

## PLANNING COMMITTEE REPORT

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

|                           |                           |
|---------------------------|---------------------------|
| <b>PLANNING COMMITTEE</b> | <b>AGENDA ITEM NO: B2</b> |
| <b>Date:</b> 29 June 2021 |                           |

|                          |  |
|--------------------------|--|
| Application number       | P2020/3058/FUL   |
| Application type         | Full Planning Application  |
| Site Address             | 218 Upper Street, London, N1 1RR   |
| Ward                     | St. Marys  |
| Listed building          | Locally Listed   |
| Conservation area        | Adjacent to Upper Street (North) conservation area (CA19)  |
| Development Plan Context | Core Strategy Key Area – Angel and Upper Street<br>Employment Growth Area - Highbury Corner & Barnsbury<br>Local Shopping Area – Upper Street<br>Transport for London Route Network (Red route)<br>Strategic Cycle Route<br>London Underground Zones of interest<br>Article 4 Direction A1-A2 (Borough wide) |
| Licensing Implications   | None   |
| Proposal                 | Demolition of existing office building, save for retention of ground floor façade, and redevelopment to create new office three-storey/set back four-storey building with roof plant, landscaping, cycle parking and other associated works  |

|              |                       |
|--------------|-----------------------|
| Case Officer | David Nip             |
| Applicant    | CP Plus (Trading) Ltd |
| Agent        | Lichfields            |

**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**

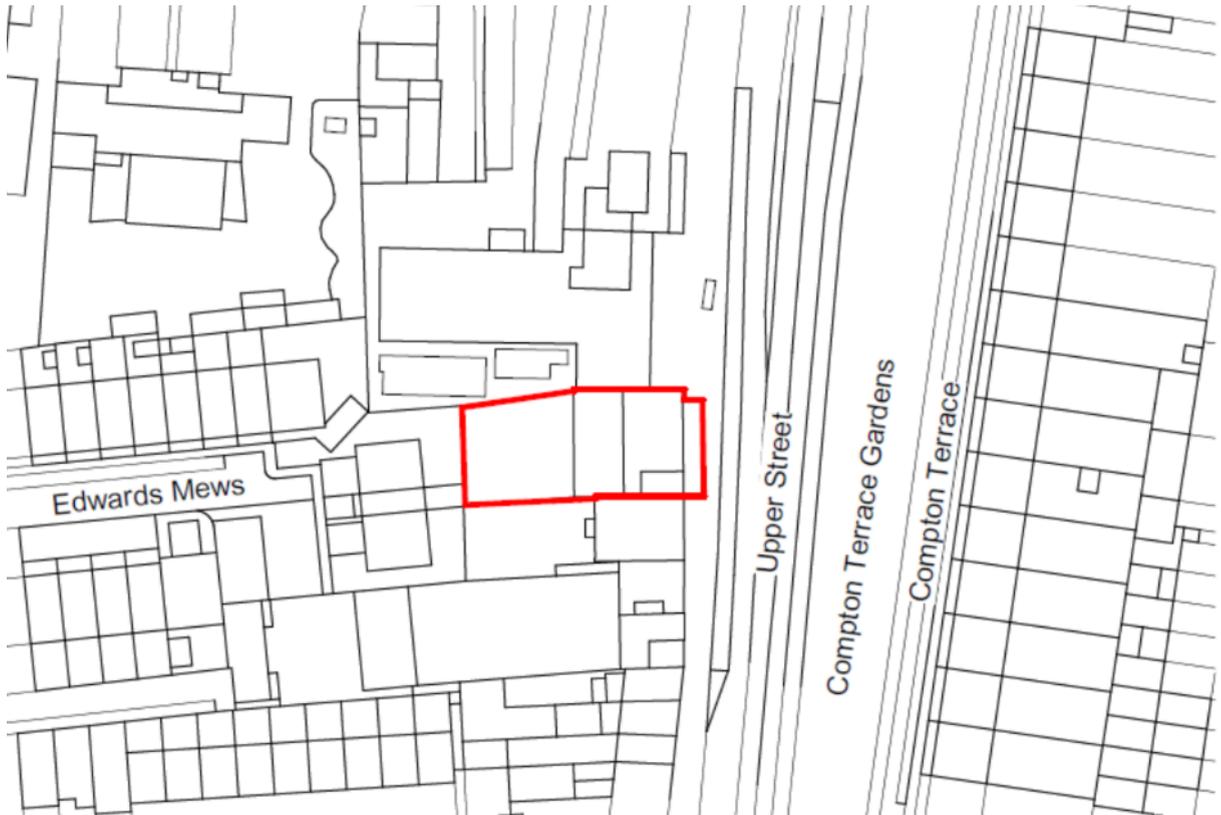


Fig 1 Site Plan. Application site outlined in red.

### 3. PHOTOS OF SITE AND SURROUNDINGS



Image 1: Aerial view



Image 2: View from Upper Street (from south).



Image 3: View from Upper Street (from north)



Image 4: Edwards Mews, located to the rear of the site

## **4. SUMMARY**

- 4.1 The proposed redevelopment comprises of demolition of the existing office building, save for retention of the ground floor façade, and construction of a new four storey office building (plus basement) with rooftop plant and other associated works such as landscaping, cycle and refuse storage.
- 4.2 The site is located within the Highbury Corner and Barnsbury Employment Growth Area and the existing building has remained vacant since September 2017. The proposed redevelopment represents an opportunity to bring the site back into active use, which would positively contribute to the commercial character of Upper Street and support the growth of employment floorspace within the area. Given the site is located within a designated Employment Growth Area, the proposed office use (Class E(g)(i)) is considered appropriate in this location and would be in accordance the objectives of the Development Plan policies.
- 4.3 The proposal would demolish most of the existing locally listed building and would create a new 4 storey (plus basement and roof plant) building with a retained ground floor façade, in recognition of its architectural and heritage merits. Whilst the scale and extent of the proposed demolition is considered to cause some level of harm to the non-designated heritage asset, it is considered that the level of harm is minor and would not warrant a refusal of planning permission on this ground. The proposed new building is considered to be acceptable in terms of scale, massing and appearance. The overall visual impact to the streetscene and the surrounding designated heritage assets (including the Grade I Union Chapel, properties on Compton Terrace and the Upper Street (North) Conservation Area) is also considered to be acceptable.
- 4.4 The comments made by residents and consultee bodies have been fully reviewed and considered, and no additional material planning considerations have been brought to light which would render the application unacceptable (subject to conditions to address neighbour concerns). The proposal is considered to have an acceptable impact on neighbouring residential amenity in terms of loss of daylight and sunlight, outlook, privacy, noise and disturbance and sense of enclosure. Moreover, the application is considered to constitute a sustainable form of redevelopment in terms of energy efficiency, renewable energy and sustainable transport.
- 4.5 The proposed development would provide more than 5% of GIA floorspace to be affordable workspace on site; it will be located at the lower ground level, it will be benefited by shared access and use of facilities within the rest of the building. It is considered that the affordable workspace would be good quality accommodation with adequate outlook, daylight and floor to ceiling height. The provision of affordable workspace is supported by local plan policies, and as such the proposed on site affordable workspace provision weighs in favour of the proposal.
- 4.6 The proposal would bring the vacant site back into active usage and the proposed office use is considered acceptable in this location. The active use of the building would positively contribute towards the vitality of Upper Street, which is a Key Area within the Borough, as well as the designated Highbury Corner and Barnsbury Employment Growth Area. Officers consider that the proposal would be a sustainable and well-designed development that would preserve and enhance the character of the adjacent Upper Street (North) Conservation Area, and the nearby heritage assets. Approval is recommended subject to planning conditions and s.106 agreement set out in Appendix 1.

## **5. SITE AND SURROUNDINGS**

- 5.1 The site is located on the west side of Upper Street and is approximately 0.055ha in area. The site currently comprises a 3 storey building with basement that was last used as a NatWest Bank branch at ground and basement level, with ancillary office space on the upper floors (use class E(c)(i)). The access of the site is from Upper Street only. It has been vacant since September 2017 and it has been occupied by live-in guardians for the majority of the time since.
- 5.2 The surrounding area is characterised as a traditional urban shopping street of mostly speculative 19th century traditional buildings. The southern site boundary directly abuts the

Upper Street North (CA19) Conservation Area and is within the setting of several other designated heritage assets (listed buildings) including the Grade I listed Union Chapel and the Grade II listed Compton Terrace on the opposite side of Upper Street.

- 5.3 To the rear of the site there are flats and houses on Edwards Mews which are managed by a housing association. The Council offices at 222 Upper Street adjoins the site to the north. The adjoining building (no.216) to the south is in retail use at ground floor level with residential units at first and second floor level.
- 5.4 The site is located within the designated Angel and Upper Street Key Area (Policy CS5), the Highbury Corner and Bamsbury Employment Growth Area, and the Upper Street Local Shopping Area. It has a PTAL rating of 6a which indicates that the site benefits from excellent public transport accessibility level. Upper Street is one of the main roads within the borough and is part of the TfL Road Network (Red route), which TfL is responsible for managing and maintaining.

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

- 6.1 The proposal would demolish the existing 3 storey building save the ground floor façade, and redevelop the site to construct a new 4 storey building with basement and rooftop plant, which comprises 1,831 sqm (GIA) of floorspace for office use (2,090sqm GEA, 1,175sqm NIA).
- 6.2 The proposal is to retain the ground floor façade, but the glazing panels are proposed to be replaced with similar profiles.
- 6.3 The rest of the new build element would use similar materials and adopt similar proportions of the existing building, however, it would be designed and configured to provide modern office specifications internally. Compared to the existing building, the proposal would add an additional (fourth storey) with additional rooftop plant (which would be stepped back from the Upper Street frontage (east)).
- 6.4 In terms of outdoor space, a lower ground and third floor roof terrace is proposed at the rear to provide amenity space and landscaping features such as green walls.
- 6.5 The lower ground office accommodation, which comprises of the proposed on-site affordable workspace, would be supported by a lightwell at rear to provide daylight and outlook. A mezzanine level is proposed between the lower ground floor area and the raised ground floor area at the rear to create additional floorspace.
- 6.6 It is proposed to provide 32 cycle parking spaces at lower ground level, with designated cycle lift, supported by showers, lockers and toilet facilities.
- 6.7 A substation would be provided at lower ground level, to replace the existing substation at the rear of the site. The existing vaults area (below Upper Street pavement) would remain as plant room.

## **7. RELEVANT HISTORY**

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

### Planning Permission

- 7.2 900933: Installation of automated service till to Upper Street Elevation. Approved 09/08/1990
- 7.3 970963: Relocation of existing service till and installation of additional service till to existing bank frontage. Approved 27/06/1997
- 7.4 972071: Fit anti-scaling 'cacti' to garden wall between 216-218 Upper Street. Approved 19/12/1997

## Pre-application

- 7.5 Pre-application advice was given in 2019 (Q2019/0970/MJR) for the proposed redevelopment of the site.

## Design Review Panel

- 7.6 It is important to note that the development scheme has been presented at the Design Review Panel (DRP) on three occasions (19 July 2019, 14 January 2020 and 03 July 2020). The latest DRP comments are attached in **Appendix 3** of this report.

- 7.7 Below is the summary of the comments made by the latest DRP in July 2020, which largely represents the current iteration of the proposal:

- *The panel considered three structural options – (1) full retention of the building with refurbishment and extension; (2) retention of the front façade with the building’s structure demolished behind; and (3) retention of just the ground floor – in the context of their previous position, which is that the existing building is one of inherent architectural quality that contributes positively to the townscape and setting of the conservation area, and so should be treated as a non-designated heritage asset (of a quality worthy of local listing).*

**Officers response:** The building has been registered for local listing in Dec 2020, recognising its significance. The applicant has confirmed in the submission that the proposal was developed on the basis of the existing building as a non-designated heritage asset.

- *The Panel’s opinions were varied regarding the acceptable extent of demolition. Some members maintained, as in the last review, that there had not been adequate evidence provided that the building could not be retained and adapted. They recognised that the existing down stand beams on the upper floors were a constraint in terms of servicing the existing building, however, they considered that this was not overwhelming justification for the demolition of the upper storeys and structure of a non-designated heritage asset. They suggested that a more heritage-led and sustainable approach ought to be taken, however, they did state that should clear and convincing justification be made as to why the building could not be refurbished, Option 2 (retaining the entire front façade) might be acceptable on balance. This view was not unanimous and another member felt Option 3 (the retention of just the ground floor shopfront) was a satisfactory response to the site having considered the information supplied.*

**Officers response:** The extent of demolition is one of the key heritage issues, which is discussed in the design section below. In terms of justification for demolition, the applicant has provided further information in regards to the scale of the proposed demolition and this has been reviewed by officers. Whilst the demolition of the upper floor façade would cause some degree of harm in heritage terms, it is not considered to be severe to warrant a refusal on this ground. As such, officers accepted that option 3 can be supported in this case and that the level of harm identified can be mitigate by securing detailed design conditions to ensure quality.

- *The Panel welcomed the reduced floor to ceiling heights of the proposed building, which has had the benefit of lowering the parapet of the building on the Upper Street elevation as well as slightly reducing the overall mass of the building. They also welcomed the redesigned roof form which has been amended so as to be more slender and orthogonal in plan.*

**Officers response:** The massing of the building is considered acceptable, the roof form and the bulk of the fourth storey addition is further discussed in the assessment below. The floor to ceiling heights internal to the building remain acceptable for good quality modern office use.

- *The Panel considered that the latest iteration of the fenestration to the first and second floors, had successfully evoked the spirit of the original building and was more*

*sympathetic to the scale of the façade than in previous reviews. However, they also commented that the large plate glazing that would form the 4<sup>th</sup> storey extension appeared to be out of scale with the rest of the building. It was suggested that the 'ABA' rhythm of the fenestration on the lower levels ought to be reflected in the bays of the plate glazing, which would have the benefit of reducing the scale of the extension when viewed from Compton Terrace.*

**Officers response:** No changes have been made since the last DRP meeting to address this comment. The proposed appearance and materials are discussed below and it is considered that the proposed fenestration would have an acceptable impact.

- *The Panel remained concerned about the scale and mass of the building with regards to its impact on the sunlight and daylight amenity to the mews building directly behind the site. Based on the information supplied by the consultant Lumina London Limited, the Panel was satisfied that the latest proposal would have a better daylight/sunlight impact towards the neighbours than the DRP2 scheme. However, they noted that there are still three minor breaches (>20% loss, in breach of the BRE guidance) on both VSC and Daylight Distributions at 18-21 Edwards Mews. They urged the Design Team to continue to revise the scheme to further reduce the impact on those residents.*

**Officers response:** This is discussed in the neighbouring amenity section. In terms of the daylight assessment, there are a number of minor breaches against the BRE guidance in relation to the daylight impact towards neighbouring properties, and this has been taken into account in the overall planning balance of the assessment.

