, the key consideration is whether the proposed roof and rear extension would result in unacceptable level of overlooking towards the neighbours.

- 10.226 The proposed office development comprises glazing which fronts towards the residents at second floor of no.6 Tilney Court, at a distance of approx. 4.8m would be maintained via the creation of a lightwell.



Second floor plan showing the distance between the proposed east facing windows and the neighbour's windows at 6 Tilney Court.

- 10.227 Taking into account the site's highly urbanised and central location, and the density and separation distances between buildings at Tilney Court, it is considered that any unreasonable level of overlooking would need to be mitigated, even though the 18m requirement is not applicable in this case. It is noted in the daylight assessment above that the windows at rear of 6 Tilney Court are not serving any habitable rooms.
- 10.228 Notwithstanding that, due to the short distance between the site and the neighbouring properties, it is considered appropriate to secure details of the obscure glazing on the side (east) elevation of the proposed infill extension to be agreed by the Council prior to the occupation of the site. This would ensure that the proposed extension would not pose an adverse impact towards the adjoining neighbours. A condition is recommended (**condition 14**).

### **Outlook and enclosure**

- 10.229 The proposed development incorporates a lightwell at rear to provide outlook for the occupiers at 6 Tilney Court; taking into account the existing setting and the distance between the surrounding properties, it is considered that the proposed development would not pose unacceptable harm to the adjoining neighbours in terms of outlook and perceived sense of enclosure. It is further noted that the adjacent windows do not serve habitable rooms to which outlook would be expected.
- 10.230 The site is surrounded by buildings which comprise of windows along the site boundary, namely the east facing windows on Canto Court and the second floor windows at 6 Tilney Court.



Windows on the site boundaries at Canto Court (left) and 6 Tilney Court (right)

- 10.231 The submission confirmed that the flank windows on Canto Court only serve a corridor rather than living space, and therefore, it is considered that the proposed development which would block off the outlook of these windows would not have an unreasonable impact such to warrant refusal of permission in this instance. It is noted that it is bad design practice to locate windows on a flank boundary as this is well known to have the potential to sterilize development potential of adjoining land. In this instance, the design clearly considered the potential for the future development of this site (Canto Court), with those windows only serving a corridor.
- 10.232 The rear windows at 6 Tilney Court only serves non-habitable rooms such as stairwell, shower room and storage. The proposed development incorporates a lightwell at rear to reserve outlook for the occupiers at 6 Tilney Court; taking into account the existing setting of the site, it is considered that the proposed development would not pose unacceptable harm to the adjoining neighbours in terms of outlook nor perceived sense of enclosure.

### **Noise and disturbance**

- 10.233 Noise and disturbance are likely to be generated from the proposed construction works, as well as the commercial operations proposed under this application, including the office uses on the upper levels, and the flexible commercial uses on the ground and first floor.
- 10.234 In regard to the plant noise, the Council's Acoustic Officer has reviewed the submitted noise assessment and raised no objection to the proposal. It is considered that the proposed development would not generate an unreasonable level of noise as a result of the works.
- 10.235 The proposal includes plant at ground and seventh floor level and the specification of the proposed plant has been reviewed. It is recommended that the acoustic specifications of the plant to be controlled by **condition 19**, to ensure that the noise impacts are minimised. For any additional plant equipment which may be required for the future commercial occupants, the Acoustic Officer has recommended an additional condition to require a post installation verification report to demonstrate that the plant installed would comply with the specifications set out in condition 19. This would be secured in **condition 20**.
- 10.236 Apart from the noise generated from plant, officers have concerns that some of the flexible commercial uses proposed may generate an unacceptable level of noise due to the nature of those uses and the close proximity to the neighbouring properties in Tilney Court. Uses such as restaurants (Class E(b)), gym (Class E(d)) and showrooms (Sui Generis) are of particular concern. Additional sound insulation are likely to be required

for these particular uses and the Acoustic Officer has recommended details of sound insulation between the commercial uses and the nearby residential uses (including 6 and 7-9 Tilney Court). This would be secured under **condition 21**.

### Construction Impacts

- 10.237 The construction works proposed under this application would unavoidably cause some degree of noise and disruption which would affect neighbouring residents. Bearing in mind the approved development at 134 Old Street, which the construction works have commenced, it is considered that the construction works under this application would need to be carefully managed and controlled to minimise disturbance to the neighbours.
- 10.238 The Acoustic Officer recommended that a full and updated Construction and Environmental Management Plan be submitted to and approved by the Council (in consultation with TfL) prior to the commencement of development. The plan shall include details including methods of demolition, quiet periods and noise mitigation, in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by **condition 5** should the application be approved. It is worth noting that 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.
- 10.239 The transportation and highways impact during the construction stage is further discussed in the Highways and Transportation section below.

### Hours of operations

- 10.240 In terms of hours of use, it is considered that the operational hours of the proposed flexible commercial uses would need to be adequately controlled to ensure that the surrounding neighbours would not be unreasonably affected. It is recommended that the hours of operations are restricted as follows:

Use	Recommended hours of operation
E (a) – retail	6am - 11pm Monday to Sunday
E (b) – restaurant	7am - 10pm Monday to Thursday 7am - 11pm Friday to Sunday
E (c) – financial services/ professional services	6am - 10pm Monday to Sunday
E (d) – indoor sport, recreation or fitness	7am - 10pm Monday to Sunday
E (e) – provision of medical or health services	6am - 10pm Monday to Sunday
F.1 (b) – display of works of art	9am - 9pm Monday - Sunday
Sui Generis – showroom	9am - 9pm Monday - Sunday

- 10.241 The hours of operations are controlled under **condition 27**.

### Odour control

- 10.242 The proposed flexible use on the ground floor comprises of restaurant use in which the potential for odours would need to be addressed adequately.

10.243 **Condition 18** is recommended to secure details of extract ventilation system to be submitted prior to commencement of any restaurant uses on site to ensure that any potential odour impact caused by the restaurant operations would be adequately mitigated through management and design / other measures.

### **Air Quality**

10.244 IDMP Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

10.245 The report concluded that the proposed construction work is likely to create dust which could affect the neighbours, this would need to be managed by dust control measures to minimise disturbance to the site and surrounding occupiers. In regard to the operational phase of the development, it was concluded that the proposal would not adversely affect the air quality of the local area, as the proposals would be car free and most of the trips generated would be through public transport.

10.246 The Public Protection Officer has reviewed the scheme and raised no objection in this regard. It is judged that mitigation measures for dust suppression during the construction stage should form part of the Construction and Environmental Management Plan.

### **Light pollution**

10.247 The site has been established as a commercial building since the 1980s. The proposal would not alter the commercial nature of the site and therefore, it is not recommended that the hours of occupation of the office development to be restricted. However, the proposal raises the possibility of night time light pollution occurring, should office staff need to work outside normal office hours; due to the proposed intensification of commercial use on the site, the cumulative impact is likely to be greater than existing and therefore, it is considered that adequate measures would need to be in place to mitigate any adverse light pollution impact.

10.248 To address this, **condition 10** is recommended for details of measures to adequately mitigate light pollution affecting neighbouring residential properties. The measures that are suggested and could be used include automated roller blinds, lighting strategies that reduce the output of luminaires closer to the façades or light fittings controlled through the use of sensors.

10.249 It is considered that these conditions would ensure the extent of light being used within the building is reduced and help minimise any impact on neighbouring properties, and address any light pollution concerns.