- *Overall the Panel considered that this iteration of the proposals was a satisfactory and more elegant evocation of the original bank building, and that the Design Team had successfully revised the scheme to complement the proportions and order of the retained shopfront.*

**Officers response:** This is noted and taken into account in the assessment.

- *That being said, as stated by the Chair, it was clear that a consensus regarding the principle of demolition had not been reached by the Panel. On this matter they advised that greater justification for the demolition of the building would be required, and that this would have to be balanced against the public benefit of the proposals as the scheme continues to be refined.*

**Officers response:** The heritage harm as a result of the demolition of the building is weighed against the public benefits of the proposal, as per the planning balance section.

## 8. CONSULTATION

### Public Consultation

- 8.1 The application has been publicly consulted on 16 November 2020. Site and press notice have also been issued. The consultation period expired on 28 December 2020. Letters were sent to the surrounding neighbours on Upper Street, Edwards Mews, Islington Park Street, Compton Terrace, Compton Avenue, Peacock Place, Laycock Street, Edward's Cottages, Islington Park Mews, Cobble Lane, Tyndale Terrace and Canonbury Lane.
- 8.2 At the time of writing, a total of **six representations** were received (2 objections, 2 support and 2 comments).
- 8.3 The following points were raised in the **two letters of objections** [with the paragraphs in brackets indicating where in the report the respective points have been addressed]:
- The proposal would result in overdevelopment of the site, which is of historical significance [10.88 - 10.94].

- The proposed development will overlook properties on Islington Park Mews and result in loss of privacy to residents [10.154-160].
- The proposed development is located adjacent to the property at 216 Upper Street, and would adversely affect the living conditions of the neighbouring occupiers, particularly in terms of overlooking, outlook, and daylight/sunlight [10.120-10.163].
- The construction works would affect the neighbours particularly in terms of noise and vibration [10.164-10.170]
- Security concern with regard to the proposed roof terrace which would potentially allow thieves to access the neighbouring properties [10.280-10.282]
- There may be asbestos present in the basement of the existing building [10.190]

8.4 **Two letters of support** were received and the following points were raised:

- The existing building is out of date and below modern standards for offices; it is right to be reconstructed
- The partial retention of the ground floor of the facade is an appropriate solution, it is a decent example of 1950's architecture and better than the previous proposal
- The proposal will improve the streetscape and the set back top floor is acceptable
- The scheme overall is to be welcomed for bringing this building back into good modern use

8.5 **Two letters of comment** were received and the following points were raised [with the paragraphs in brackets indicating where in the report the respective points have been addressed]:

- The inclusion of a green/ blue roof and green wall is welcomed; it is recommended further improvement to biodiversity should be secured. [10.181- 10.185]
- This development is in an area where swifts and bats are currently nesting and will potentially nest, therefore, integrated swift nest/bat box or bricks should be provided. [10.183- 10.185]

#### External Consultees

8.6 **Transport for London (Road network):** No objection to the submission. A Construction Logistic Plan is recommended to be secured by condition, and with consultation of TfL prior to commencement of development.

8.7 **London Underground/DLR Infrastructure Protection:** No comment.

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

8.9 **Metropolitan Police (Design out Crime Officer):** No objection raised. Recommend the development to achieve the relevant Secured by Design accreditation. There is a wide variety of crime types on Upper Street and a particular problem with rough sleeping and drug taking along Upper Street and its side roads.

8.10 **Thames Water:** No objection. Condition and informative recommended in regard to surface water drainage, groundwater discharge, piling method and water pressure.

8.11 **Historic England (GLAAS):** No objection to the proposal.

## Internal Consultees

- 8.12 **Planning Policy Team:** No objection to the proposed change of use from Bank (financial institution) to office. It is noted that the proposal should include active frontages where appropriate.

Affordable workspace should be secured on site at a peppercorn rate for at least 10 years to a council-approved Workspace Provider, a minimum of 5% of floorspace should be provided on an affordable basis

If the proposal is considered acceptable, we would wish to see office use secured by condition to limit wider Class E use of the site.

- 8.13 **Inclusive Design Officer:** No objection to the proposal, recommend conditions to secure details of accessible cycle parking spaces, ambulant WC, automated doors, evacuation lift, provision of refuges. Details of the provision of step free access to the mezzanine levels should also be provided.

- 8.14 **Design and Conservation Officer:** The near-total demolition of the locally listed building would cause less than substantial but nevertheless serious harm to the significance of the non-designated heritage asset. The heritage benefits of the scheme are limited to the reinstatement of the original proportions of two granite stall risers of the ground floor shopfront, however, this is undermined by the loss of one of those bays to create a UKPN station and other alterations and losses of original fabric proposed to the original shopfront. It is therefore considered that the heritage benefits are limited/neutral and do not outweigh the harm of the loss of all but the shopfront to the significance of the locally listed building.

Design: The design of the proposed fourth floor set-back storey is considered to be overly bulky and dominant, by virtue of the overhanging soffit and roof-level termination, to the detriment of the surrounding townscape.

Concern raised in regard to the design of the proposed rear elevation and the views from Edwards Mews.

In the event that Planning Officers found that the planning balance suggested the application should be approved, the Design and Conservation Officer recommended conditions to secure details of materials, façade retention, recording of historic asset prior to demolition, reinstatement of historic feature and shopfront design.

- 8.15 **Energy Officer:** No objection to the latest submission which satisfies the council's policy requirements.

- 8.16 **Sustainability Officer:** No objection to the proposal. A Green Procurement Plan is recommended to be secured by condition.

The proposed green walls and green roofs are welcomed and should be designed to maximise biodiversity value.

Appropriate bird boxes and swift bricks should also be installed to maximise biodiversity value.

No objection to the drainage proposal.

- 8.17 **Highways Officer:** No comment. (**Case officer note:** Upper Street forms part of the TLRN and therefore TfL is the highway authority)

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

- 8.19 **Inclusive Economy Team:** Support the onsite provision of affordable workspace. The proposed affordable workspace on site is considered to be acceptable.

8.20 **Nature Conservation Team:** Recommend provision of swift bricks on site to promote biodiversity, which the site is currently of low value.

## 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:
- Core Strategy Key Area – Angel and Upper Street

- Employment Growth Area - Highbury Corner & Barnsbury
- Local Shopping Area – Upper Street
- Transport for London Route Network (Red route)
- Strategic Cycle Route
- London Underground Zones of interest
- Article 4 Direction A1-A2 (Borough wide)

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 (inc. affordable workspace)
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring amenity
- Biodiversity, Landscaping and Trees
- Health and Air quality
- Energy and sustainability
- Basement development
- Highways and Transportation
- Fire safety
- Safety and security
- Planning obligations and CIL
- Planning balance assessment

### Principle of Development

10.2 Since the closure of the NatWest branch in September 2017, the existing building has now been vacant for more than 3 years. The site, in its current state, does not positively contribute to the character nor the vitality of the Upper Street vicinity.



Image 5: The building was last used as a bank until 2017 (Google street views in 2016).

10.3 The proposed development would redevelop the site by substantially demolishing the existing bank building and construct a new 4 storey building (plus extended basement and rooftop plant). It would bring the site back into active use and provide new office accommodation to the Highbury Corner area. The site is designated within an Employment Growth Area and as such

it is considered that the principle of development is in accordance with the Development Plan in supporting commercial development at this location, subject to the considerations of the substantial demolition of the locally listed building.

### **Land Use**

- 10.4 The building is understood to have been built in c.1953 for the National Provincial Bank to replace the 19<sup>th</sup> century building which was destroyed by a bomb in 1940. It is believed that the building has always been used as a bank on the ground floor with ancillary office floorspace at the upper levels. There is no planning history that indicates any change of use occurred since 1953.



Image 6: The existing building in 1953.

- 10.5 The proposal under this application would redevelop the site to provide a new building comprising 1,831sqm (GIA) of office floorspace. It is estimated that the new office accommodation would create approx. 90 full time jobs on site.
- 10.6 The application site is not allocated within the Development Plan, however, it is designated within the Highbury Corner and Barnsbury Employment Growth Area (EGA), as well as the Upper Street Local Shopping Area (LSA). The Development Plan puts emphasis on encouraging office development within the EGA, and on the other hand, it also recognises the importance of safeguarding the existing retail and service function of the LSA.
- 10.7 Therefore, the proposed loss of the existing use of the site as a bank would need to be assessed against the merits of provision of new office accommodation, and whether the proposed use would be appropriate for the site and the surrounding area in the long term, in accordance with the relevant objectives of the local, regional and national policies and guidance.

### **Loss of existing bank**

- 10.8 The existing lawful use of the site is a bank (formerly Class A2) on the ground floor with ancillary office floorspace at basement and upper levels. It is worth noting that Use Class A2 is now superseded and replaced by Class E, in consequence of the amendment of the Use Class Order back in Sept 2020 (SI 2020 no.757). A bank is classed as Use Class E(c)(i) Financial services.
- 10.9 A bank would normally fall under “retail and services” in the context of planning policies in the Development Plan. Islington’s Core Strategy (ICS) policy CS14 states that across the borough, Islington will continue to have strong cultural and community provision within a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.

- 10.10 Islington Development Management Policies (IDMP) DM4.6 part A states that development proposals will only be permitted where an appropriate mix and balance of uses within the Local Shopping Areas, which maintains and enhances the retail and service function of the LSA, is retained.
- 10.11 As mentioned previously, it is understood that the last active use of the site was a bank, which ceased operation back in 2017. As the site has been vacant for more than 3 years, officers considered that the proposed redevelopment would not adversely affect the mix and balance of uses within the LSA, as the site currently does not positively contribute to the retail and service function of the LSA.
- 10.12 IDMP policy DM4.6 part B relates to protection of existing ground floor retail units (formerly Class A1 use). Given the site was last used as a bank (formerly A2) this section of the policy is not considered to be applicable.
- 10.13 Overall, it is considered that the proposed development would not adversely affect the retail and service function of the designated Upper Street LSA with active financial services at this site not being present for almost 4 years and would therefore accord with ICS policy CS14 and IDMP policy DM4.6. The acceptability of the proposed office use is discussed below.

#### **Provision of office accommodation**

- 10.14 The revised National Planning Policy Framework (NPPF) Feb 2019 paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.15 In regard to making effective use of land, paragraph 118(D) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings. Further, paragraphs 120 and 121 emphasis that planning decisions need to reflect changes in the demand of land, and Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.
- 10.16 LP policy GG5 seeks to enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, it states that boroughs must plan for sufficient employment and industrial space in the right locations to support economic development and regeneration; and make the fullest use of its network of town centres, to support agglomeration and economic activity.
- 10.17 LP Policy E1 states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development; the diverse office markets in inner London should be consolidated and - where viable - extended, focusing new development in town centres and other existing office clusters supported by improvements to walking, cycling and public transport connectivity and capacity.
- 10.18 LP policy E9 part F states that Development proposals involving the redevelopment of surplus retail space should support other planning objectives and include alternative town centre uses on the ground floor where viable.
- 10.19 Locally, ICS policy CS13 states that new employment floorspace is encouraged, particularly business floorspace, to locate in the town centre locations with excellent public transport accessibility.
- 10.20 Regarding Employment Growth Areas (EGA), within which the application site sits, IDMP policy 5.1 states that within EGAs, the council will encourage the intensification, renewal and modernisation of existing business floorspace; Proposals are required to incorporate:
- i) The maximum account of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and;

ii) A mix of complementary uses, including active frontages where appropriate.

- 10.21 The proposal comprises change of use from the former bank Class E(C)(i) to provide new office floorspace (Class E(g)(i)) (2,090sqm GEA, 1,831sqm GIA, 1,175sqm NIA). The amount of development that is appropriate for this site is determined by a number of material considerations including design, heritage and amenity, which have been duly assessed and discussed in the latter part of this report; officers consider that due to the site's physical and policy constraints (particularly in terms of design and heritage), the proposed office development is considered to be appropriate and to maximise provision (meets the objective of the above policy) subject to all other Development Plan considerations.
- 10.22 In regard to limb ii) of the above policy which requires a mix of complementary uses and active frontages where appropriate, it is judged that whilst there might be some scope to provide a small retail unit on the ground floor level, it would inevitably result in reduction of the amount of office floorspace which the site could deliver; more importantly, the site is not considered to be large enough to accommodate an adequate and accessible office entrance that meets all the relevant standards whilst providing a suitable retail unit on the ground floor. Therefore, the proposed office development is considered acceptable in this regard.
- 10.23 It is also worth noting that the ground floor façade would be retained and there are only two sets double doors which can be utilised as the access to the building. Taking into account the requirement of back of house facilities (i.e. refuse and cycle storage) to support the proposed office use, it is considered that the provision of a mix uses with active frontages on the ground floor would not be appropriate for this locally listed building of which the ground floor façade is to be retained.
- 10.24 Therefore, officers accept that the application site is modest and due to the physical constraints of the site and the surrounding area, and the fact that the site is adjacent to the Upper Street (North) conservation area with a number of heritage assets within the locality, the proposed 4 storey plus basement building incorporates the maximum reasonable amount of business floorspace on site. The design and heritage impacts of the proposal are further discussed in the Design, Conservation and Heritage section below.
- 10.25 Overall, having regard to the Development Plan, it is considered that the proposed office use is acceptable in land use terms, and as such would make an efficient use of this brownfield site. 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.
- 10.26 It is also worth noting that the new Use Class E introduced in the September 2020 Use Class Order amendment has combined both the existing use (formerly Class A2) and the proposed office use (formerly Class B1a) into the same use class, and therefore, subject to compliance with certain criteria and correct procedures, the existing building could be converted into an office use without planning permission, as change of use within the same Use Class does not normally constitute development, as per provision of section 55(2)(f) of the Town and Country Planning Act 1990.
- 10.27 In light of the introduction of Class E, the council is minded to restrict the permitted use of the site to office only (Class E(g)(i)), should planning permission be granted. The intention is to ensure that the site would only be permitted for office use as proposed, and the Council can retain control over any further change of use of the site in the future with the view of protecting the vitality of the Employment Growth Area. This would be secured in **condition 26** in appendix 1 below.
- 10.28 Furthermore, officers also recommend a separate condition to restrict future change of use of the site from office to residential, based on the provision of Class MA within the latest General Permitted Development Order. This is to ensure that the council can retain control over the future change of use and to ensure that there would not be unacceptable loss of business floorspace to residential use, which would adversely affect the designated Key Area and the Employment Growth Area. In a small constrained borough such as Islington, the use of each and every site is of vital importance to perform properly against the spatial strategy within the Development

Plan. This is secured by **condition 25**.

### **Affordable Workspace**

- 10.29 LP policy E1 part G states that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.
- 10.30 LP policy E3 states that planning obligations may be used to secure affordable workspace, at rents maintained below the market rate for that space for a specific social, cultural and economic development purpose; consideration should be given to the need for affordable workspace in locations identified in the local plan where provision of affordable workspace would be necessary to sustain a mix of business or cultural uses which contribute to the character of the area.
- 10.31 The site forms part of the Highbury Corner and Barnsbury EGA, and IDMP policy DM5.4 requires proposals to incorporate an appropriate amount of affordable workspace and/or spaces that are suitable for occupation by micro and small enterprises.
- 10.32 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).
- 10.33 Emerging policy B4 states that within CAZ fringe Spatial Strategy areas (including Angel and Upper Street), major development proposals involving 1,000sqm or more gross B1(a) floorspace must incorporate at least 10% affordable workspace (as a proportion of the proposed GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years.
- 10.34 It is noted that this emerging policy 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 is appropriate.
- 10.35 The proposal comprises of 117sqm of on-site affordable workspace, it will be located at the lower ground floor level. The proposed affordable workspace would represent 6.4% of the proposed GIA, which exceeds the 5% minimum requirement. The provision of affordable workspace is considered to be a public benefit which weighs in favour of the development.
- 10.36 The proposed affordable workspace would have a head height of 2.9m, which is considered to be acceptable, it would also be served by an opening which would provide additional outlook, natural lighting, and ventilation via the lightwell. This has been reviewed by the Inclusive Economy Team who have advised that the space is acceptable to them.
- 10.37 Apart from the 117sqm of affordable workspace at the lower ground floor, the affordable workspace occupiers would also have shared access of facilities such as the main entrance, reception and toilets. They would also have shared access to the cycle parking storage as well as the associated shower and changing facilities.

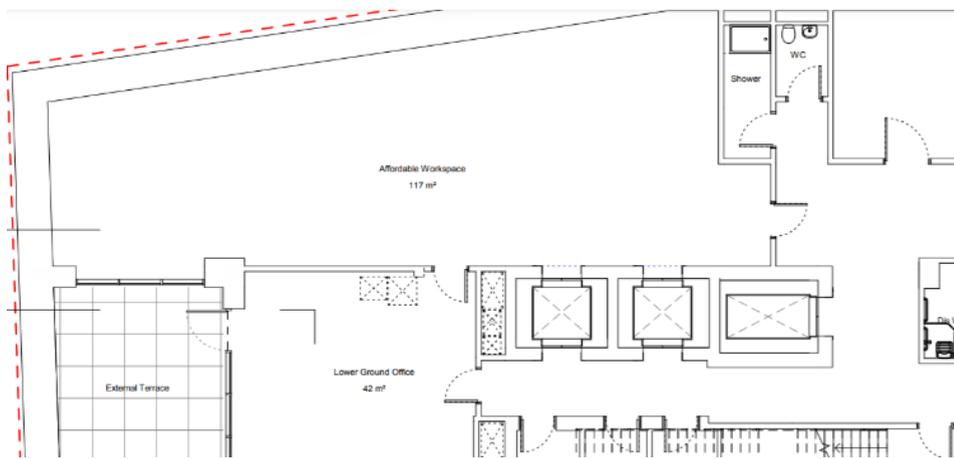


Image 7: Internal layout showing the location of affordable workspace

- 10.38 Overall, the quality of the affordable workspace is considered to be acceptable. . The proposed affordable workspace on site exceeds the 5% requirement and meets the relevant policy objectives within the Development Plan.

### **Delivery and Infrastructure**

- 10.39 ICS policy CS18 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.
- 10.40 In accordance with ICS policy CS13 part C, and the guidance sets out within the Planning Obligation SPD, the proposed office development would require an appropriate amount of planning contributions which mitigate the impact of the development, this includes the provision of training opportunities at construction stage (1 placement = £5,000), as well as employment and training contribution during the operation of development (£10,261). Both would be secured within a legal agreement under S106 of the Act.

### **Land Use Summary**

- 10.41 It is acknowledged that the Development Plan seeks to protect the retail functions within Local Shopping Areas, however, since the site has been vacant for more than 3 (close to 4) years, it is considered that the loss of the bank (now Class E(c)(i)) would not result in a shortfall of that specific use within the local area, and would not negatively impact upon the functions and vitality of the LSA.
- 10.42 The proposed office development would provide 1,831sqm GIA of new office floor space to the area, and would positively contribute to the stock of office floorspace within the borough, which is supported by the national, regional and local policies.
- 10.43 It is worth noting that the proposal would make a positive contribution of affordable workspace above adopted policy levels, contributing towards a mix of business size, type and function to support the vitality of the area and the local economy.
- 10.44 Overall, it is the view of officers that the proposed development would be acceptable in land use terms, subject to planning conditions and obligations as stipulated above and having regard to other material considerations discussed below.

### **Design, Conservation and Heritage**

#### **National policies**

- 10.45 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.

- 10.46 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.
- 10.47 Paragraph 129 goes on further to state that in assessing application, 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.
- 10.48 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.49 Paragraph 196 goes on further to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.50 In terms of non-designated heritage asset, paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **London Plan**

- 10.51 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.
- 10.52 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
- 10.53 LP 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**

- 10.54 The national and regional policies are supported locally by ICS Policy CS5 which sets out the spatial strategy for the Angel and Upper Street Key Area, it states that the historic character of the area will be protected and enhanced with high quality design encouraged so that it respects the local context of Angel and Upper Street and its surroundings.
- 10.55 ICS Policy CS9 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.
- 10.56 IDMP Policy DM2.1 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.
- 10.57 IDMP Policy DM2.3 requires development 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 areas settings to be of high quality contextual design, and harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part B ii of the policy goes on to state that the council will require the retention of all buildings which make a positive contribution to the significance of a conservation area. Part E of the policy relates to non-designated heritage assets (i.e. locally listed buildings) which the council encourages the retention, repair and reuse of such buildings.
- 10.58 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.
- 10.59 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 through the planning process (section 66).

### **Site context**

- 10.60 As mentioned in section 5 of this report, the surrounding area is characterised as a traditional urban shopping street of mostly speculative 19th century traditional buildings. This stretch of Upper Street (west side) contains a number of brick fronted 19<sup>th</sup> Century buildings containing ground floor shop fronts.
- 10.61 An exception to the prevailing height, form and language is the building at 222 Upper Street, which is the council's municipal offices. It is immediately north of the site and comprises a large, red brick, modern five storey block which was built c.1980s.
- 10.62 The following heritage assets have been identified in the assessment:
- 218 Upper Street is a locally listed building (non-designated heritage asset).
  - Upper Street (North) Conservation Area (abuts the site boundary)
  - Union Chapel, Compton terrace – GI listed, Local Landmark LL6 (IDMP policy DM2.5)
  - 1-16 (consecutive) and attached railings, Compton terrace – GII listed

- 17 and 18 and attached railings, Compton terrace – GII listed
- 19 and 20 and attached railings, Compton terrace – GII listed
- 21 and 22 and attached railings, Compton terrace – GII listed
- 23 - 25 (consecutive) and attached railings, Compton terrace – GII listed
- Hope & Anchor PH, 207 Upper Street – GII listed

### Proposal

- 10.63 The applicant has submitted a Design and Access Statement (Squire & Partners – Sept 2020) in support of the application. Furthermore, it is also supported by a Heritage, Townscape and Visual Impact Assessment (Lichfields – 20 Oct 2020) and a Historical Assessment (Montagu Evans - Oct 2020).
- 10.64 It is proposed to substantially demolish the locally listed former bank building, retaining only the ground floor shopfront, to excavate and extend the basement and to create a new three storey office building with a fourth floor set back storey and plant at roof level.

### Assessment

#### Existing building - Demolition and ground floor façade retention

- 10.65 It is proposed to demolish the majority of the existing locally listed building and retain the ground floor façade fronting Upper Street.
- 10.66



Image 8: Existing façade (left) and proposed façade in CGI (right), view from street level



Image 9: Existing (left) and proposed (right) front elevation

- 10.67 In terms of demolition of heritage assets, IDMP policy DM2.3 (Heritage) states that the council would require retention of all buildings which make a positive contribution to the significance of a conservation area. The Design and Conservation Team's opinion is that the existing building, particularly the front elevation façade, does positively contribute to the adjacent Upper Street (North) conservation area (CA19) and that the entire front façade should be retained; this specifically relates to the objective of part E of policy DM2.3, which encourages retention of non-designated heritage assets (i.e. locally listed building).
- 10.68 The Urban Design Guide (UDG) SPD para 5.109 states that façade retention is not normally supported, as it can severely compromise the architectural integrity of the building and be detrimental to heritage assets.
- 10.69 UDG para 5.110 continues that proposals for façade retention will only be supported where it is considered that the retention of the frontage is imperative and there is strong and convincing justification for the demolition of the rest of the building. Where façade retention is acceptable, the new development behind it must be successfully and seamlessly integrated with the old, appropriately detailed and designed so that the resultant building achieves architectural coherence.
- 10.70 Having reviewed the submission and considered the comments made by the Design and Conservation Team, alongside the DRP comments, it is considered that the key questions in regard to the acceptability of the proposed demolition and partial façade retention are:
- 1) whether the demolition would severely compromise the architectural integrity of the building and be detrimental to heritage assets;
  - 2) whether the retention of the frontage is imperative and there is strong and convincing justification for the demolition of the rest of the building; and
  - 3) whether the new development behind it would successfully and seamlessly integrate with the old, and would be appropriately detailed and designed so that the resultant building achieves architectural coherence.

#### Retention and alteration of ground floor façade

- 10.71 The architectural and heritage significance of the ground floor façade is recognised by the applicant's team, the DRP panels, the Design and Conservation Officer, the Historic England Initial Assessment Report (dated 11 Dec 2019) and the council's Planning Committee back in 5 Nov 2020, where members of the Planning Committee endorsed the recommendation to add the building to the council's Register of Locally Listed Buildings.

- 10.72 It is acknowledged that some of the elements within the ground floor façade are important to be preserved and enhanced, including the granite façade and the door handles and coin motifs, which are proposed to be retained. The granite sills to the three central windows would be reinstated to their original lower height (see image 9), and the stone will be cleaned. These alterations improve the existing façade and are welcomed by officers.
- 10.73 The ground floor front windows would be replaced with slender sections that reflect the existing fenestration design. This is considered acceptable in principle, and further details would need to be secured by planning **condition 3** to ensure that the proposed details would have an acceptable appearance.
- 10.74 The proposed substation intake and extract ducts would be concealed behind a decorative screen, and the timber doors would be replaced with new timber doors as the steps are to be removed to provide level access. The Design and Conservation Officer has welcomed the reinstatement of the proportions of two granite stall risers, but raised concern over the loss of one of the bays to create an access for the substation.
- 10.75 Therefore it is judged that the retention of the ground floor façade is acceptable, however, whilst some of the reinstatement of features are welcomed, the proposal would cause some level adverse impact in the loss of one of the front bays due to the provision of access to the substation at lower ground floor. It is therefore considered that the proposed works to the front ground floor façade would have a neutral impact in design and heritage terms, and further details of the materials would need to be submitted to and agreed by the council prior to commencement of development. This is secured by **condition 3**.

#### Demolition of upper level façade and rest of the building

- 10.76 In terms of the significance of the upper level facade and the rest of the building, which is proposed to be demolished, there is a greater degree of disparity in opinions between different parties.
- 10.77 The Historic England Dec 2019 report, whilst rejected the building to be statutorily listed, has acknowledged that the existing building as “a well-constructed and relatively early example of post-war design”. It is further stated that “the elevations are rather austere, even though they have been enlivened with thoughtful detailing such as the circular door handles and plaques, with their representations of ancient coinage”. The report concluded that the building “possess claims to local interest”.
- 10.78 This Planning Committee recommended the building to be put on the Register of Locally Listed Buildings back in Nov 2020, however, it is noted that there was a mix of views amongst the members in regard to the architectural and historic significance of the building. Noted from the minutes of the meeting, it is recognised that whilst some member(s) considered the building as a rare example of a bank branch and is worthy of local listing; it is also noted that other member(s) considered that the upper floors, internal areas and rear façade to be of lesser interest.
- 10.79 The DRP’s opinion back in June 2020 were also varied in regard to the acceptable extent of proposed demolition. Some of the panel members considered that there had not been adequate evidence provided that the building could not be retained and adapted. The panel recognised that the existing down stand beams on the upper floors were a constraint in terms of servicing the existing building, however, they considered that this was not overwhelming justification for the demolition of the upper storeys and structure of a non-designated heritage asset.
- 10.80 In order to determine the acceptable level of demolition, the DRP suggested that a more heritage-led and sustainable approach ought to be taken, should clear and convincing justification be made as to why the building could not be refurbished, the option for retaining the entire front façade might be acceptable on balance. It is worth noting that this view was not unanimous as another member felt that the proposed retention of just the ground floor shopfront was a satisfactory response to the site.