### **Neighbouring amenity summary**

10.250 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity, except the adverse impact identified in daylight/sunlight terms. The level of harm caused by the daylight/sunlight impact is discussed in the planning balance assessment below.

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

10.251 LP policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure

network. Policy G5 further states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

- 10.252 ICS policy CS15 and IDMP policy DM6.5 state that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 10.253 The site and existing building has no green coverage or soft landscaping, and therefore, it is judged that the proposal would not adversely affect the existing natural environment.
- 10.254 The applicant has submitted details of green roofs and balconies in support of the application. Green roofs are proposed to the rear of the building to provide additional green coverage, which is welcomed by officers.
- 10.255 The proposed green roofs would enhance the biodiversity and ecological value of the site, which it currently offers very little. As per the Sustainability Officer's comment, it is considered that details of the green roof would need to be submitted prior to commencement of development to ensure it would promote and enhance the biodiversity of the site and surrounding area (**Condition 8**).

### **Energy and Sustainability**

- 10.256 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.
- 10.257 The NPPF para 153 states that in determining planning applications, LPAs should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.258 LP policy GG6 seeks to make London to become a more efficient and resilient city, in which development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050. Proposals must ensure that buildings are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating and avoiding contributing to the urban heat island effect.
- 10.259 LP policy SI 2, in support of the strategic objectives set out in Policy GG6 above, stipulates for new developments to aim to be zero carbon with a requirement for a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. It requires all major development proposals to

contribute towards climate change mitigation by reducing carbon dioxide emissions by 35% through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). Moreover, where it is clearly demonstrated that the zero carbon figure cannot be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund.

- 10.260 In regard to Energy Infrastructure, policy SI 3 part D states that all major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system, which should be selected in accordance with the following heating hierarchy:
- connect to local existing or planned heat networks
  - use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
  - use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
  - use ultra-low NOx gas boilers
- 10.261 Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.
- 10.262 Policy SI 4 'Managing Heat Risk' of the new London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure; The submitted energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.
- 10.263 Core Strategy Policy CS10 requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.
- 10.264 IDMP Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.265 The applicant has submitted the relevant details within an Energy and Sustainability Strategy prepared by JAW Sustainability dated 08 April 2021 (version 4).

### **Carbon Emissions**

- 10.266 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.
- 10.267 Based on SAP10 carbon factors, a saving of 35.7% is estimated, against a Part L 2013 baseline. This meets the London Plan target. No objection was raised from the Energy Officer in this regard.
- 10.268 In terms of Islington's policies, the council requires onsite total CO<sub>2</sub> 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 39% where connection to a decentralised energy network is possible, and 27% where not possible.

- 10.269 The initial submission indicates that the development would achieve an overall reduction of 23.2% of unregulated emissions, which was falling short of the council's target. The applicant has subsequently proposed to make further reductions on carbon emissions, and the latest submission shows that the development would achieve an overall reduction of 27.6%, which meets the council's target. No objection was raised from the Energy Officer in this regard.

### **Zero Carbon Policy**

- 10.270 As mentioned above, the London Plan Policy SI 2 stipulates development proposals to aim to be zero carbon, this is supported by Islington Core Strategy Policy CS10 which states that development will need to promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO<sub>2</sub> emissions associated with the building through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.
- 10.271 The council's Environmental Design SPD states that "*after minimising CO<sub>2</sub> emissions onsite, developments are required to offset all remaining CO<sub>2</sub> emissions (Policy CS10) through a financial contribution*", this includes both regulated and unregulated emissions. The SPD further states that the calculation of the amount of CO<sub>2</sub> to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.
- 10.272 The latest energy statement quotes an offset contribution of **£39,336**, based on residual emissions of 42.8 tonnes, which includes both the regulated and unregulated CO<sub>2</sub> emission. This has been confirmed by the Energy Officer that this value is correct.

### **BE LEAN – Reduce Energy Demand**

- 10.273 IDMP 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.*" It further states that "*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*".
- 10.274 The proposed U-values for the development are walls = 0.22, roof = 0.18, floor = 0.20 and windows = 1.6. The applicant has revised the energy efficiency specifications of the proposal, and amended the lighting controls and air permeability (reduced to 4m<sup>3</sup>/hr/m<sup>2</sup>), the Energy Officer has accepted the revision and advised that this has reduced lighting and cooling loads for the development.

### **Overheating and Cooling**

- 10.275 IDMP Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part

C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.

- 10.276 The energy and sustainability statements provide some discussion of the cooling hierarchy. This includes minimising internal heat gains, insulation, reducing solar gains through glazing specification and mechanical ventilation (see also section 3.2).
- 10.277 Active cooling is proposed for the development and evidence of TM52 thermal modelling has been submitted by the applicant during the application stage. Having reviewed the submitted information, the Energy Officer has accepted the use of active cooling for this particular development.

### **BE CLEAN - Low Carbon Energy Supply**

- 10.278 In terms of energy (heating and cooling) supply, it is proposed that space heating and cooling will be provided to the development via an air source heat pump VRF system – with hot water also provided via a sanitary VRF water heater. No objection was raised by the Energy Officer in this regard.
- 10.279 The submitted Energy Statement rules out connection to the Bunhill heat Network, on grounds of low heat demand within the development. It is noted that the development is within 50m of the network – but located on the opposite side of Old Street. The Energy Officer has reviewed the details, and considered that given the low heat load and the lack of immediate plans to bring the Bunhill network south of Old Street, it is accepted that the development will not make an immediate connection to the network.

### Site-wide communal system/network and design for district network connection

- 10.280 IDMP Policy DM7.3C states “major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.”
- 10.281 Having liaised with the applicant on the future proofing issue, the proposal is now provided with information regarding future proofing of the development (section 5.4 of Energy Statement), including a drawing showing protected pipework routes and explanatory text. No further information is required at this stage. The Energy Officer is satisfied with the information submitted and no further information is required at this stage.

### Shared energy networks

- 10.282 Islington policy DM 7.3D states “Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.”
- 10.283 The Energy Statement makes no reference to shared heat networks. The Council’s Energy Team is not aware of any opportunities for a shared network in the immediate vicinity, and therefore, it is suggested that the immediate priority is the future-proofing of the development for connection. The submitted Energy Statement has included a drawing in the appendix to include the provisional route through the ground floor. Given

the information submitted in regard to future proofing has been accepted by the Energy Officer above, this is considered to be acceptable.

#### CHP/CCHP or alternative low carbon on site plant

- 10.284 In accordance with the London Plan hierarchy (see 4.1 above) where connection to district heating or cooling networks are not viable, on-site low carbon heating plant should be proposed and CHP/CCHP prioritised (this may also form the basis of the alternative strategy, where the primary strategy is for connection to a district heating or cooling network if found viable through further investigation).
- 10.285 The Council's Environmental Design Guide (page 12) states "Combined Heat and Power (CHP) should be incorporated wherever technically feasible and viable. Large schemes of 50 units or more, or 10,000sqm floorspace or more, should provide detailed evidence in the form of an hourly heating profile (and details of electrical baseload) where the applicant considers that CHP is not viable; simpler evidence will be accepted on smaller schemes."
- 10.286 On-site CHP is not proposed, on grounds of low heat loads and carbon factors. Given this, and the current GLA position on CHP, this is considered to be acceptable by the Energy Officer.

#### **BE GREEN – Renewable Energy Supply**

- 10.287 The Mayor's SD&C SPD states "although the final element of the Mayor's energy hierarchy, major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible."
- 10.288 The Council's Environmental Design SPD (page 12) states "use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets."
- 10.289 Various low and zero carbon technologies have been investigated in the Energy Strategy, in terms of their feasibility for the scheme. It was identified that heat pumps would be incorporated within the development, with a water cooled VRF (variable refrigerant flow) heat pump system, and a dry air cooler located on the roof.
- 10.290 Another renewable energy source adopted is solar PV, in which an area of roof would be installed with PV panels, and generate 7.5kWp of renewable energy (30no. 250kWp Panels).
- 10.291 The Be Green stage would result in 11.36 tonnes/annum of carbon saving, the Energy Officer is satisfied that the development would achieve the carbon reduction targets, however, it is recommended that further increase in solar PV capacity to be investigated. The comment made by the Energy Officer is noted and **condition 9** is recommended to secure the further details in relation to the proposed solar PVs.

#### **BREEAM - Sustainable Design Standards**

- 10.292 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".
- 10.293 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".

- 10.294 The BREEAM pre-assessment shows the development achieving a rating of 'Excellent' as required, with an overall score of 70.29%. This offers a fine margin of comfort over the minimum 70% required to achieve an 'Excellent' rating. However, the pre-assessment also identifies further potential credits, which would allow the development to achieve a score of 76.18%. It is recommended that the applicant target as many of these potential credits as possible, in order to ensure an 'Excellent' rating is achieved. This is secured through **Condition 17**.

### **Draft Green Performance Plan**

- 10.295 IDMP policy DM7.1 and the Environmental Design SPD 8.0.12 – 8.0.18 states "applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy." The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 10.296 A draft Green Performance Plan has been provided. The information provided in all the sections is sufficient at this stage with further updates and detail secured by s106.

### **Circular Economy**

- 10.297 LP Policy SI.7 'Reducing waste' states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.
- 10.298 The emerging SDMP policy S10 states that all developments must adopt a circular economy approach to building design and construction in order to keep products and materials in use for as long as possible to minimise construction waste.
- 10.299 The proposal comprises of significant building works, including the alterations to the existing building as well as the new roof level and rear extensions. It is required to demonstrate that materials extracted from demolition can be re-used where possible, and that the building will adapt to change over its lifetime. The development also needs to minimise the environmental impact of materials through the use of sustainably-sourced, low impact and recycled materials. These details were not submitted with the application, therefore, it is recommended that a green procurement plan is secured by **condition 3**.

### **Sustainable Drainage**

- 10.300 LP Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.
- 10.301 ICS Policy CS10 requires all development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating and incorporates sustainable drainage systems. IDMP Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water runoff

to a 'greenfield rate', where feasible.

- 10.302 The proposal would also need to demonstrate achieving all BREEAM credits for water efficiency. Rainwater recycling should be considered in order to achieve this. If rainwater recycling is considered not to be possible then further evidence to support this will be required. This is secured in **condition 11**.
- 10.303 The Council's Sustainability Officer has reviewed the proposal and has welcomed the reduction of runoff rates which is policy compliant. It is recommended that blue roofs should be considered to provide additional attenuation and they can be combined with the proposed green roof. It is therefore recommended that details of green/blue roof should be secured by **condition 8**, and the applicant should explore the feasibility in incorporating blue and green roofs on site, to provide further run off reduction measures.

### **Highways and Transportation**

- 10.304 The NPPF para 108 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.305 The New London Plan Chapter 10 relates to highways and transportation. LP Policy T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Transport Statement should be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of the same policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.
- 10.306 The IDMP Policy DM8.1 states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, Policy DM8.2 states that proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.
- 10.307 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 6b (Excellent). The site is approximately 300 metres from Old Street Station, which provides train services on the Northern Line and National Rail. The site is also located at relative proximity to a number of bus routes on Old Street, Clerkenwell Road and Goswell Road.

### **Proposal**

- 10.308 The access of the building is from Old Street and there is no vehicle entrance to the site. The development is proposed to be car free, with no vehicle parking proposed on-site.
- 10.309 In regard to disabled parking, the proposal would rely on the existing resident parking bays, short stay bays and designated disabled parking bays within the vicinity on Bunhill Row and Banner Street, in which blue badge holders would be able to use without charge or restriction.
- 10.310 In terms of cycle parking, it is proposed to provide 45 on-site cycle parking spaces at

ground level with step free access via the Old Street entrance or Tilney Court. There is no provision of on-site visitors' cycle parking, however, the submission has identified that there are a number of on-street cycle parking areas exist at close proximity to the site.

### **Vehicle parking**

- 10.311 No vehicle parking is proposed on-site, this is considered acceptable and in line with Islington's policies CS10 and DM8.5, which require development to be car free. TfL has reviewed the application and has also expressed their support of the proposal being car free.
- 10.312 The site has a PTAL rating of 6a, which indicates that the site benefit by excellent public transport provision. Whilst Old Street is one of the main thoroughfare within the borough, there are street parking spaces within close proximity to the site on Bunhill Row and Banner Street; however, based on the scale and nature of the proposed development, it is considered that the proposed commercial development is unlikely to generate an unacceptable level of vehicle trips to the site to adversely affect the local highways network. The Council's Highways Team has commented on the application and no objection was raised in this regard.
- 10.313 In regard to disabled parking, there is no disabled parking proposed on site, however, it is anticipated that the need for disabled parking provision would increase as a result of the development. In accordance with Policy DM8.5 and the guidance with the Planning Obligation SPD, a financial contribution of £4,000 is required to secure additional on-street blue badge parking bays, or alternative accessibility improvements to be agreed by the Council's highway officers. The financial contribution is to be secured by the s.106 agreement.

### **Cycling**

- 10.314 In terms of cycling, LP Policy T5 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.
- 10.315 The proposed revised cycle storage would be located on the ground floor level, it would provide 44 doubled stacked spaces, with 1 oversized accessible space. In total, 45 spaces are proposed to facilitate the development which meets the requirement under the new London Plan.
- 10.316 Although the quantity of the proposed cycle parking is considered acceptable, the applicant would need to demonstrate that the proposed cycle facilities, would be fully accessible and meet the relevant inclusive design objectives. This is secured in **Condition 4**.
- 10.317 There is no short stay cycle storage proposed for visitors, as the front of the site is not under the ownership of the applicant. In order to meet LP Policy T5 in regards to short stay parking, the council's Traffic and Parking Team has advised that the footway outside the site is wide enough to accommodate cycle stands for visitors; the Transport Planning Team raised no objection to this approach.
- 10.318 As per the requirement under Policy T5, 7 short stay cycle stands are required to meet the expected demand following the development. It was confirmed that the cost of providing 7 short stay stands would be £5,250 (£750 per stand) which includes the

design, consultation, approvals and implementation of the stands by the Traffic and Parking Team.

- 10.319 The applicant has committed to the above required financial contribution and therefore, overall, the proposal would provide an acceptable level of cycle facilities to support the development and to encourage use of alternative transport modes, which complies with the objectives of LP Policy T5, and IDMP Policy DM8.4.