- 10.81 The Council's Design and Conservation Officer considered that the building should be retained, especially the whole façade; in terms of architectural significance, the D&C officer's view is that whilst the ground floor façade most clearly communicates with the building's former use as a former bank, it is not agreed with the applicant that this is the only part of the building that is worthy to retain. The significance of the building is found in the sum of its parts, not just in the ground floor shopfront.
- 10.82 The D&C officer elaborated that the architectural and historic significance of the building is derived in its value as a local example of post-war 1950s commercial architecture of modernist design; its rhythm and external composition; its materials and methods of construction; its artistic embellishments; its associative value linked to its having been designed by notable bank architect B.C. Sherren; its local and regional historical importance as the first bank branch rebuilt after the Blitz; and, its contribution to local character and distinctiveness, its group/townscape value and its contribution to the setting of the conservation area.
- 10.83 Having reviewed the proposal and the D&C officer's comments, it is judged that whilst the ground floor façade is without doubt the most significant part of the building in terms of architecture and heritage, the proposal to demolish the upper level façade would compromise the architectural integrity of the building and adversely affect the non-designated heritage asset, albeit to a considerably lesser extent when compared to the ground floor. In this case, a balanced judgement is required, having regard to the scale of harm or loss, the significance of the heritage asset, to determine the acceptability of the extent of the proposed demolition.
- 10.84 The submitted Design and Access Statement appendix 6.2 included the details of the retention options, which were presented to the DRP in June 2020. It sets out the structural, mechanical, architectural and commercial implications of the three options (full retention, full façade retention and ground floor façade retention). It was concluded that the first two options would add complications to the delivery of the scheme including time, cost and disruptions such as road closures. On the other hand, the third option would provide the greatest level of flexibility for the internal configuration of the building and would involve minimum level of disruptions during temporary works.
- 10.85 Considering the only access of the site is via Upper Street, which is a busy main road, the least amount of disruptions during construction stage is preferable (this is further discussed at the Construction impact section below). Overall, it is considered that from a structural engineering point of view, the proposed ground floor retention is sufficiently justified, as opposed to the full retention and full façade retention options.
- 10.86 In terms of the new build elements, the upper levels are proposed to be replaced with new brickwork in English Bond to replicate and complement the existing building. The window proportions would reflect the existing building fenestration, including two vertical decorative spandrel panels which break up the longer central window. It is considered that the proposed new façade would have an acceptable and similar visual appearance as the existing locally listed building. Whilst the proposal would include a new set back third floor level with a plant enclosure on top, it would not have the same visual impact as the main façade, and due to the difference in use of materials and fenestration design, it would architecturally read like a roof extension to the locally listed building. Overall, it is considered that subject to details of façade retention, shopfront design and materials, the proposed new building would be able to successfully and seamlessly integrate with the existing façade, and be appropriately detailed and designed so that the resultant building would achieve architectural coherence.
- 10.87 Having reviewed the submission and all the comments from the relevant parties, it is judged that the extent of the proposed demolition to the locally listed building would cause less than substantial harm to the significance of the non-designated heritage asset. The level of harm identified would need to be weighed against the merits of the design of the replacement building, as well as the planning balance of the whole application.

Proposed new building - Height, Scale, Massing and Townscape effect

- 10.88 The proposed new building would be 4 storeys in height, with a lower ground floor level and roof

top plant. The proposed building (including roof plant) would be approximately 5m taller than the existing and would be more prominent when viewed from Upper Street. Most of the buildings along this section of Upper Street are 3 or 4 storeys in height, with a notable exception at 222 Upper Street, which is 5 storeys in height (plus roof plant enclosure) and consists of a significantly larger building footprint.

- 10.89 It is noted that the proposed building would be taller than the shoulder parapet wall of 222 Upper Street. To alleviate the impact of the additional massing, the third floor is proposed to be set back from the front (east) elevation by approximately 4.3m to ensure that it would not be highly visible from Upper Street and in keeping with the rest of the area. As a result, the proposed new building is considered to be a proportionate form of development for this location, and the height of the building is considered to be acceptable. No objection was raised from the D&C officer in this regard.
- 10.90 To the rear of the site, apart from the ground floor element (which is at full depth), the proposed building would be sited approximately 8m from the rear boundary, and there would be a separation distance of 15m maintained between the upper levels of the proposed building from the closest property at Edward Mews.
- 10.91 The D&C Officer commented that the additional massing at rear would be visible from Edwards Mews, and there is no verified views submitted. The applicant's team has responded by asserting that the significance of the rear elevation is low and the views from Edwards Mews is not considered to be a key view as opposed to the front and side views from Upper Street. It is noted that Edward Mews is a private residential cul-de-sac and it is the view of officers that the view from the rear is located outside of a conservation area and is of less significance (see Image 4).
- 10.92 The D&C officer has also raised concerns in regard to the bulk of the third floor element, stating that the roof form with the large overhang would be very visible and have a detrimental impact to the terrace of buildings and surrounding townscape. The applicant's team has responded by stating that the profile of the roof overhang has been slimmed, as per the DRP suggestions and it is noted that the DRP has welcomed the roof form, which is more slender and orthogonal in than the previous iterations during the pre-application discussions.



Image 10: previous iterations of the proposal, during the first pre-app (left) and second pre-app (middle) in 2019, and the last DRP meeting in 2020 (right).

- 10.93 Having reviewed the comments from the consultees and the applicant's team, officers consider that the scale and massing is acceptable and would fit well into the context of the site. It is judged that the proposed height, scale and massing of the building is acceptable, subject to detailed design and appearance.
- 10.94 Notwithstanding the above, the bulk and massing of the building will need to be carefully assessed to ensure that it would not pose unacceptable harm to the living conditions of the surrounding neighbours. This is discussed in the Neighbouring Amenity section below.

### Appearance and materiality

- 10.95 The details of the proposed front elevation have been discussed in the previous section. For the ground floor, it is proposed to retain the granite façade, the door handles and coin motifs; the reinstatement of the granite sills, and the replacement windows are considered to be acceptable, subject to the detailed design for each element in retaining the appearance of the existing façade.
- 10.96 At the upper floor levels, the replacement building would be built with brown brick in English Bond with fenestration design similar to the existing. The DRP suggested that the proposed glazing to the third floor follow the “ABA” rhythm of the fenestration at the lower levels; this is reflected in the proposal and is considered to be an appropriate way to address the articulation of the building and retaining its horizontal emphasis. This is considered acceptable.
- 10.97 In terms of fenestration design, the D&C officer has noted that the windows would have a deeper recess than the existing, which would introduce a greater degree of shadow to the façade and would not match the flatness of the 1950s modernist original design. The applicant’s team has responded that the proposal is a modern interpretation that evokes the character of the existing 1950s building. The proposal is not intending to be a replica of the existing building and as such, a deeper recess is proposed for the fenestration. Having considered the comments made by the D&C officer, and the applicant’s team, it is judged that windows with a deeper recess can be supported in principle, the details of the windows design would need to be further assessed (in consultation with the D&C officer) and agreed prior to commencement of development. This is secured in **condition 3**.
- 10.98 To the rear, the proposed western elevation would comprise of similar external materials to the principal elevation, including the same brickwork and windows design. The D&C officer commented on the blank boxes on the western side of the upper floors, which is considered to be a diminishment in architectural design when compared to the original. The applicant’s response is that due to the location of the core, it is not possible to provide windows to this section of the elevation. Taking into account the appearance of the existing western elevation and the fact that this elevation is of less visibility and importance than the front, this proposed design is considered acceptable. Details of the windows, stone surrounds would need to be submitted and agreed by officers, this is secured by **condition 3**. Details and specification of green wall system is secured under **condition 32**.
- 10.99 The proposed set back third floor would be primarily in glazing to provide a visually “lighter” appearance and a contrast to the appearance of the main building. The new roof would be constructed in zinc to make the roofline appear to be more slender. On the same level, it is also proposed to install a balustrade over the top of the parapet wall to facilitate the external terrace at front. Due to its set back from the front elevation, it would be less visible and would not adversely affect the appearance of the building nor the character and significance of the Upper Street (North) conservation area, or setting of other nearby listed buildings.
- 10.100 Overall, it is considered that the proposed development would have an acceptable appearance and 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 (**condition 3**).

### **Design, Conservation and Heritage Summary**

- 10.101 The proposed demolition and ground floor façade retention has been thoroughly assessed, all consultation comments and relevant material considerations have been taken into account. Justification for retaining the ground floor façade (greatest significance) and demolishing the remainder of the non-designated heritage asset (upper floor front façade has some significance) has been provided. This includes: the heritage assessment which demonstrated the preservation of the greatest significance of the non-designated heritage asset through the retention of the ground floor facade, and the structural information which set out the structural

and usability constraints of all the retention options considered. In this regard the balanced judgement reached is that the main areas of significance are retained and having regard to the significance of the asset, which is at the lower end of the scale subject to sufficiently high quality replacement building and sufficient planning benefits, the degree of demolition in this instance could be accepted.

10.102 The proposed new building elements would have an acceptable scale, massing and appearance. The materials and detailing proposed are contextual and high quality. It is considered that the proposal would contribute to local character and distinctiveness of the place, and the proposal is considered to be acceptable in terms of design, conservation and heritage subject to condition to secure the details of the external materials. The proposal would preserve the setting, significance and historic interest of the nearby listed buildings and Upper Street (North) conservation area (CA19).

### **Inclusive Design**

10.103 The new London Plan 2021 policy GG1 requires that development must support and promote the creation of a London where all Londoners 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.

10.104 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.

10.105 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

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

10.107 The key inclusive design considerations are as follows:

### **Access**

10.108 The site is solely accessed from Upper Street. Due to the proposed retention of the existing ground floor façade, the two existing ground floor entrances would be made level for ease of access. The northern entrance would provide access to the main office reception and the southern entrance is for access to the back of house area, including the cycle and refuse storage, and the substation at basement level.

10.109 As mentioned in the design section above, the main entrance doors are proposed to be retained and it has an existing opening of 1350mm, which exceeds the minimum width of 1000mm for clear opening. The doors would be increased in height to accommodate the new lowered ground floor level to omit the existing stepped access. The applicant also confirms that the doors can be automated, in line with the Inclusive Design Officer's comment; details of the automated door systems would be secured through **Condition 21**.

### **Circulation**

10.110 It is noted that the two mezzanine levels would be accessed via a short flight of stairs from ground floor and they would have no level access from the street level. The applicant has

proposed to provide stair-lifts as a solution to overcome this issue. No objection to the proposal in this regard and further details would be secured under **condition 21**.

- 10.111 The proposals comprise of two lifts which would serve the building, one of them would be an evacuation lift, with a set of fire escape stairs. An additional oversized lift would provide level access between the ground and lower ground levels, and it would be primarily used for access to cycle and refuse storage. It is considered that the proposed lifts and stair arrangement is acceptable.

### **Cycling facilities**

- 10.112 In terms of cycle parking, the proposal includes 26 double stacked spaces at the basement BoH area, and a large cycle parking space (2.8mx1.5m) that would also be suitable for parking and charging a mobility scooter. In addition, 2 sheffield stands will be assigned to blue badge holders with 1 oversized single stacked space. This is secured in **Condition 22**.

### **Accessible Parking**

- 10.113 It is noted that there are controlled parking spaces directly outside the site on Upper Street that are suitable for drop-offs but not for all-day parking.
- 10.114 In terms of disabled parking, the council requires adequate provisions to be made for accessible parking to ensure that its car free policies (CS10 and DM8.5) does not disadvantage older or disabled people. The Council would seek provision of accessible parking bay as per the requirement under policy DM8.5 and the Planning Obligations SPD; as the proposal is car free and does not comprise any provision of accessible parking, a financial contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces, or to carry out other accessibility improvements within the immediate vicinity. This is secured within the Heads of Terms of the S106 agreement in **Appendix 1**.

### **Accessible showers/toilets**

- 10.115 There is provision of accessible shower/toilet at the basement level, the specification of the accessible shower was designed in accordance with Approved Document M for shower room with toilet facilities. There are also accessible toilets proposed at every level, which is in line with the Inclusive Design Officer's recommendation.

### **Inclusive Design summary**

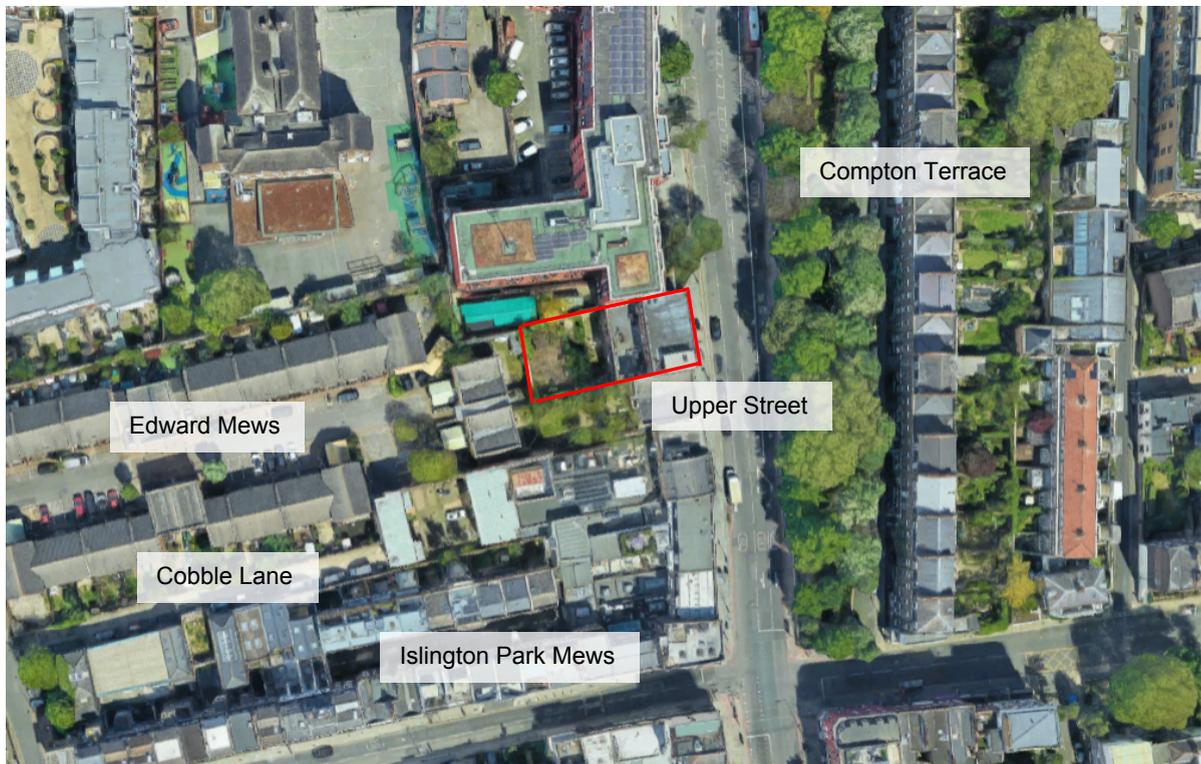
- 10.116 Overall, it is considered that the proposal would meet the relevant inclusive design objectives within the Development Plan to ensure that it would provide an inclusive and accessible environment for the future occupiers.

### **Neighbouring Amenity**

- 10.117 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.
- 10.118 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.
- 10.119 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.

10.120 The closest residential properties which could potentially be affected by the development are:

- Upper Street
- Edwards Mews
- Cobble Lane
- Islington Park Mews
- Compton Terrace



Map showing the site (red) and the surrounding residential properties

### **Daylight, Sunlight and Overshadowing**

- 10.121 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.
- 10.122 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]'
- 10.123 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.124 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.

### Daylight Guidance

- 10.125 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).
- 10.126 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.”
- 10.127 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.128 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”.
- 10.129 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.
- 10.130 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”.

#### Sunlight Guidance

- 10.131 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.*”
- 10.132 This will be the case if the centre of the window:
- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;
  - Receives less than 0.8 times its former sunlight hours during either period and;
  - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”
- 10.133 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.”

10.134 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”.*

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

#### Overshadowing Guidance

10.136 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’.