### **Servicing and Waste management**

- 10.320 IDMP Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.321 The site is accessed from Old Street which is a busy main road within the area. There is a single yellow line along this section of the road with bus lane which runs across the site (westbound). The site falls within Zone C of Islington's Controlled Parking Zone (CPZ) which operates at all times between Monday – Saturday and from 00:00 – 06:00 on Sundays. Loading and unloading is permitted on yellow lines for up to 40 minutes during the hours of control.
- 10.322 The applicant has submitted a Transport Assessment (Markides Associates - December 2020) and a Delivery and Servicing Management Plan (Smartwaste - 15 Jul 2020) in support of the application, to demonstrate the proposed servicing arrangements and how waste would be managed on site.
- 10.323 The submitted Transport Assessment anticipated that the proposed development would generate 14 vehicle trips per day in relation to delivery, refuse collection and any potential retail related delivery due to the flexible commercial use on the ground and first floors.
- 10.324 In terms of the office accommodation, it is expected that refuse collection would not occur daily and the assessment was carried out in a worst-case scenario. It is noted that some of the collections and delivery trips generated by this development unlikely to be new but already on the highway serving neighbouring properties.
- 10.325 TfL has reviewed the proposal and recommended that a final version of the delivery and servicing plan be submitted and approved by the council, prior to commencement of development to ensure that the final arrangement can be agreed between the applicant and the council, in consultation with TfL, given that Old Street is part of the Strategic Road Network.
- 10.326 In terms of refuse and recycling, officers have had regard to the council's own refuse and recycling storage requirements, and considers that the site would require 7800L of waste storage in which at least 50% should be allocated for recycling. The proposed ground floor plan indicates that the proposed refuse storage would accommodate up to 4 Eurobins (1100L) and it is proposed that the collection would take place twice per week.
- 10.327 Based on the submission, officers considered that further information is required in relation to the storage capacity and frequency of the refuse collection. Further, it is

considered that some of the flexible commercial use (i.e. restaurant) may require additional and separate refuse storage to accommodate the uses. Therefore, it is recommended that final details of refuse storage to be submitted and agreed by the council prior to the occupation of the development (**Condition 12**), on how waste would be managed on site, especially in regard to the proposed flexible commercial uses which are likely to require different waste collection arrangement on site.

### **Construction impacts**

- 10.328 The proposed construction works would inevitably have some impact to the local area during the construction period. The draft Construction Management Plan was noted to have included a loading area on Old Street to which TfL have objected and requested an amended plan. As such, a final version would need to be submitted and agreed by the Council prior to any construction work commencing on site; this is echoed by the Council's Public Protection Team who also recommended submission of a final version of a CEMP.
- 10.329 A full Construction and Environmental Management Plan should outline measures for the routing, accommodation, loading and unloading of construction vehicles during the entirety of the construction phase. A construction programme should also be provided within the CEMP once a contractor has been appointed. This will set out indicative timescales for each phase of construction. This is secured in **condition 5**, to ensure that the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbouring amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.330 The council's Highways Team has recommended that the applicant would need to cover any cost to repair any damages to the public footway/carriageway caused by the development. This would be secured under section 106 agreement.
- 10.331 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together with a payment of £2,706 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

### **Highways summary**

- 10.332 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport, subject to minor amendments, updates or off-site provision to be secured by conditions and legal agreement. The proposal would be then be acceptable and would comply with London Plan Policy T5 and T6, Islington Core Strategy (2011) Policies CS10, CS11 and CS13; Islington Development Management Policies DM8.2, DM8.4, DM8.5 and 8.6.

### **Safety and Security**

- 10.333 The surrounding area is mixed with commercial and residential uses, and the site has access points from both Old Street and Tilney Court. To ensure that the proposed building would be secure and meet the relevant crime prevention objectives, the Metropolitan Police have requested that the scheme meets Secured By Design accreditation.

10.334 The proposed building was designed with no recessed entrance which is welcomed in terms of safety and prevention of anti-social behaviour. The proposed flexible commercial unit on the ground floor is also likely to provide a greater level of passive surveillance to the street during evening hours. It is recommended that the cycle and refuge storage should be secured with security rated door, lighting be utilised with CCTV and entrance doors to the building should be appropriately located and meet the relevant SBD guidance. These measures are secured by **condition 13**.

### **Fire Safety**

10.335 London Plan policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

10.336 The applicant has confirmed that the whole scheme has been developed with a fire engineer to meet the current regulations. **Condition 7** is recommended to secure a fire safety strategy to ensure that the proposal is capable in providing adequate Fire Brigade access to the building, as well as arrangement for safe evacuation, especially for disabled people in an emergency.

### **Planning Obligations and CIL**

10.337 There is a 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.

10.338 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.

10.339 ICS Policy CS 18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. As mentioned in the previous section in the report, the proposed development would be subject to section 106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution and a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.

10.340 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended to be secured by a s.106 agreement.

- A bond/deposit of £21,422 to cover costs of repairs to the footway and £34,739 for repairs to the highway (total £56,161). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- Financial contribution of £192,519 to allow the council to provide affordable workspace elsewhere within the borough
- Provision of affordable workspace by way of an on-site SME unit at ground floor level
- Financial contribution of £114,962 towards the provision of affordable housing elsewhere in the borough
- A financial Contribution towards Crossrail of £189,420
- Compliance with the Council's Code of Local Procurement
- Facilitation, during the construction phase of the development, of the following number of work placements: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000
- Employment and training contribution of £12,021 to improve the prospects of local people accessing new jobs created in the proposed development
- Compliance with the Code of Employment and Training
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £2,706 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.
- The provision of 2 accessible parking bays or a contribution of £4,000 towards accessible transport measures.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount is £39,336.
- Submission of a draft framework Travel Plan (for each building) 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).
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a

neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Financial contribution of £5,250 towards provision of 7no. short stay cycle parking stands within the vicinity of the area
- Submission of, and compliance with, a Green Performance Plan
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

### **Planning Balance Assessment**

- 10.341 Paragraph 47 of the NPPF dictates that "*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 10.342 The proposed development is considered acceptable in principle and in land use terms, the scheme is considered to be compliant with the London Plan policy SD5 and E1, Islington Core Strategy CS13, Islington Development Management Policies DM5.1 and Finsbury Local Plan policies BC3 and BC8, which promote commercial developments within this section of Old Street and CAZ subject to the acceptability of other material considerations. The proposal includes an off-site financial contribution of £192,519 towards affordable workspace and an off-site contribution of £114,962 towards affordable housing provision which accords with policy E3 of the London Plan 2021, DM5.4 of the Islington Development Management Policies 2013 and policy BC8 of the Finsbury Local Plan 2013.
- 10.343 The scheme would also comply with policies relating to design, conservation, heritage, archaeology, energy, sustainability, accessibility and transportation.
- 10.344 There is a degree of conflict with policies relating to amenity (policy DM2.1) and specifically in relation to daylight/sunlight impacts. This has been carefully examined and while some of the adverse daylight/sunlight impact is considered to be material and would therefore weigh against the scheme, regard is given to the site's urban context and its physical constraints. It is considered that the level of harm to neighbouring amenity would not be significant to justify a warrant of refusal of planning permission on this ground.
- 10.345 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report, and include:
- Uplift in commercial floorspace (1,353sqm GIA) within the CAZ, refurbishment to the existing office building, with flexible commercial uses on ground floor level to provide greater degree of active frontage on Old Street;
  - Increase in employment at the site, as well as the relevant jobs and training contributions set out in the Planning Obligations SPD;
  - Enhancement to the appearance of the facades of the building;
  - Provision of offsite financial contribution for affordable workspace to support the council to provide affordable workspace within the borough;
  - Provision of off-site affordable housing contribution to support the Council's New Build Housing programme developed to help tackle housing need.
  - Improvements to the energy efficiency of the operation of the building and reuse of structural elements of the existing building in its redevelopment as well as

contributions to bring the development to a net zero carbon state.

10.346 In summary, Officers consider that the aforementioned public benefits outweigh the limited harm caused from the development to neighbouring amenity in relation to loss of daylight (VSC) and loss of sunlight to properties in Tilney Court and bedsits within Canto Court student accommodation building in the overall planning balance.

## **11. CONCLUSION**

11.1 As set out in the above assessment, the proposal has been assessed against the adopted Development Plan, the emerging Local Development Plan and the comments made by residents and consultees.

11.2 The proposed commercial intensification of the site, with additional office and flexible commercial floorspace is considered to be the most appropriate use for this site, taking into account its location and the context of the area in CAZ, as well as the clear policy intent (E1) of the new London Plan (2021).

11.3 The proposed improvement to the appearance of the building is also considered to be acceptable in relation to the streetscene and the surrounding conservation area, with the increase in height sensitively designed and amended in accordance with officer and DRP advice to ensure that no harm is caused to the conservation area, nor nearby listed buildings. In terms of energy, the proposed development would represent significant improvement to the existing building in energy efficiency. The proposal would also have acceptable impacts on highways, sustainability and inclusive design.

11.4 The proposal would provide the appropriate contribution to mitigate the impact of the development, including the offsite provision for affordable workspace and affordable housing.

11.5 Consequently, whilst there are some amenity impacts to nearby residential properties these are limited in number and not significant, particularly when considering daylight retained within the rooms. It is considered that the benefits of the proposed development when balanced against the above amenity harm outweigh the limited harm that would be caused. As such, the proposal represents sustainable development and would comply with the relevant national, regional, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies, Finsbury Local Plan and associated Supplementary Planning Documents).

11.6 It is recommended that planning permission is granted subject to conditions and s106 legal 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 bond/deposit of £21,422 to cover costs of repairs to the footway and £34,739 for repairs to the highway (total £56,161). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- Financial contribution of £192,519 to allow the council to provide affordable workspace elsewhere within the borough
- Provision of affordable workspace by way of an on-site SME unit at ground floor level
- Financial contribution of £114,962 towards the provision of off-site affordable housing elsewhere within the borough
- A financial Contribution towards Crossrail of £189,420
- Compliance with the Council's Code of Local Procurement
- Facilitation, during the construction phase of the development, of the following number of work placements: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000
- Employment and training contribution of £12,021 to improve the prospects of local people accessing new jobs created in the proposed development
- Compliance with the Code of Employment and Training
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £2,706 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.
- The provision of 2 accessible parking bays or a contribution of £4,000 towards accessible transport measures.
- A contribution towards offsetting any projected residual CO2 emissions of the

development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount is £39,336.

- Submission of a draft framework Travel Plan (for each building) 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).
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Financial contribution of £5,250 towards provision of 7no. short stay cycle parking stands within the vicinity of the area
- Submission of, and compliance with, a Green Performance Plan
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

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

### List of Conditions:

1	<b>Commencement (compliance)</b>  CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	<b>Approved plans list (compliance)</b>  CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:  Proposed Ground floor plan 663-PL-100-P3 Proposed First floor plan 663-PL-101-P2 Proposed Second floor plan 663-PL-102-P2 Proposed Third floor plan 663-PL-103-P2 Proposed Fourth floor plan 663-PL-104-P2 Proposed Fifth floor plan 663-PL-105-P2 Proposed Sixth floor plan 663-PL-106-P2 Proposed Seventh floor plan 663-PL-107-P2 Proposed Roof floor plan 663-PL-108-P2 GEA Area Schedule  Air quality assessment - Air Quality Consultants Dec 2020 Construction Management Plan - prepared by 21 Construction 15 July 2020 Design and Access Statement - GPAD Dec 2020 Energy and Sustainability Strategy - JAW Sustainability 26 Feb 2021 version 03 Green Performance Plan - JAW Sustainability 15 Dec 2020 Health Impact Screening Assessment - Maddox Associates Dec 2020 Heritage Statement - Alan Baxter Dec 2020 Environmental Noise Survey and Plant Noise Assessment - 14 Dec 2020 Planning Statement - Maddox Associates Dec 2020 Daylight and Sunlight, Overshadowing Report - Joel Michaels Reynolds 16 Dec 2020 Site Waste Management Plan - dated 15 July 2020 Transport Assessment - Markides Associates 16 Dec 2020 Views Assessment - Alan Baxter Dec 2020 Flood Risk Assessment and SUDS Strategy Issue 04 - Eckersley O'Callaghan 18 Dec 2020  REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	<b>Materials and Samples (Details)</b>  CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:  a) Solid brickwork (including brick panels and mortar courses); b) Render (including colour, texture and method of application); c) Window treatment (including sections and reveals); d) Roofing materials including roof extension facing; e) Balustrading treatment (including sections); f) Green Procurement Plan

	<p>g) Any other materials to be used h) Signage zone(s) (samples not necessary)</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Cycle Parking (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of bicycle storage areas, including cycle parking product specification, which shall be secure and provide for no less than 45 bicycle spaces shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The approved cycle storage shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>5</b>	<b>Construction and Environmental Management Plan (Details)</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Construction and Environmental Management Plan shall include details and arrangements regarding:</p> <ul 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 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> <li>e) Details of waste storage within the site to prevent debris on the surrounding highway and a scheme for recycling/disposing of waste resulting from construction works;</li> <li>f) 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.)</li> <li>h) Details of any proposed external illumination and/or floodlighting during construction;</li> <li>i) Details of measures taken to prevent noise disturbance to surrounding residents;</li> <li>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 neighbouring amenity caused by site workers at the entrances to the site;</li> <li>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</li> <li>l) 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.</li> </ul>

	<p>The report shall assess the impacts during the preparation and construction phases of the development on Old Street, 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 CEMP must refer to the new LBI Code of Practice for Construction Sites. The CEMP shall specify the hours of construction, vehicle movements are restricted to take place outside of the peak times of 8am-10am and 4pm and 6pm. It should also provide details on method of demolition, quiet periods and noise mitigation.</p> <p>No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Construction and Environmental Management Plan.</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>
<b>6</b>	<b>Servicing and Delivery Plan (Details)</b>
	<p>DELIVERY &amp; SERVICING: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>7</b>	<b>Fire Safety Strategy (Details/Compliance)</b>
	<p>CONDITION: Prior to commencement of the development hereby approved, a Fire Safety Strategy shall be submitted to the Local Planning Authority to demonstrate that the development is capable of providing adequate Fire Brigade access to the building (with reference to Approved Document B, volume 2 or relevant code of practice). The Strategy shall also include arrangement for safe evacuation of disabled people in an emergency.</p> <p>Should any subsequent change(s) required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Safety Strategy would need to be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure appropriate fire safety measures, in particular adequate access for Fire Brigade appliances.</p>
<b>8</b>	<b>Green roofs (Details)</b>