10.137 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

10.138 The Applicant has submitted a Daylight and Sunlight report prepared by Lumina, dated 15 September 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.

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

- 7, 8, 9 and 10 Compton Terrace
- 17 Edwards Mews
- 18-22 Edwards Mews
- 216 Upper Street

10.140 It is noted that the internal layout of neighbouring properties have not been found and therefore, the assessment was carried out based on an assumed layout for the buildings identified above. Officers have examined the submitted daylight/sunlight information and the maps submitted appear to be accurate in terms of the location of the windows tested in the assessment. As such, it would be reasonable to assess all the windows and rooms on the basis that they are serving habitable rooms.

#### Impacts to Daylight

10.141 Due to the significant separation distance between the site and the Compton Terrace properties, it was found that the VSC values would have negligible change (from 0% to 0.81%) with less than a 1% loss of daylight. There is also no loss of daylight distribution shown in the analysis.

10.142 In regard to Edwards Mews, the submitted report indicates that a total of 3 windows assessed would fail the BRE criteria relating to VSC and 3 rooms served by those windows would fail BRE

criteria relating to NSL.

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

Edwards Mews (nos. 17, 18 -22)

10.144 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>17 Edwards Mews</b>    |          |                        |              |               |                                    |                 |                 |               |
| <b>Ground Floor</b>       |          |                        |              |               |                                    |                 |                 |               |
| R1 / W1                   | Unknown  | 23.54                  | 21.77        | 7.5%          | 6.5                                | 4.4             | 4.4             | 0             |
| R2 / W2                   | Unknown  | 22.54                  | 21.11        | 6.38%         | 11.49                              | 10.94           | 10.94           | 0             |
| R2 / W3                   | Unknown  | 11.66                  | 11.66        | 0.47%         |                                    |                 |                 |               |
| <b>First Floor</b>        |          |                        |              |               |                                    |                 |                 |               |
| R1 / W1                   | Unknown  | 24.90                  | 23.29        | 6.46%         | 6.5                                | 4.89            | 4.89            | 0             |
| R2 / W2                   | Unknown  | 25.15                  | 23.67        | 5.88%         | 11.49                              | 11.18           | 11.18           | 0             |
| R2 / W3                   | Unknown  | 33.63                  | 33.54        | 0.27%         |                                    |                 |                 |               |
| <b>18-22 Edwards Mews</b> |          |                        |              |               |                                    |                 |                 |               |
| <b>Ground Floor</b>       |          |                        |              |               |                                    |                 |                 |               |
| R1 / W1                   | Unknown  | 26.13                  | 19.11        | <b>26.86%</b> | 13.58                              | 11.41           | 7.6             | <b>33.37%</b> |
| R2 / W2                   | Unknown  | 26.81                  | 20.41        | <b>23.88%</b> | 14                                 | 13.48           | 10.76           | <b>20.17%</b> |
| R3 / W3                   | Unknown  | 27.08                  | 22.61        | 16.54%        | 14                                 | 13.79           | 12.86           | 6.75          |
| R4 / W4                   | Unknown  | 25.19                  | 21.66        | 14.02%        | 13.58                              | 12.6            | 11.38           | 9.62          |
| <b>First Floor</b>        |          |                        |              |               |                                    |                 |                 |               |
| R1 / W1                   | Unknown  | 29.66                  | 22.97        | <b>22.55%</b> | 13.58                              | 12.47           | 9.18            | <b>26.25%</b> |
| R2 / W2                   | Unknown  | 30.77                  | 24.69        | 19.76%        | 14                                 | 13.84           | 11.72           | 15.3          |
| R3 / W3                   | Unknown  | 31.48                  | 27.38        | >27%          | 14                                 | 13.9            | 13.31           | 4.26          |
| R4 / W4                   | Unknown  | 30.03                  | 26.84        | 10.62%        | 13.58                              | 13.21           | 12.35           | 6.45          |

10.145 As shown in table 1 above, 3 windows and associated rooms assessed would see reductions in VSC and DD over BRE guidelines. The windows would see a minor transgression between 22.55 to 26.86% for VSC which is considered marginally above the BRE target of 20%. For daylight distribution, the ground floor room R1/W1 would be worse affected at 33.37%, which is a considerable reduction, whilst the other two rooms would see a minor transgression at 20.17% and 26.25% respectively.

10.146 Whilst there are transgressions found in the daylight/sunlight assessment, it is noted that the retained VSC values are relatively high (between 19.11 and 22.97) and therefore, whilst it is judged that the impact is likely to be noticeable, there would be adequate amount of daylight retained. This minor breach of BRE guidance is considered to be material and would need to be taken into account in the planning balance assessment.

216 Upper Street

10.147 The daylight impact towards 216 Upper Street has been reviewed and it is noted that the rear windows would retain a good level of daylight VSC value.

| Table 2                 |          | Vertical Sky Component |              |               | No Skyline (Daylight Distribution) |                 |                 |               |
|-------------------------|----------|------------------------|--------------|---------------|------------------------------------|-----------------|-----------------|---------------|
| Room Window /           | Room Use | Existing (%)           | Proposed (%) | Reduction (%) | Room (sq m)                        | Previous (sq m) | Proposed (sq m) | Reduction (%) |
| <b>216 Upper Street</b> |          |                        |              |               |                                    |                 |                 |               |
| <b>First floor</b>      |          |                        |              |               |                                    |                 |                 |               |
| R1 / W1                 | Unknown  | 29.11                  | 22.95        | <b>21.17%</b> | 8.79                               | 8.49            | 6.96            | 18.10         |
| R2 / W2                 | Unknown  | 31.15                  | 27.88        | >27%          | 9.20                               | 8.80            | 8.47            | 3.75          |
| <b>Second Floor</b>     |          |                        |              |               |                                    |                 |                 |               |
| R1 / W1                 | Unknown  | 31.78                  | 24.30        | <b>23.54%</b> | 8.79                               | 8.56            | 7.07            | 17.28         |
| R2 / W2                 | Unknown  | 36.18                  | 33.38        | >27%          | 9.20                               | 8.88            | 8.71            | 1.96          |

10.148 As shown in table 2, two windows assessed would see reductions in VSC over BRE guidelines. The windows would see a minor transgression between 21.17 and 23.54% for VSC which is marginally above the BRE threshold of 20%. The daylight distribution test has shown that all the rooms tested would comply with the BRE guidelines.

10.149 Whilst the reduction of the two windows would be larger than 20%, it is considered that the extent of breaches are relatively minor and the retained VSC values are high (22.95 to 24.30), officers consider that an adequate amount of daylight would remain should planning permission be granted.

#### Summary of Daylight Impacts

10.150 The proposed development would result in some level of reduction of daylight, albeit none of the windows/rooms would be severely impacted by the proposed development. The transgressions weigh against the scheme in the planning balance.

#### Impacts to Sunlight

10.151 In accordance with the BRE guidance, only windows facing within 90 degrees of due south need to be assessed. Based on all the windows assessed, it is considered that proposal would meet the BRE guidelines in sunlight terms.

#### Overshadowing

10.152 The applicant's consultant has provided information in the assessment of overshadowing in accordance with the BRE guidance. The neighbouring garden space at 18-22 Edwards Mews has been reviewed and it is noted that there would be minimal impact (less than 1% reduction) in terms of overshadowing, and the majority (81%) of the garden would still be able to receive more than 2 hours of sun on the ground and therefore the proposal would be in line with the BRE guidance.

#### Daylight, Sunlight and Overshadowing Summary

10.153 A comprehensive 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 viewed flexibly and considering the wider adherence to the required standards of all other tested windows the impact on this room can be accepted. A small number of neighbouring properties would see some reduction in daylight received, however this is considered at the lower end of the spectrum.

#### **Overlooking and privacy**

10.154 The supporting text to Policy DM2.1 states at paragraph 2.14 that 'to protect privacy for

residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.

- 10.155 The proposed development includes no residential accommodation or habitable rooms, therefore, the 18m separation requirement is not directly relevant to this case.
- 10.156 The existing building already comprises of windows on the western elevation which overlook the neighbours at Edwards Mews; the proposed development also comprise of west facing windows, the shortest separation distance is approximately 15m. Although the proposed building would be sited closer to the Edwards Mews properties, it is worth noting that there would be less western facing windows on the proposed elevations when compared to the existing. Therefore, it is judged that the proposed commercial development would not result in unacceptable level of overlooking impact towards the adjoining occupiers at Edwards Mews.
- 10.157 In regard to the occupiers at 216 Upper Street, the proposed development would comprise south facing windows on the ground (upper and lower mezzanine) and lower ground level, and therefore, it is judged that the proposed windows would not result in unacceptable overlooking towards the occupiers at no.216, which are located above the ground floor level.
- 10.158 A small green roof is proposed to be located at the rear on the first floor level, it is approximately 10sqm and would only project 1.53m towards the rear from the west elevation. Given the green roof would be implemented it is not anticipated that the area would be used as an amenity space. **Condition 12** is recommended to ensure that the green roof would only be accessed for maintenance reason to ensure that it would not pose any adverse impact towards the adjoining neighbours.
- 10.159 One neighbour has mentioned that the proposed development would unacceptably overlook the neighbouring properties at Islington Park Mews; having reviewed the proposal and the separation distance between the site and the properties at Islington Park Mews, it is considered that there is sufficient separation distance (approximately 40m) between the buildings and that no harm would be caused.
- 10.160 Overall, the proposal is not considered to unduly affect the neighbours privacy and the proposed building would not result in unacceptable overlooking towards the adjoining neighbours.

### **Outlook and enclosure**

- 10.161 The proposed development would be sited 15m away from the Edwards Mews properties at ground floor level, taking into account the setting of the site and the distance between the existing properties, 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.
- 10.162 An occupier at no.216 raised concerns towards the proposal in terms of the potential amenity impact.. Whilst it is acknowledged that the proposal would be extended further to the rear of the site which would be visible from the rear of no.216, it is not considered that the proposal would give rise to an unacceptable level of enclosure as the properties at no.216 do not directly face the proposed building.
- 10.163 Therefore, in view of the siting of the existing building in relation to neighbouring residential properties, and the separation distances, it is considered that the proposed development would not result in any unduly harmful loss of outlook or creation of undue sense of enclosure.

### **Construction Impacts**

- 10.164 It is anticipated that the construction of the proposed development would cause some degree of

noise and disruption affecting neighbouring residents. The development site is on Upper Street adjacent to the Council Municipal Offices (MO), with residential use seemingly structurally connected at 216 Upper Street, and construction deliveries having to be taken on Upper Street across the very busy footway. The submitted draft CMP is generic in nature and this needs to be a site specific document paying reference to Islington's CoPCS.

- 10.165 A final Construction and Environmental Management Plan would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity, this is secured under **condition 9**. The Council would also secure a financial contribution £2,082 towards construction monitoring.
- 10.166 Outside planning legislations 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.

### **Noise and disturbance**

- 10.167 The proposed development would comprise basement level accommodation, it is noted that the site is in close proximity to the Victoria Line and Highbury and Islington Station. There are a number of noise complaints relating to Victoria line operation near the south Highbury and Islington Station, and the train noise is clearly audible in the basement of 222 Upper Street. This will affect the use of the office space and the use as a quiet environment would be impacted; to ensure that the potential ground borne noise impact towards the proposed office accommodation, including the affordable workspace at the lower ground level would be adequately mitigated, the Acoustic Officer has recommended a condition (**no.11**) to ensure that the internal ground borne noise level would not exceed 40dB  $L_{Amax,s}$  for the lower ground level office accommodation. The Inclusive Economy Team has been consulted in regard to this and no objection was raised.
- 10.168 The development includes a new rooftop plant area with a substantial amount of building services plant involved. The background noise survey has two measurement positions on the roof of the current building, it may be the case that the background noise levels at the residential properties on Edwards Mews is a little lower than this, with increased screening if a larger building at 218 is built. However, there is already a lot of plant on the rear flat roof with no complaints listed. The Acoustic Officer has recommended a condition to minimise noise impacts for nearby receptors (**condition 19**).
- 10.169 Furthermore, a report is required to be submitted post installation of the plant equipment, with on-site measurements to verify that the above criteria is achieved (**condition 20**).
- 10.170 Officers consider that subject to the recommended conditions the proposal will not result in unacceptable impacts in terms of noise.

### **Light pollution**

- 10.171 Paragraph 180 of the NPPF requires developments to limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation. The site has been long established as a commercial building since the 1950s, 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 the site and the short distance to adjoining residential properties the cumulative impact is likely to be greater than existing and therefore, it is considered that measures to mitigate any adverse light pollution impact are necessary.
- 10.172 To address this, **condition 14** 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 luminaries closer to the facades or lighting fittings controlled through the use of sensors.

- 10.173 It is considered that these measures 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**

- 10.174 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 and would be in accordance with the relevant policies including LP policy D3, and IDMP policies DM2.1 and 6.1.

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

- 10.175 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.
- 10.176 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.
- 10.177 An Arboricultural Impact Assessment was submitted (Martin Dobson Associates, 25 Sept 2020) with a Tree Survey and an Arboricultural Method Statement.
- 10.178 The site is not within a conservation area and the trees on site are not protected by a Tree Preservation Order. However, one tree to the south of the property has been assessed and considered to be a category B tree and of moderate value. It is located within a conservation area. It is suggested in the report that the retaining wall and boundary wall between the two sites would prevent roots of the tree from entering the site. The branches will need to be cut back by approximately 1.5m.
- 10.179 The Council's Tree Officer has reviewed the proposal and advised that there will be no impact to the tree located in the neighbouring property within the CA. It is already at a significantly higher ground level than the existing part-basement level, separated by a retaining wall and the proposed expansion of the basement will not involve any impact on the tree. Therefore, officers consider that the proposal would not adversely affect the trees nearby.
- 10.180 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 of the site and mitigate the loss of the undeveloped yard at rear, which is welcomed by officers.
- 10.181 The proposed green roofs would enhance the biodiversity and ecological value of the site. The proposed green roofs would need to be provided prior to occupation of the building to ensure it would promote and enhance the biodiversity of the site and surrounding area, details of the green roofs are specified and secured by **Condition 12**.
- 10.182 The proposal also incorporates a green wall to the rear elevation to provide further greening of the site. The provision of a green wall is supported by officers, and further details (secured by **condition 32**) would be required to ensure that the provision of green walls is maximised on site, and that it would be supported by an adequate planting, irrigation and maintenance to ensure that the green wall system can deliver long term environmental benefit to the site and the surrounding area.
- 10.183 The ecological assessment shows that there is very low biodiversity value on this site, the

council's Nature and Conservation team has reviewed the proposal and recommended that the development incorporate bird boxes to enhance biodiversity of the site where appropriate.

- 10.184 The applicant has agreed to provide five swift bricks at the rear wall which is accepted by the Nature and Conservation Team in principle, the details and specification of the swift bricks would need to be secured by **condition 17**.
- 10.185 Overall, it is considered that subject to conditions, the proposed development would provide the maximum reasonable level of green infrastructure on site, and the proposal would be in accordance with London Plan policy G7, and Islington's policies CS15 and DM6.5.

### **Health and Air Quality**

- 10.186 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). 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.
- 10.187 Of additional concern cumulatively in London is the impact of the number of concurrent construction projects underway and the resultant harm to air quality. The application is supported by an Air Quality Assessment (prepared by eb7 dated 16 Oct 2020) to analyse the potential impacts on local air quality associated with the construction and operation of the proposed office development at 218 Upper Street.
- 10.188 The report concluded that subject to the implementation of a Dust Management Plan, the impacts will be effectively minimised, and in regard to the operational phase of the development, the traffic generated by the development is considered to be very limited and would demonstrate air quality natural. It also highlights that the proposals would be car free and most of the trips generated would be through public transport (Note: Transportation impact is assessed separately below).
- 10.189 The Public Protection Team has reviewed the submission and no objection was raised. A dust management plan would be required to set out mitigation measures for dust and PM10 releases and should form part of the Construction and Environmental Management Plan. This is secured by **condition 9**.
- 10.190 A neighbour has raised concern that asbestos may be present in the basement of the existing building, which may cause a health impact during demolition. If any asbestos is found in the existing building, the removal would need to carefully proceed in accordance with the relevant legislation outside the planning system, and the details would need to be submitted as part of the Construction and Environmental Management Plan to ensure that the applicant has taken all reasonable steps to conform to relevant guidance and legislations.

### **Energy and Sustainability**

- 10.191 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.
- 10.192 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.

- 10.193 LP policy GG6 seeks for 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.
- 10.194 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.
- 10.195 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
- 10.196 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.
- 10.197 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.
- 10.198 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) CO2 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 CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 10.199 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.
- 10.200 The applicant has submitted the relevant details within an Energy Statement prepared by DSA Engineering dated Jan 2021 (version 4).

## **Carbon Emissions**

- 10.201 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.
- 10.202 Based on SAP10 carbon factors, a saving of 49.7% 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.
- 10.203 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.
- 10.204 The initial submission indicates that the development would achieve an overall reduction of 27.6% of total emissions, which meets the council's target. No objection was raised from the Energy Officer.

## **Zero Carbon Policy**

- 10.205 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.
- 10.206 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.
- 10.207 The latest Energy Statement quotes an offset contribution of **£23,460**, based on residual emissions of 25.5 tonnes, which includes both the regulated and unregulated CO<sub>2</sub> emissions. The Energy Officer confirmed that this value is correct.

## **BE LEAN – Reduce Energy Demand**

- 10.208 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*".
- 10.209 The proposed U-values for the development are walls = 0.15, roof = 0.16, floor = 0.18 and windows = 1.3. The applicant has confirmed that an air handling unit will be used to provide mechanical ventilation with heat recovery. Therefore, the Energy Officer has accepted 3m<sup>3</sup>/hr/m<sup>2</sup> to be an appropriate value for air permeability.

## **Overheating and Cooling**

- 10.210 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.

- 10.211 The Energy and Sustainability statements both indicate that dynamic thermal modelling has been carried out, using CIBSE TM52 methodology. The results from TM52 modelling have been provided and it shows that all elements of the development are anticipated to pass the overheating criteria.
- 10.212 In terms of cooling, active cooling is proposed for the development and evidence of TM52 thermal modelling has been submitted by the applicant during the application stage. The council would not normally support installation of active cooling, unless it is clear that other levels of the cooling hierarchy have been maximised, but the risk of overheating still remains.
- 10.213 The applicant has submitted the overheating modelling and has confirmed that the modelling provided does already assume the presence of active cooling, however, further results based on the building modelled without active cooling have now been provided. The result shows that large areas of the development will be prone to overheating and therefore, the Energy Officer has accepted the use of active cooling for this particular development.

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

- 10.214 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 system. Hot water will be provided via point-of-use electric heaters in toilets and kitchen sinks, while showers will be served via a calorifier served by air source heat pump.
- 10.215 The submitted Energy Statement rules out connection to a District Energy Network, as there are no existing or committed heat networks within 500m of the development. This is accepted by the Energy Officer.

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

- 10.216 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.”
- 10.217 The Council’s Environmental Design Guide states that to enable this and to ensure schemes are future proofed for future connection to DENs, all schemes should incorporate a communal heating network linking all elements of the development.
- 10.218 With regards to future proofing, it is indicated that riser space will be provided for future pipework between the rooftop space and plant room in the lower ground floor, where space has also been identified for a future plate heat exchanger. The Energy Officer is satisfied with the information submitted and no further information is required at this stage.

#### Shared energy networks

- 10.219 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.”
- 10.220 The Energy Statement has not been able to identify any opportunities for shared heating networks in the vicinity and this is considered acceptable.

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

- 10.221 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).
- 10.222 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."
- 10.223 On-site CHP is not proposed, on grounds of low heat loads and carbon factors; this is considered to be acceptable by the Energy Officer.

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

- 10.224 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."
- 10.225 The Council's Environmental Design SPD (page 12) states "use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets."
- 10.226 The proposal would incorporate air source heat pump as a low and zero carbon technology, as well as inclusion of PV panels at the roof level. A solar PV array of 48m<sup>2</sup> and ~9.12kWp output has been proposed, and the proposed roof drawings now reflect this. The proposed renewable energy technologies are supported by the Energy Officer.

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

- 10.227 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".
- 10.228 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".
- 10.229 The BREEAM pre-assessment shows the development achieving a rating of 'Excellent' as required, with an overall score of 75.95%. This offers a fine margin of comfort over the minimum 70% required to achieve an 'Excellent' rating. 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 18**.

### **Draft Green Performance Plan**

- 10.230 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.
- 10.231 A draft Green Performance Plan has been provided. The applicant has provided further details in relation to the Data Collection, Analysis and Reporting section of the Plan. The submission is

considered sufficient by the Energy Officer and no further information is required at this stage. A full Green Performance Plan would be required to be submitted post occupancy and therefore, this would be secured by a section 106 agreement.

### **Circular Economy**

- 10.232 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.
- 10.233 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.
- 10.234 The proposal comprises of significant building works, as only the existing ground floor façade is proposed to be retained. Most of the existing building would be demolished and the applicant 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**

- 10.235 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.
- 10.236 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.
- 10.237 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 18**.
- 10.238 The Council's Sustainability Officer has reviewed the proposal and has welcomed the reduction of proposed runoff rates to 3.4 l/s, although the proposal is above the council's 50l/s/ha target (2.7 l/s in this case), the proposal would represents a 93% betterment when compared to the existing building. The provision of proposed green/blue roofs should be implemented prior to occupation of the development and this is secured by **condition 12**.

### **Basement Development**

- 10.239 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.

- 10.240 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 10.241 Furthermore, emerging SDMP policy DH4 - Basement development; insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure. The proposed basement should respond to the scale, function and character of the site and its surrounds. Where large basements are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basement development should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.
- 10.242 A Structural Method Statement ('SMS') prepared by Heyne Tillett Steel dated 29 October 2020, was submitted in support of the application. In accordance with Appendix B of Islington's Basement Development SPD, the Structural Method Statement was signed by a chartered Structural Engineer and includes details regarding a desk study, site investigations, design, impact assessment and construction monitoring.
- 10.243 The SMS highlights that the proposed structure would be reinforced concrete construction with flat slabs (beam free space) and columns on a 8 x 8m grid. The basement would be formed within the existing basement box, with perimeter underpins to reduce the basement level. A ground bearing raft slab is proposed to avoid the necessity of piling operations.
- 10.244 A ground movement assessment was carried out and it was concluded that damage exhibited for each of the adjacent structures during the various phases of development are confined to Category 1 (very slight) to 0 (negligible). This is in line with the acceptable limits set out within the Basement Development SPD.
- 10.245 The proposed development is considered to be in accordance with the Basement Development SPD. The Chartered Structural Engineer who certified this SMS shall be retained for the duration of the construction work to monitor the safety of all construction stages of the development. This will be secured in **condition 30** in the event of permission being granted.

## **Highways and Transportation**

### Policy Context

- 10.246 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.
- 10.247 Chapter 10 of the LP 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.
- 10.248 Locally, 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.

- 10.249 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 6a (Excellent). The site is approximately 250 metres from the Highbury and Islington Station, which provides train services on the Victoria Line, Overground and National Rail. The site is also located at relative proximity to a number of bus routes on Upper Street, Holloway Road and St. Paul's Road.
- 10.250 The proposed site is located on Upper Street, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and are therefore concerned about any proposal which may affect its performance and/or safety.

### **Proposal**

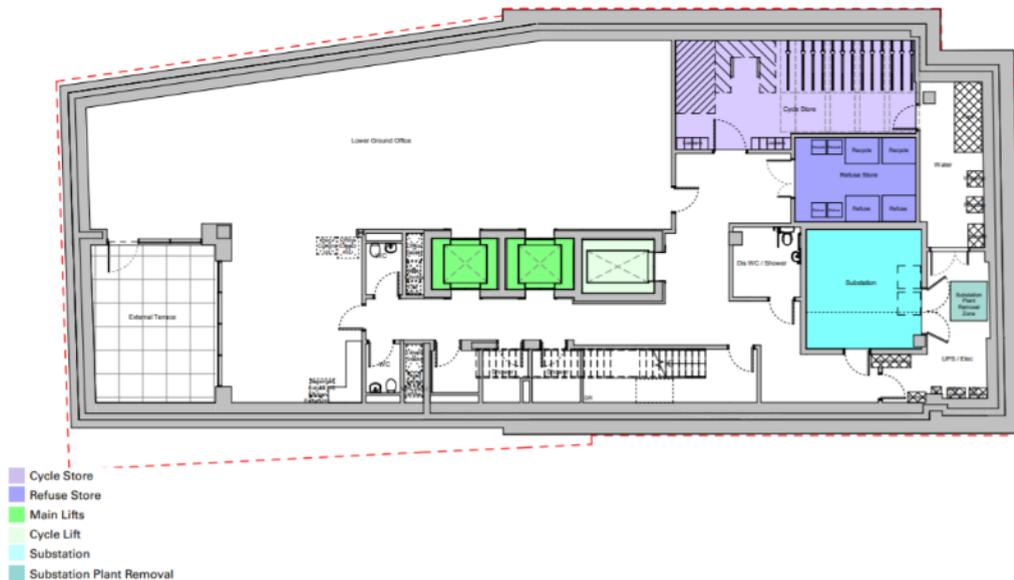
- 10.251 The access of the building is solely from Upper Street and there is no vehicle entrance to the site. The development is proposed to be car free, with no vehicle parking proposed on-site.
- 10.252 In regard to disabled parking, the proposal would rely on the existing resident parking bays, short stay bays and designated disabled parking bays within the vicinity, in which blue badge holders would be able to use without charge or restriction.
- 10.253 In terms of cycle parking, it is proposed to provide on-site cycle parking at lower ground level with a cycle lift to provide step free access from ground floor. There is no provision of on-site visitors' cycle parking, however, the submission has highlighted that there are a number of on-street cycle parking areas exist at close proximity to the site.
- 10.254 The application is supported by a Transport Statement (Prepared by Motion – 6 Oct 2020) which assessed the highways and transportation impact of the proposal.

### **Vehicle parking**

- 10.255 No vehicle parking is proposed on-site, this is considered acceptable and in line with Islington's policies CS10 and DM8.5. TfL has reviewed the application and has strongly supported the car free nature of the proposal.
- 10.256 The site is accessed from Upper Street and the section of pavement outside the site is raised, with parking bays located directly in front of the site. The road forms part of TfL's Red Route and has prohibited stopping on Monday – Saturday 7am – 7pm, except loading (max 20 mins) and blue badge users (max 3 hours).
- 10.257 In regard to disabled parking, 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 TfL or the Council's Highways Officer. The financial contribution is to be secured within the s.106 agreement.
- 10.258 Subject to the above, it is satisfied that the proposal is acceptable in terms of vehicle parking.

### **Cycling**

- 10.259 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. The proposed cycle store provides 26 doubled stacked spaces, with 1 oversized single stack accessible space, 2 sheffield stands and 1 extra large space for a tricycle.



Details of cycle and other BoH facilities at lower ground floor. (Extract from Design and Access Statement)

- 10.260 In total, there are 32 spaces provided for the development which exceeds the requirement under IDMP appendix 6 as well as London Plan standards. As assessed in the Inclusive Design section above, the proposed cycle facilities are considered acceptable and a condition (**no.22**) is recommended for the facilities to be installed and ready to use prior to occupation of the site.
- 10.261 The provision of the cycle welfare facilities, including showers and lockers is strongly supported by TfL. A larger lift is proposed to provide access to the cycle store at the lower ground level. It is considered that the cycle lift is large enough to accommodate all types of cycles, including adapted cycles for disabled people and cargo bikes. Consultees from TfL has reviewed the proposal and raised no objection in this regard.
- 10.262 There is no short stay cycle storage proposed for visitors, as the front of the site is not under the ownership of the applicant and this section of the Upper Street pavement is very busy, adding further cycle parking stands on the pavement may result in unacceptable clutter which would adversely affect the flow of pedestrian traffic at the front of the site. It is further noted that there are some existing cycle stands located at the front of 222 Upper Street and adjacent to the application site, which are available for public use.
- 10.263 Having reviewed the proposal and the advice from TfL, it is considered that 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

- 10.264 IDMP policy DM8.6 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, it 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.
- 10.265 There are parking bays at the front of the site which allows loading of up to 20 minutes. The applicant has provided a swept path analysis for delivery and servicing vehicles accessing/egressing the loading bay to ensure highway safety is maintained in line with the Mayor's Vision Zero Objective. The information was reviewed by TfL and no objection was raised.