	<p>CONDITION: Notwithstanding the approved plans, details of all proposed green/blue/brown roofs across the approved development shall be submitted and approved by the Local Planning Authority prior the commencement of superstructure works on site. The proposed green/blue/brown roofs shall be designed, installed and maintained in a manner that meets the following criteria:</p> <p>a) green 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.</p> <p>The green roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
<b>9</b>	<b>Solar Photovoltaic Panels (Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works on site, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels;</li> <li>- Design (including elevation plans); and</li> <li>- How the design of the PVs would not adversely affect the provisions of green roofs on site</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
<b>10</b>	<b>Lighting (Details)</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> <li>• Automated roller blinds;</li> <li>• Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>• Light fittings controlled through the use of sensors.</li> </ul> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>

<p><b>11</b></p>	<p><b>Rainwater/Greywater recycling (Details)</b></p> <p>CONDITION: Details of the rainwater/greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water</p>
<p><b>12</b></p>	<p><b>Refuse and Recycling (Details)</b></p> <p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);  b) a waste management plan  c) Any additional or separate refuse storage required for the flexible commercial uses, including restaurant (Class E(b)) and medical/health services (Class E(e)).</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<p><b>13</b></p>	<p><b>Secured by Design (Compliance)</b></p> <p>CONDITION: Notwithstanding the approved plans and documents, prior to superstructure works commencing of the development hereby approved, the development shall achieve Secured by Design - Commercial Development accreditation. The development shall be carried out strictly in accordance with the details set out in the accreditation and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
<p><b>14</b></p>	<p><b>Obscure Glazing and Privacy Screens (Details)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing and privacy screens to prevent overlooking from the proposed building to neighbouring properties on Tilney Court and Banner Street shall be submitted and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
<p><b>15</b></p>	<p><b>Piling Method Statement (Details)</b></p> <p>CONDITION: No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and</p>

	<p>approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
<b>16</b>	<b>Bird and Bat Nesting Boxes (Details)</b>
	<p>CONDITION: Notwithstanding the approved plans, prior to commencement of superstructure works, details of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details approved shall be installed prior to the first occupation of the building, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<b>BREEAM (Details)</b>
	<p>CONDITION: No occupation shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that all business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than "Excellent".</p> <p>The proposal would also need to demonstrate how they will achieve all BREEAM credits for water efficiency. Rainwater recycling should be considered in order to achieve this. If rainwater recycling is considered not to be possible then further evidence to support this will be required.</p> <p>No building shall be occupied until a final Certificate has been issued certifying that the highest feasible BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.</p> <p>Reason: To ensure that the development achieves the highest feasible BREEAM rating level to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.</p>
<b>18</b>	<b>Extract ventilation for restaurant use (Details)</b>
	<p>CONDITION: Notwithstanding the approved plans, the restaurant use (Class E(b)) hereby permitted shall not commence unless details of extraction/ventilation system in relation to such use is submitted to and approved by the Local Planning Authority.</p> <p>The approved extraction/ventilation system shall be fully installed and operational prior to the occupation of the restaurant use, and shall be maintained in perpetuity.</p> <p>REASON: To protect the neighbouring occupiers and ensure that the restaurant operation would have an acceptable impact in terms of noise and odour control.</p>
<b>19</b>	<b>Plant Equipment (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 façade 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>The development shall be carried out strictly in accordance with the scheme prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>20</b>	<p><b>Plant equipment - Post-Installation Verification (Details)</b></p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 19. 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 and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>21</b>	<p><b>Sound insulation (Details)</b></p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed Class E/Class F.1/sui generis units and nearby receptors shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of the neighbouring properties and the other commercial operations within the building.</p>
<b>22</b>	<p><b>Restriction of PD rights - Class E to residential (Compliance)</b></p> <p>Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location. Loss of commercial floorspace within this location will have potential negative impacts on the borough's economy. This is also in order to protect the strategic functioning of the CAZ and in particular in this location, in accordance with policy objectives set out within the Finsbury Local Plan policies BC3 and BC8.</p>
<b>23</b>	<p><b>Restriction of office use (upper levels) (Compliance)</b></p> <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. With the exception of ground and first floor levels specified under condition 24, the building hereby approved shall only be used for office use and for no other purpose (including any other purpose within Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can control the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retains control over the change of use of the building in the</p>

	<p>future. Loss of office floorspace within this location will have potential negative impacts on the borough's economy. This is also in order to protect the strategic functioning of the CAZ and in particular in this location, in accordance with policy objectives set out within the Finsbury Local Plan policies BC3 and BC8.</p>
<b>24</b>	<p><b>Restriction of flexible commercial uses (ground and first floor) (Compliance)</b></p> <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible units on the ground and first floor levels, except the permitted use(s) hereby approved:</p> <p>A) Ground floor front unit only - as shown on plan no. 663-PL-100-P3:</p> <p>Class E (a) – retail  Class E (b) – restaurant  Class E (c)(i) - financial services  Class E (c)(ii) - professional services (other than health or medical services)  Class E (c)(iii) - any other services which it is appropriate to provide in a commercial, business or service locality  Class E (d) - indoor sport, recreation or fitness  Class E (e) - provision of medical or health services  Class E (g)(i) - office  Class F.1 (b) - display of works of art  Sui Generis - showroom</p> <p>B) First floor - as shown on plan no. 663-PL-101-P2:</p> <p>Class E (c)(i) - financial services  Class E (c)(ii) - professional services (other than health or medical services)  Class E (c)(iii) - any other services which it is appropriate to provide in a commercial, business or service locality  Class E (d) - indoor sport, recreation or fitness  Class E (e) - provision of medical or health services  Class E (g)(i) - office  Class F.1 (b) - display of works of art</p> <p>and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific commercial use(s) only and retains control over the change of use of the building in the future. This is relevant due to the proximity of residential uses to the rear of the site and also due to the specific amenity implications of some of the uses that fall within Class E that necessitate additional noise/odour/acoustic/operational hours and other considerations. The assessment has found the above uses and locations to be acceptable subject to further details to be approved. A move away from the above permitted uses in identified locations within the building could give rise to unacceptable amenity or other impacts.</p>
<b>25</b>	<p><b>Accessible Showers/WC's (Compliance)</b></p> <p>CONDITION: For the hereby approved development the accessible showers and WC's shall be implemented in accordance with drawing no's 663-PL-100-P3, 663-PL-101-P1, 663-PL-102-P1, 663-PL-103-P1, 663-PL-104-P1, 663-PL-105-P1, 663-PL-106-P1, 663-PL-107-P1, and shall be available for users upon the first occupation of the development.</p> <p>Notwithstanding the above, the door for the seventh floor (as shown on drawing 663-PL-107-P1) accessible WC shall be outward opening.</p>

	<p>The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
<b>26</b>	<b>Lifts (Compliance)</b>
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
<b>27</b>	<b>Hours of Operation (Compliance)</b>
	<p>CONDITION: The flexible uses on the ground and first floor levels hereby approved shall only operate between the following hours:</p> <p><u>Class E (a) – Retail:</u></p> <p>6am - 11pm Monday to Sunday</p> <p><u>Class E (b) – Restaurant:</u></p> <p>7am - 10pm Monday to Thursday 7am - 11pm Friday to Sunday</p> <p><u>Class E (c) – financial services/ professional services:</u></p> <p>6am - 10pm Monday to Sunday</p> <p><u>Class E (d) – indoor sport, recreation or fitness:</u></p> <p>7am - 10pm Monday to Sunday</p> <p><u>Class E (e) – provision of medical or health services:</u></p> <p>6am - 10pm Monday to Sunday</p> <p><u>F.1 (b) – display of works of art:</u></p> <p>9am - 9pm Monday - Sunday</p> <p><u>Sui Generis – showroom:</u></p> <p>9am - 9pm Monday - Sunday</p> <p>The restrictions shall be applied and permanently adhered to unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of protecting neighbouring residential amenity.</p>
<b>28</b>	<b>No Plumbing or Pipes (Compliance)</b>
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the northern external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>