- 10.266 The submitted Delivery and Servicing Plan states that tenants will be encouraged to source deliveries from suppliers/operators registered with FORS, which is supported by TfL, who encourages the use of freight operators with FORS silver or gold membership as it is imperative that road safety measures are considered, and preventative measures delivered through the construction and operational phases of the development. The building manager will work with occupiers to manage the arrival of deliveries and arrange deliveries outside of peak hours.
- 10.267 Based on the comments above, TfL raised no objection to the proposal and has advised that a final Delivery and Servicing Plan be submitted prior to the occupation of the development to ensure that the proposal would have an acceptable servicing arrangement prior to occupation of the building. This is secured under **condition 10**.
- 10.268 In terms of waste management, the proposed office development would require 4.76m<sup>3</sup> of waste storage (based on the proposed GIA 1,831sqm) in which 50% of the capacity would need to be dedicated for recycling storage.
- 10.269 The proposal comprises of 4x1100L bins, and 4x 120L bins, to provide a total capacity of 4,880L to meet the projected demand. Similar to the cycle storage, access to the refuse storage would be via the goods lift which is large enough to accommodate a 1100L bin with a porter. The bins will be brought up to the pavement level on collection day, which will be carried out via the existing loading bays to the front of the building on Upper Street.
- 10.270 Overall, officers accepted the provision of refuse and recycling storage and the associated access, such arrangement would be secured by **condition 23** to ensure that they are implemented prior to the occupation of the building and that the facilities would need to be maintained throughout the lifetime of the development.

### **Construction impacts**

- 10.271 A Framework Construction Management Plan has been submitted alongside this application. TfL has recommended that a Construction Logistics Plan (CLP) should be secured by condition to ensure that the logistics of the construction works are appropriate and would not adversely affect the local highway network.
- 10.272 TfL has recommended that no skips or construction materials shall be kept on the footway or carriageway of the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences would be required with TfL, an informative is added to remind the applicant.
- 10.273 It is noted construction deliveries will operate on a 'just in time' basis and all deliveries to the site will be pre-booked via a delivery management system, this is supported by TfL, who added that this system should be designed to manage deliveries outside of peak hours.
- 10.274 Therefore, it is recommended that a Construction Logistics Plan be submitted as part of a Construction and Environmental Management Plan (**condition 9**), to ensure that the proposal would make all reasonable efforts during the construction phase of the development, to avoid unacceptable impacts to neighbour amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.275 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 £2,082 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.

### **Travel Plan**

- 10.276 A Travel Plan (prepared by Motion 6 Oct 2020) has been submitted and this has been reviewed by TfL, who raised no objection. It is recommended that the Travel Plan is secured, monitored and reviewed through a section 106 agreement.

### **Highways and Transportation Summary**

- 10.277 The application sets out 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. The proposal would be acceptable and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM5.1, DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012).

### **Fire Safety**

- 10.278 LP 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.
- 10.279 The applicant has submitted a concept Fire Strategy Report (produced by OFR Fire and Risk Consultants) to demonstrate that the design of the proposal has been informed by a qualified fire consultant during the process. This is considered to be acceptable.

### **Safety and security**

- 10.280 Whilst the site only has access points from Upper Street, it is noted that the local area is mixed with commercial and residential uses. One of the neighbours has raised concern in regard to the safety and security of the building and the surrounding area. 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.
- 10.281 The Crime Prevention Officer advised that there is a wide variety of crime types on Upper Street, due to its proximity to the underground stations and the vibrant night time economy, which play a huge part in attracting a large number of people into the area. It is recommended that when designing the external façade, it is important to ensure there are no deep recesses where someone could bed down for the night or use for drug taking/urination.
- 10.282 The existing ground floor façade would be largely retained with no recessed entrance, which is welcomed in terms of safety and prevention of anti-social behaviour. The proposal would bring the site back into an active use which is also likely to provide a greater level of passive surveillance to the street. It is recommended that the development achieve the relevant Secured by Design accreditation, and this is recommended under **condition 24**.

### **Planning Obligations and CIL**

- 10.283 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.
- 10.284 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.

- 10.285 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, secured by a s.106 agreement.
- Affordable workspace on-site provision
  - Compliance with the Council's Code of Local Procurement
  - 1 construction training placements (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
  - Employment and training contribution – Operation of development of £10,261
  - Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £2,082
  - Accessible parking contribution of £4,000.
  - Carbon Offsetting payment of £23,460 (index linked).
  - Submission of, and compliance with, a Green Performance Plan
  - Submission of a Travel Plan
  - To enter Section 278 agreement with Transport for London to undertake the highways works required for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer).
  - 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**

- 10.286 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*".
- 10.287 The proposed development is considered acceptable in principle and in land use terms, the scheme would provide additional office floorspace to the Angel and Upper Street Key Area, as well as the designated Highbury Corner and Barnsbury Employment Growth Area. Moreover, the proposal would also provide an opportunity to bring the vacant site back into active use, which would positively contribute to the vitality of the high street. This is considered to be a public benefit which weighs in favour of the scheme.
- 10.288 The scheme would comply with policies relating to energy, sustainability, green infrastructure, accessibility and highways.
- 10.289 There is a degree of conflict with policies relating to the extent of the proposed demolition. The removal of the upper floor façade is considered to cause some harm to the significance of the non-designated heritage asset. Given the significance of the building is at the lower end of the scale and having regard to the retention of the ground floor façade (of the greatest significance to the building) as well as having regard to the planning benefits as set out below, a balanced judgement is reached to support these proposals. The proposal can be considered to meet the tests of the NPPF in this regard, including paragraph 197 which relates to non-designated heritage assets.
- 10.290 Further, the assessment has also identified that the proposal would have a degree of conflict in relation 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 are 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.
- 10.291 The bulk, scale and massing as well as the detailed design of the new part 3, part 4 storey office building is considered to be acceptable. It is considered to preserve the setting of nearby Grade I and Grade II listed buildings due to its moderate scale and sensitive design. Additionally, the Upper Street (North) conservation area character and appearance would be preserved by the

replacement building. However it is vital that the details of the new building and the construction method are carefully managed to ensure that the new development would successfully integrate with the retained elements, so that the proposal would achieve an architectural coherence and preserve the significance of the building.

10.292 It should be recognised that the scheme also delivers benefits which should be afforded weight. These have been discussed throughout the report, and include:

- Provision of new office floorspace (1,831sqm GIA) within the Employment Growth Area;
- Increase in employment density and number of employees at the site, as well as the relevant jobs and training contributions set out in the Planning Obligations SPD;
- A new building which is capable in delivering high quality office accommodation for the future occupiers;
- Refurbishment to the retained facade at ground floor level to improve its appearance from the existing condition;
- Provision of on-site affordable workspace which exceeds the minimal floorspace requirement to support the council's objectives in delivering an inclusive and diverse local economy;
- Improvements to the energy efficiency of the operation of the building as well as contributions to bring the development to a net zero carbon state.

10.293 Therefore on balance, officers consider that the aforementioned public benefits outweigh the less than substantial heritage impact identified in relation to the proposed demolition of section of the upper front façade to this locally listed building (non-designated heritage asset). As noted above, the proposed replacement building is considered to be sensitively designed in terms of scale and mass and detailed design so as to preserve the character and appearance including the setting of the nearby designated heritage assets.

## **11. CONCLUSION**

11.1 As set out in the above assessment, the proposal has been assessed against the development plan and the comments made by residents and consultees.

11.2 The proposed commercial development and change of use of the site are considered to be acceptable as the office use is considered to be an appropriate use, which is supported by the Development Plan. The provision of affordable workspace exceeds the policy requirements in terms of size and secures the space at peppercorn rent for a term of 10 years. This is policy compliant and a public benefit.

11.3 Having regard to the NPPF (paragraph 197) a balanced judgement has been reached based on the scale of harm to the non-designated heritage asset and the relative significance of the building. The proposal would retain the ground floor façade of the locally listed building which is considered to represent the most significance of the building. The façade of the upper floors would be lost and this would cause some harm to the significance of the building. However the proposed replacement building to is designed with an appropriate scale, massing and design approach for the sites sensitive context.

11.4 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.

11.5 Consequently, it is considered that on balance, the proposed development would comply with the relevant national, regional, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents). Sufficient weight has been given to material planning considerations in reaching this decision including the NPPF. Regard has been given to the emerging Local Plan policies however given the stage of development and number of objections in relation to employment and affordable workspace policies little weight is attributable at this time.

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:

- Affordable workspace on-site provision
- Compliance with the Council's Code of Local Procurement
- 1 construction training placements (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
- Employment and training contribution – Operation of development of £10,261
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £2,082
- Accessible parking contribution of £4,000.
- Carbon Offsetting payment of £23,460 (index linked).
- Submission of, and compliance with, a Green Performance Plan
- Submission of a Travel Plan
- To enter Section 278 agreement with Transport for London to undertake the highways works required for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer).
- 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:

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| <b>1</b> | <b>Commencement Of Development</b>   |
|          | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>   |
| <b>2</b> | <b>Approved Plans</b>  |
|          | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Cover letter – Lichfields 30 Oct 2020;<br/>Site location Plan 18066-SQP-A-20-1240 rev P0;<br/>Proposed Lower Ground Floor Plan 18066-SQP-A-20-1206 rev P1;<br/>Proposed Lower Ground Mezzanine Plan 18066-SQP-A-20-1207 rev P0;<br/>Proposed Ground Floor Plan 18066-SQP-A-20-1200 rev P0;<br/>Proposed First Floor Plan 18066-SQP-A-20-1201 rev P0;<br/>Proposed Second Floor Plan 18066-SQP-A-20-1202 rev P0;<br/>Proposed Third Floor Plan 18066-SQP-A-20-1203 rev P0;<br/>Proposed Roof Plan 18066-SQP-A-20-1204 rev P1;<br/>Proposed Section AA 18066-SQP-A-20-1210 rev P1;<br/>Proposed Section BB 18066-SQP-A-20-1211 rev P0;<br/>Proposed East Elevation 18066-SQP-A-20-1220 rev P1;<br/>Proposed West Elevation 18066-SQP-A-20-1221 rev P1;<br/>Proposed North Elevation 18066-SQP-A-20-1222 rev P0;<br/>Proposed South Elevation 18066-SQP-A-20-1223 rev P0;<br/>Affordable workspace and shared facilities GIA 18066-20-1280 dated 23 April 2021</p> <p>Planning Statement – Lichfields Oct 2020; Air Quality Assessment v2 – EB7 16 Oct 2020;<br/>Daylight Sunlight Report – Lumina 15 Sept 2020;<br/>Additional overshadowing study - Lumina received 7 Jun 2021;<br/>Additional daylight assessment - Lumina received 10 Jun 2021;<br/>Delivery and Servicing Management Plan Final rev B – Motion 6 Oct 2020;<br/>Swept Path Analysis Delivery Vehicles 1810055-TK01 dated 8 Jan 2021;<br/>Design and Access Statement – Squire &amp; Partners Sept 2020;<br/>Ecological Impact Assessment Report number 1311/1 – Green Environment Consultant updated Sept 2020;<br/>Energy Statement – DSA Engineering January 2021;<br/>Flood Risk Assessment and Drainage Strategy Report rev 02 – Heyne Tillett Steel Sept 2020;<br/>Drainage Strategy Report Addendum dated March 2021<br/>Framework Construction Management Plan Final rev B - Motion 6 Oct 2020;<br/>Framework Travel Plan Final rev A - Motion 6 Oct 2020;<br/>Green Performance Plan Issue 01 - Hurley Palmer Flatt received 15 Feb 2021;<br/>Heritage, Townscape and Visual Impact Assessment – Lichfields 20 Oct 2020;<br/>Historic Assessment – Montagu Evans Oct 2020;<br/>Operational Waste Management Plan Issue 02 – Hurley Palmer Flatt 15 Oct 2020;<br/>Plant Noise Assessment 18/0628/R2 rev 2 – Cole Jarman 7 Jan 2021;<br/>Sustainable Design &amp; Construction Statement Issue 01 – Hurley Palmer Flatt Oct 2020;<br/>Transport Statement Final rev B - Motion 6 Oct 2020;<br/>Tree survey, Arboricultural Impact Assessment and Arboricultural Method Statement - Martin Dobson Associates 25 Sept 2020;<br/>Archaeological Desk Based Assessment - Pre-Construct Archaeology Oct 2020,<br/>Basement Impact Assessment rev P03 – Heyne Tillett Steel 29 Oct 2020</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and</p> |

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|          | the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.   |
| <b>3</b> | <b>Materials (Details)</b>   |
|          | <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including a sample panel of proposed brickwork showing the colour, texture, facebond and pointing to be provided on site)</li> <li>b) window treatments (including sections and reveals) to a scale of at least 1:10;</li> <li>c) doors to a scale of at least 1:10;</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections);</li> <li>f) signage area(s) in the façade;</li> <li>g) Green Procurement Plan;</li> <li>g) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In 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>Details of façade retention (Details)</b>   |
|          | <p>CONDITION: No development (including demolition works) shall take place unless and until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the safety and stability of the building fabric to be retained on the site (including any immediately adjoining neighbouring structures) and details of how the retained fabric/façade(s) shall be supported and protected throughout the period of demolition and construction works.</p> <p>The demolition and construction and the retention and protection method(s) shall be carried out strictly in accordance with the method statement so approved and all retained building fabric shall be supported and protected as such for the duration of the works.</p> <p>REASON: To ensure that the retained façade(s) are satisfactorily supported and protected during the construction phase.</p>   |
| <b>5</b> | <b>Recording of historic asset prior to demolition (Details)</b>   |
|          | <p>CONDITION: No demolition works shall take place unless and until a recording of the historical significance and photographic record of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority. The recording shall include (but not be limited to):</p> <ul style="list-style-type: none"> <li>a) historical photographs (both external and internal) plus a record of the sources used;</li> <li>b) historical and recent drawings, map evidence and written records that record the historical development of the site;</li> <li>c) any artefacts and/ or samples or environmental evidence found during assessment and demolition</li> <li>d) assessment and analysis of the results; and</li> <li>e) proposals from the investigating expert for an appropriate level of publication and dissemination of the results dependent on what is found.</li> </ul> <p>REASON: In the interests of capturing a documentary record of buildings to help the understanding of our past and to assist in future planning.</p>   |
| <b>6</b> | <b>Historic features removed and reinstated (Details)</b>  |
|          | <p>CONDITION: No works shall commence unless and until the following item(s)/historic feature(s) have been carefully removed and stored under cover in a secure place and written confirmation</p>   |

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|          | <p>given to the Local Planning Authority of the item(s) removed and their location:</p> <p>a) Decorative coin door handles on east elevation<br/>b) Decorative roundels above second floor windows on east elevation</p> <p>The removed items shall be reinstated in a manner, location and to a timetable as agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>   |
| <b>7</b> | <b>Shopfront design (Details)</b>   |
|          | <p>CONDITION: Detailed drawings in respect of the following, shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site:</p> <p>a) Proposed shopfront (scale 1:20)<br/>b) Details of the shopfront windows, architraves, doors and other details (scale 1:5)<br/>c) Glazing bar profiles (scale 1:2)</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>   |
| <b>8</b> | <b>Roof Level Structures (Details)</b>  |
|          | <p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, acoustic screening, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area, and to protect neighbouring amenity.</p>  |
| <b>9</b> | <b>Construction and Environmental Management Plan (Details)</b>   |
|          | <p>CONDITION: No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The Construction and Environmental Management Plan shall set out the measures proposed to ensure demolition and construction will be undertaken in a manner which does not cause harm to the amenity of nearby occupiers, pedestrian or highway safety and shall include:</p> <p>a) The notification of neighbours with regard to specific works;<br/>b) Advance notification of any access way, pavement, or road closures;<br/>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;<br/>d) Details regarding the planned demolition and construction vehicle routes and access to the site;<br/>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</p> |

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

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

The 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.