<b>29</b>	<b>Restricted use - roof terraces (Compliance)</b>
	<p>CONDITION: The sixth and seventh floor roof terraces hereby approved shall not be used for any purpose except as an ancillary outdoor space in association with the office use (Class E(g)(i)).</p> <p>The roof terrace hereby approved shall not operate outside the hours of:</p> <p>0800 to 1900 hours Monday to Friday</p> <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>30</b>	<b>No obscure glazing or vinyl graphics (Compliance)</b>
	<p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area.</p>

## List of Informatives:

<b>1</b>	<b>S106</b>
	SECTION 106 AGREEMENT  You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Superstructure</b>
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'  A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>3</b>	<b>Car-Free Development</b>
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
<b>4</b>	<b>Roof top plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
<b>5</b>	<b>Construction works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>6</b>	<b>Highways Requirements</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <u>. All agreements relating to the above need to be in place prior to works commencing.</u>  Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the

	<p>public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p>
<b>7</b>	<b>Highways Requirements (2)</b>
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>
<b>8</b>	<b>Highways Requirements (3)</b>
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p>

	Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.
<b>9</b>	<b>Secured by Design:</b>
	You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures.
<b>10</b>	<b>Fire Safety</b>
	It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on <a href="mailto:BuildingControl@islington.gov.uk">Building Control@islington.gov.uk</a> .
<b>11</b>	<b>Thames Water</b>
	A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a> . Please refer to the Wholesale; Business customers; Groundwater discharges section
<b>12</b>	<b>Internal fit out</b>
	The applicant is encouraged to develop details of fit out guidance for the building, to assist future occupiers in maximizing headroom and daylight, and to create a uniformity of fit out style.

## 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 2021, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

#### A) The London Plan 2021 - Spatial Development Strategy for Greater London

##### 1 Planning London's Future - Good Growth

- Policy GG1** Building strong and Inclusive Communities
- Policy GG2** Making best use of land
- Policy GG3** Creating a healthy city
- Policy GG4** Delivering homes Londoners need
- Policy GG5** Growing a good economy
- Policy GG6** Increasing efficiency and resilience

##### 2 Spatial Development Patterns

- Policy SD4** The Central Activities Zone
- Policy SD5** Offices, other strategic functions and residential development in CAZ

##### 3 Design

- Policy D3** Optimising site capacity through the design-led approach
- Policy D4** Delivery good design
- Policy D5** Inclusive Design
- Policy D11** Safety, security and resilience to emergency
- Policy D12** Fire safety
- Policy D13** Agent of Change
- Policy D14** Noise

##### 4 Housing

- Policy H4** Delivering affordable housing

##### 6 Economy

- Policy E1** Offices
- Policy E2** Providing suitable business space
- Policy E3** Affordable workspace
- Policy E11** Skills and opportunities for all

##### 7 Heritage and Culture

- Policy HC1** Heritage conservation and growth
- Policy HC3** Strategic and Local Views
- Policy HC6** Supporting the night-time economy

##### 8 Green Infrastructure and Natural Environment

- Policy G1** Green Infrastructure
- Policy G5** Urban Greening
- Policy G6** Biodiversity and access to nature

##### 9 Sustainable Infrastructure

- Policy SI1** Improving air quality
- Policy SI2** Minimising greenhouse gas emissions
- Policy SI3** Energy Infrastructure
- Policy SI4** Managing heat risk
- Policy SI5** Water infrastructure
- Policy SI7** Reducing waste and support the circular economy
- Policy SI12** Flood risk management
- Policy SI13** Sustainable drainage

##### 10 Transport

- Policy T2** Healthy streets
- Policy T3** Transport capacity, connectivity and safeguarding
- Policy T4** Assessing and mitigating transport impacts
- Policy T5** Cycling
- Policy T6** Parking
- Policy T6.2** Office parking
- Policy T6.5** Non-residential disable persons parking
- Policy T7** Deliveries, servicing and construction
- Policy T9** Funding transport infrastructure through planning

##### 11 Funding the London Plan

- Policy DF1** Delivery of the Plan and Planning Obligations

#### B) Islington Core Strategy 2011

### **Spatial strategy**

**Policy CS7** Bunhill and Clerkenwell

### **Strategic Policies**

**Policy CS8** Enhancing Islington's character

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

**Policy CS10** Sustainable Design

**Policy CS11** Waste

**Policy CS12** Meeting the housing challenge

**Policy CS13** Employment Space

### **Infrastructure and Implementation**

**Policy CS18** Delivery and Infrastructure

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

### **2. Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM2.4** Protected views

### **5. Employment**

**DM5.1** New business floorspace

**DM5.2** Loss of existing business floorspace

**DM5.4** Size and affordability of workspace

### **6. Health and open space**

**DM6.1** Healthy development

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

**DM6.6** Flood prevention

### **7. Energy and Environmental Standards**

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

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

**DM7.3** Decentralised Energy Networks

**DM7.4** Sustainable design standards

**DM7.5** Heating and cooling

### **8. Transport**

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM8.3** Public transport

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

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

### **9. Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## **D) Finsbury Local Plan June 2013**

**BC3** Old Street

**BC8** Achieving a balance mix of uses

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

- Affordable Housing Small Sites Contributions (October 2012)
- Development Viability (January 2016)
- Environmental Design (October 2012)
- Inclusive Design in Islington (February 2014)
- Islington Urban Design Guide (January 2017)
- Planning Obligations (Section 106) (December 2016)

### **London Plan**

- Affordable Housing & Viability (August 2017)
- Crossrail Funding (March 2016)
- Housing (March 2016)
- Central Activities Zone (March 2016)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- London Planning Statement (May 2014)
- Sustainable Design and Construction (April 2014)

- Planning for Equality and Diversity in London (October 2007)

### Draft Islington Local Plan Policies

The following policies are considered relevant to the site and this application:

<b>Draft Islington Local Plan Policies</b>	
<p><b>Policy PLAN1</b> – Site appraisal, design principles and process</p> <p><b>Policy SP4</b> - Angel and Upper Street</p> <p><b>Policy SC3</b> – Health Impact Assessment</p> <p><b>Policy B1</b> – Delivering business floorspace</p> <p><b>Policy B2</b> – New business floorspace</p> <p><b>Policy B4</b> – Affordable workspace</p> <p><b>Policy B5</b> – Jobs and training opportunities</p> <p><b>Policy R1</b> – Retail, leisure and services, culture and visitor accommodation</p> <p><b>Policy R4</b> – Local Shopping Areas</p> <p><b>Policy S1</b> – Delivering Sustainable Design</p> <p><b>Policy S2</b> – Sustainable Design and Construction</p> <p><b>Policy S3</b> – Sustainable Design Standards</p> <p><b>Policy S4</b> – Minimising greenhouse gas emissions</p> <p><b>Policy S5</b> – Energy Infrastructure</p> <p><b>Policy S6</b> – Managing heat risk</p> <p><b>Policy S7</b> – Improving Air Quality</p> <p><b>Policy S8</b> – Flood Risk Management</p> <p><b>Policy S9</b> – Integrated Water Management and Sustainable Drainage</p> <p><b>Policy S10</b> – Circular Economy and Adaptive Design</p>	<p><b>Policy T1</b> – Enhancing the public realm and sustainable transport</p> <p><b>Policy T2</b> – Sustainable Transport Choices</p> <p><b>Policy T3</b> – Car-free development</p> <p><b>Policy T4</b> – Public realm</p> <p><b>Policy T5</b> – Delivery, servicing and construction</p> <p><b>Policy DH1</b> – Fostering innovation and conserving and enhancing the historic environment</p> <p><b>Policy DH2</b> – Heritage assets</p> <p><b>Policy DH3</b> – Building heights</p> <p><b>Policy DH4</b> – Basement development</p> <p><b>Policy DH5</b> – Agent of change, noise and vibration</p> <p><b>Policy DH7</b> – Shopfronts</p> <p><b>Policy ST1</b> – Infrastructure Planning and Smarter City Approach</p> <p><b>Policy ST2</b> – Waste</p> <p><b>Policy ST3</b> – Telecommunications, communications and utilities equipment</p> <p><b>Policy ST4</b> – Water and wastewater infrastructure</p>

## **APPENDIX 3 – DRP COMMENTS**



**CONFIDENTIAL**

ATT: Laura Diamond  
Second Home Spitalfields,  
68 Hanbury Street,  
London  
E1

Planning Service  
Planning and Development  
PO Box 3333  
222 Upper Street  
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N1 1YA

T 020 7527 2327

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5JL **E** [emma.lawrence@islington.gov.uk](mailto:emma.lawrence@islington.gov.uk)

**W** [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: Q2020/2740/DRP

Date: 23 November 2020

Dear Laura,

## **ISLINGTON DESIGN REVIEW PANEL**

**RE: 130 Old Street, London, EC1V 9BD (pre-application ref.Q2020/2207/MJR)**

Thank you for attending Islington's Design Review Panel meeting for a first review of the above scheme. The proposed scheme under consideration is for: two storey roof level extension and six storey rear infill extension to the existing building to create 1,364 sqm GIA of additional office floorspace, comprehensive refurbishment of the main façade, and provision of roof terraces, bin and cycle storage (officer's description).

### **Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Richard Brown, Tim Ronalds, Jonathan Ward and Neil Williamson on 10 November 2020, including a presentation from the design team followed by a question and answer session and deliberations. The meeting was held virtually on Zoom due to the restrictions relating to the Covid-19 pandemic. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

### **Panel's observations**

Regarding the height, mass and bulk of the proposed building once it has been extended by two storeys at roof level, and by six (infill) to the rear, the Panel suggested that a comprehensive visual impact analysis was required in order to allow an assessment of the building's impact on sensitive views from the nearby conservation area.

Notwithstanding this, on the appearance of the rear bulk in views of 112-116 Old Street, the Panel advised that the design team should look to mitigate the impact of the building appearing in those views. They stated that the design of this elevation would have to be as high in quality as the front elevation rather than presenting a dominant blank elevation in views towards it. Similarly they felt that the design and materiality of the additional two storeys needed further work to mitigate their visual impact, and suggested that a lighter-weight, contrasting material might reduce the monolithic impact of the building in views towards it. If the top of the building is visible it needs to be designed so that it either enhances or does not diminish the character and quality of the neighbouring historic buildings.

Turning to the treatment of the primary elevation onto Old Street, the Panel commented that

although the design of the proposed building was a significant improvement on the existing situation, it required further development. For example, whilst there was clearly an intention to enliven the streetscape at ground floor level, it was commented that the current proposals do not go far enough in this respect. The Panel considered that the building was in danger of appearing monolithic due to the continuation of the brick grid structure of the upper floors to the ground floor where it meets the pavement. They commented that greater differentiation between the ground floor and upper storeys was necessary, and suggested that a more light-touch ground floor design should be explored in order to improve the building's relationship with the street. It was suggested that the balconies be omitted from the first floor level since their amenity would be severely compromised by proximity to traffic, and this would also be helpful in reinforcing the differentiation between the upper and lower floors. They also advised the design team to consider areas for signage placement for the commercial unit at this point of the design, as at present it is not clear how a tenant would arrange signage on the façade.

Regarding the upper storeys to the shoulder of the building, the panel welcomed the efforts that had been made in creating a high-quality and well detailed design. They understood that the inherent heaviness of the building suggested a warehouse typology as a design approach, however, they commented that whilst the balconies did add interest to the façade, their ad hoc disposition (widths and placement) seemed like a less coherent design choice, somewhat at odds with the regular bay logic and aesthetic of the commercial warehouse. They suggested that the design team should revisit the rhythms of the elevation to create a finer and more vertical emphasis to the grid. In a similar vein they suggested that reducing the depths of the concrete spandrels to the window heads would also create a more vertical emphasis, though they acknowledged that this element of the façade does currently allow the floorplates and servicing zones not to be read from the street. They also felt that increasing the glazed area here may improve the daylight penetration of the northern facing windows.

Regarding the fenestration, the panel welcomed the inclusion of opening windows for natural ventilation and suggested further detail was required to the window design to ensure ease of use, avoidance of drafts at the perimeter and effective cross ventilation. It was also suggested that as part of the overall vision for the building, fitout guidelines be developed to guide occupiers in maximising headroom and daylight, and creating a uniformity of fitout style. Lastly, the Panel emphasised that the success of the greening included to the balconies and parapet of the façade would require rigorous attention to detail in terms of design and long-term management and maintenance.

When discussing the rear elevation which features large windows facing south, the Panel raised a number of points relating to solar gain and glare in terms of the buildings performance and internal environment. They suggested that these issues should be addressed at this stage of the design rather than further into the process as part of a comprehensive passive (where practical) ventilation study. The panel welcomed the reuse of the existing frame to reduce embodied carbon emissions as a starting point.

They also commented that the building has deep floorplates and that there could be an opportunity to create more daylight space by moving the service core/WCs on the plan to create two 'rooms' within the floorplate. An additional point raised after the meeting by email, was that providing shallow balconies to the northern elevation delivers marginally in terms of amenity and streetscape, whereas, creating sheltered, well-lit and peaceful terraces on the southern elevation would be of benefit to the building now and in the future. This suggestion for exploration is included for the design team's consideration, however, the acceptability of such an approach would be subject to no adverse amenity, overlooking or heritage and design impacts.

Lastly, in the context of the green recovery from the current pandemic, the Panel raised questions about the future adaptability of the building should there be a point at which large commercial floorplates and office development become less desirable. They suggested that the design team should look to create adaptable floorplates by moving one of the two lifts to the opposite party wall to allow for efficient partitioning of the interior in the future.

## **Summary**

Overall the Panel felt that the enhancement of the existing office space is a positive element of the design and supported the intention to retain the existing building's structure due to the inherent sustainability of that approach, reducing demolition disturbance and embodied carbon. They also commented that the design approach is improved from the previous pre-app (undertaken by a different design team) and supported the enlivening of the ground floor which they felt would reintroduce active use at street level, to the benefit of the streetscape. They made suggestions regarding the composition of the front elevation with regards to the ground floor design and arrangement of the balconies, and they also suggested some measures to address the building's performance now and in the future.

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

## **Confidentiality**

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,

Emma Lawrence

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