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.

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

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

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| <b>10</b> | <b>Servicing and Delivery Plan (Details)</b>  |
|           | CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. |

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|           | <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>11</b> | <b>Sound insulation (Details)</b>   |
|           | <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p style="padding-left: 40px;">Ground borne noise shall not exceed 40dB <math>L_{Amax,s}</math> as measured in the centre of any office rooms (including affordable workspace) at lower ground floor level</p> <p>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 mitigate the potential ground borne noise generated from the operation of London Underground underneath the site and to ensure that the internal office environment is acceptable.</p>   |
| <b>12</b> | <b>Green roofs (Compliance)</b>   |
|           | <p>CONDITION: The proposed green/blue roofs hereby approved shall be installed as per the details shown within the approved plans and the Drainage Strategy Addendum dated March 2021.</p> <p>The approved green/blue roofs shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation. They shall be shall be designed, installed and maintained in a manner that meets the following criteria:</p> <ul style="list-style-type: none"> <li>a) green roofs shall be biodiversity based with extensive substrate base (depth 120 -150mm);</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>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).</li> </ul> <p>The green/blue 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, and shall be maintained as such thereafter. The mix of species shall be selected based on the recommended list set out Appendix 2 of the Environmental Design SPD 2012.</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>13</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>  |

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|           | <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>14</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.</p> <p>These measures 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> |
| <b>15</b> | <b>Rainwater/Greywater recycling (Details)</b>  |
|           | <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>   |
| <b>16</b> | <b>Piling Method Statement (Details)</b>  |
|           | <p>CONDITION: No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>  |
| <b>17</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 and approved 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>   |

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|           | <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>   |
| <b>18</b> | <p><b>BREEAM (Details)</b></p> <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>19</b> | <p><b>Plant Equipment (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>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 insitu. 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>Inclusive Design (Details)</b></p> <p>CONDITION: All inclusive design measures identified within the application submission shall be installed and operational prior to the first occupation of the development hereby approved.</p> <p>Further details on the following points shall be submitted and approved in writing by the Local Planning Authority and installed prior to first occupation of the development hereby approved:</p> <ul style="list-style-type: none"> <li>a) the firefighting strategy and how the needs of disabled people has been addressed including details of refuge areas;</li> <li>b) accessible cycle storage;</li> </ul>   |

|           |  |
|-----------|--|
|           | <p>c) ambulant WC<br/> d) automated doors<br/> e) evacuation lift<br/> f) stair lift (for the access to mezzanine floors)<br/> g) mobile scooter storage and charging point</p> <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>   |
| <b>22</b> | <b>Cycle parking (Compliance)</b>  |
|           | <p>CONDITION: The details of cycle facilities set out in section 5.10 of the Design and Access Statement (prepared by Squire &amp; Partners Sept 2020) shall be installed prior to the first occupation of the development hereby approved, and 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>23</b> | <b>Refuse and Recycling (Compliance)</b>   |
|           | <p>CONDITION: The details of refuse storage facilities set out in section 5.10 of the Design and Access Statement (prepared by Squire &amp; Partners Sept 2020) shall be provided prior to the first occupation of the development hereby approved, and 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 secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>  |
| <b>24</b> | <b>Secured by Design (Compliance)</b>  |
|           | <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 so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>  |
| <b>25</b> | <b>Restriction of PD rights - Class E to residential (Compliance)</b>  |
|           | <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.</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 floorspace in this location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p> |
| <b>26</b> | <b>Restriction of office use (Compliance)</b>  |
|           | <p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to permitted office use. 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</p>   |

|           |   |
|-----------|---|
|           | <p>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 restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location (Employment Growth Area). This would allow the Council to retain control over the change of use of the building in the future and to secure an appropriate balance of uses, and ensure that the availability of a range of workspaces to support the delivery of economic growth within the borough.</p> |
| <b>27</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>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 terrace (Compliance)</b>   |
|           | <p>CONDITION: The third floor roof terrace on the hereby approved (drawing ref 18066-SQP-A-20-1203) 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>Basement Excavation Inspection and Monitoring (Compliance)</b>   |
|           | <p>CONDITION: The development shall be constructed in accordance with the approved Basement Impact Assessment and Structural Methodology Statement rev.P03 dated 29/10/2020.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>          |
| <b>31</b> | <b>Flat Roofs (compliance)</b>  |
|           | <p>CONDITION: With the exception of the third floor roof terrace in relation to condition 29, the flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>   |

|           |   |
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| <b>32</b> | <b>Green walls (Details)</b>  |
|           | <p>CONDITION: Notwithstanding the plans hereby approved, provision of green/brown walls shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ul style="list-style-type: none"><li>a) how the extent of green/brown walls has been maximised</li><li>b) details of planting system and maintenance of the walls</li></ul> <p>The green walls shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p> |

**List of Informatives:**

|          |  |
|----------|--|
| <b>1</b> | <b>S106</b>  |
|          | SECTION 106 AGREEMENT<br><br>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'<br><br>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 - TfL</b>   |
|          | If during the works, any of the construction activities would encroach into TfL highway, the applicant will need to agree a licence with TfL: <a href="https://tfl.gov.uk/info-for/urban-planning-and-construction/our-land-and-infrastructure/highway-licences">https://tfl.gov.uk/info-for/urban-planning-and-construction/our-land-and-infrastructure/highway-licences</a> .<br><br>The licence would also include any protective measures during construction and re-instatement requirements, once the hoarding or scaffolding is removed and protective measures during construction.<br><br>If changes are proposed to TfL highway, the applicant would need to agree them via a S278 <a href="https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/highway-works">https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/highway-works</a> |

|           |   |
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|           |   |
| <b>7</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>8</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>9</b>  | <b>Thames Water - surface water</b>   |
|           | Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a>  |
| <b>10</b> | <b>Thames Water - works near sewers</b>   |
|           | If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">guide working near or diverting our pipes</a> .  |
| <b>11</b> | <b>Thames Water - groundwater discharge</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   |

## **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**

- GG1** Building strong and Inclusive Communities
- GG2** Making best use of land
- GG5** Growing a good economy
- GG6** Increasing efficiency and resilience

##### **2 Spatial Development Patterns**

- SD6** Town centres and high streets
- SD7** Town centres: development principles and Development Plan Documents

##### **3 Design**

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

##### **6 Economy**

- E1** Offices
- E2** Providing suitable business space
- E3** Affordable workspace
- E9** Retail, markets and hot food takeaways
- E11** Skills and opportunities for all

##### **7 Heritage and Culture**

- HC1** Heritage conservation and growth
- HC3** Strategic and Local Views

##### **8 Green Infrastructure and Natural Environment**

- G1** Green Infrastructure
- G5** Urban Greening
- G6** Biodiversity and access to nature
- G7** Trees and woodlands

##### **9 Sustainable Infrastructure**

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

##### **10 Transport**

- T1** Strategic approach to transport
- T2** Healthy streets
- T3** Transport capacity, connectivity and safeguarding
- T4** Assessing and mitigating transport impacts
- T5** Cycling
- T6** Parking
- T6.2** Office parking
- T6.5** Non-residential disabled persons parking
- T7** Deliveries, servicing and construction
- T9** Funding transport infrastructure through planning

##### **11 Funding the London Plan**

- DF1** Delivery of the Plan and Planning Obligations

#### **B) Islington Core Strategy 2011**

##### **Spatial strategy**

- CS5** Angel and Upper Street

- CS11** Waste
- CS13** Employment Spaces
- CS14** Retail and services

## Strategic Policies

- CS8** Enhancing Islington's character
- CS9** Protecting and Enhancing Islington's Built and Historic Environment
- CS10** Sustainable Design

**CS15** Open space and green infrastructure

## Infrastructure and Implementation

**CS18** Delivery and Infrastructure

## C) Development Management Policies June 2013

### 2 Design and Heritage

- DM2.1** Design
- DM2.2** Inclusive Design
- DM2.3** Heritage
- DM2.5** Landmarks

### 4 Shops, culture and services

- DM4.6** Local Shopping Areas
- DM4.8** Shopfronts

### 5 Employment

- DM5.1** New 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
- DM7.3** 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

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

The following SPGs and/or SPDs are relevant:

### Islington Local Plan

- Basement development (January 2016)
- 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

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

## Emerging Islington Local Plan Policies

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

### Strategic and Development Management Policies

- PLAN1** Site appraisal, design principles and process
- SP4** Angel and Upper Street
- SC3** Health Impact Assessment
- B1** Delivering business floorspace
- B2** New business floorspace
- B4** Affordable workspace

- T1** Enhancing the public realm and sustainable transport
- T2** Sustainable Transport Choices
- T3** Car-free development
- T4** Public realm
- T5** Delivery, servicing and construction

**B5** Jobs and training opportunities  
**R1** Retail, leisure and services, culture and visitor accommodation  
**R4** Local Shopping Areas  
**S1** Delivering Sustainable Design  
**S2** Sustainable Design and Construction  
**S3** Sustainable Design Standards  
**S4** Minimising greenhouse gas emissions  
**S5** Energy Infrastructure  
**S6** Managing heat risk  
**S7** Improving Air Quality  
**S8** Flood Risk Management  
**S9** Integrated Water Management and Sustainable Drainage  
**S10** Circular Economy and Adaptive Design

**DH1** Fostering innovation and conserving and enhancing the historic environment  
**DH2** Heritage assets  
**DH3** Building heights  
**DH4** Basement development  
**DH5** Agent of change, noise and vibration  
**DH7** Shopfronts  
**ST1** Infrastructure Planning and Smarter City Approach  
**ST2** Waste  
**ST3** Telecommunications, communications and utilities equipment  
**ST4** Water and wastewater infrastructure

## **Appendix 3 – DRP comments**



**CONFIDENTIAL**

ATT: Dennis Pope  
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All Saints Street  
London  
N1 9RL

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Planning and Development  
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T 020 7527 2327

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

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Our ref: Q2019/3383/DRP

Date: 03 July 2020

Dear Dennis,

## **ISLINGTON DESIGN REVIEW PANEL**

**RE: 218 Upper Street, London (pre-application ref: Q2019/0970/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 16<sup>th</sup> June for a follow-up third review of the above scheme. The meeting was held virtually on Zoom due to the restrictions relating to the Covid-19 pandemic. The proposed scheme under consideration is for the demolition of the existing building and the erection of a 4 storey building (plus extended basement and rooftop plant) incorporating the retained ground floor shop frontage to provide office floorspace (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), Dorian Crone, Stephen Archer and Charles Thomson on 16<sup>th</sup> June 2020, including a presentation by the development team followed by a question and answer session and discussion of the proposals at the offices of the London Borough of Islington. There was no site visit as this was a third review. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

### **Panel's observations**

#### Principle of adaptation or demolition

In response to the Panel's request for further justification and studies to evidence the need for demolition of the bank building under DRP2, the Design Team included a structural options appraisal in their presentation to the Panel.

The Panel considered the three structural options – (1) full retention of the building with refurbishment and extension; (2) retention of the front façade with the building's structure demolished behind; and (3) retention of just the ground floor – in the context of their previous position, which is that the existing building is one of inherent architectural quality that contributes positively to the townscape and setting of the conservation area, and so should be treated as a non-designated heritage asset (of a quality worthy of local listing).

The Panel's opinions were varied regarding the acceptable extent of demolition. Some members maintained, as in the last review, that there had not been adequate evidence provided that the

building could not be retained and adapted. They recognised that the existing down stand beams on the upper floors were a constraint in terms of servicing the existing building, however, they considered that this was not overwhelming justification for the demolition of the upper storeys and structure of a non-designated heritage asset. They suggested that a more heritage-led and sustainable approach ought to be taken, however, they did state that should clear and convincing justification be made as to why the building could not be refurbished, Option 2 (retaining the entire front façade) might be acceptable on balance. This view was not unanimous and another member felt Option 3 (the retention of just the ground floor shopfront) was a satisfactory response to the site having considered the information supplied.

### Design of proposed replacement building

Notwithstanding the extent of demolition and retention of the existing building, the Panel offered the following observations on the proposed replacement building.

#### *Height, bulk, mass*

The Panel welcomed the reduced floor to ceiling heights of the proposed building, which has had the benefit of lowering the parapet of the building on the Upper Street elevation as well as slightly reducing the overall mass of the building. They also welcomed the redesigned roof form which has been amended so as to be more slender and orthogonal in plan.

#### *Detailed design*

The Panel considered that the latest iteration of the fenestration to the first and second floors, had successfully evoked the spirit of the original building and was more sympathetic to the scale of the façade than in previous reviews. However, they also commented that the large plate glazing that would form the 4<sup>th</sup> storey extension appeared to be out of scale with the rest of the building. It was suggested that the 'ABA' rhythm of the fenestration on the lower levels ought to be reflected in the bays of the plate glazing, which would have the benefit of reducing the scale of the extension when viewed from Compton Terrace.

#### *Impact on neighbouring properties*

The Panel remained concerned about the scale and mass of the building with regards to its impact on the sunlight and daylight amenity to the mews building directly behind the site. Based on the information supplied by the consultant Lumina London Limited, the Panel was satisfied that the latest proposal would have a better daylight/sunlight impact towards the neighbours than the DRP2 scheme. However, they noted that there are still three minor breaches (>20% loss, in breach of the BRE guidance) on both VSC and Daylight Distributions at 18-21 Edwards Mews. They urged the Design Team to continue to revise the scheme to further reduce the impact on those residents.

### **Summary**

Overall the Panel considered that this iteration of the proposals was a satisfactory and more elegant evocation of the original bank building, and that the Design Team had successfully revised the scheme to complement the proportions and order of the retained shopfront. They advised further revisions to the fourth storey extension were needed in terms of the arrangement of its fenestration, and felt the daylight/sunlight impacts are outstanding issues to be revisited by the Design Team.

That being said, as stated by the Chair, it was clear that a consensus regarding the principle of demolition had not been reached by the Panel. On this matter they advised that greater justification for the demolition of the building would be required, and that this would have to be balanced against the public benefit of the proposals as the scheme continues to be refined.

**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***

Design Review Panel Coordinator  
Design & Conservation Deputy Team Manager