ISLINGTON

PLANNING COMMITTEE REPORT

ADDENDUM

Development Management Service
Planning and Development Division
Community Wealth Building

PLANNING COMMITTEE		AGENDA ITEM NO:	B3
Date:	04 April 2022	**NON-EXEMPT**	

Application number	P2021/1692/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	n/a
Conservation area	n/a
Strategic	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Employment Priority Area 14 (Great Sutton Street) Article 4 Direction B1c to C3 (CAZ) Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	n/a
Site Address	30 Bastwick Street, London, EC1V 3PS
Proposal	Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	H Planning

1. RECOMMENDATION

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

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

2. BACKGROUND OF DEFERRAL

2.1. Planning application P2021/1692/FUL was presented at the Planning Committee meeting on 22 February 2022. The Planning Committee Report for this meeting is appended as **Appendix 2** for reference.

2.2. During the 22 February 2022 Committee Meeting, following concerns raised in representations regarding daylight and sunlight transgressions to neighbouring properties, Members voted to defer the item in order for the applicant to review the massing of the building and seek betterments to the daylight and sunlight levels.

2.3. Since the 22 February 2022 Committee Meeting, the Applicant has submitted amended plans and an updated Daylight Sunlight Report. The revisions to the proposal include the stepping back of part of the top floor and the introduction of a pitched roof to the rear of the site, whereas this was previously proposed as a flat roof.

3. CONSULTATION

Public Consultation Responses

3.1. To date, a total of 31 representations forming objections to the proposal have been received. Further correspondence and representations have been received since the item was deferred. However, no new material planning considerations have been raised from those addressed within the 22nd February 2022 Committee Report.

3.2. The amended plans have not been subject to a formal re-consultation given that the amendments reduce the bulk of the building to the upper most levels and the revised 'Daylight and Sunlight' reports reflect these amendments. This is in accordance with the Council's Statement of Community Involvement.

UPDATED ASSESSMENT

3.3. Following the deferral, the Applicant submitted revised elevation/floorplan drawings and a revised 'Daylight & Sunlight' report. It should be noted that the scheme has not been amended beyond the following revisions:

- Revision to rear most part of the second floor, with the flat roof being revised into a pitched roof with 6 rooflights; and
- Reduction to the northwestern part of the fourth storey (third floor) floorplan, leading to a 20sqm reduction in floor area.

3.4. Therefore, the overall proposed GIA floorspace has reduced from 1,778sqm to 1,758sqm.

3.5. The amendments to the mass of the proposed development has led to betterments, albeit marginal, to daylight and sunlight receipt to neighbouring properties.

Design

3.6. The proposed amendment to introduce a pitched roof would reduce the massing of the building and would be set within the rear building context. The pitched roof design would not detract from the character and appearance of the area and would maintain the design integrity of the development as previously proposed.

3.7. The amendment to the fourth floor of the building would introduce a further setback from the central rear projection. This would further reduce the massing of the upper floor of the resultant building and maintains the design of the building as previously proposed.

Impacts to Daylight

3.8. In the scheme presented to the 22 February 2022, 8 neighbouring windows and 8 rooms would have seen reductions beyond BRE guidance in relation to Vertical Sky Component and No Sky Line. Following the revisions, the results show that 8 windows and 8 rooms would still see reduction in daylight beyond BRE guidance. However, a number of windows and rooms would see a betterment to the reductions to neighbouring properties, albeit the reductions would transgress the BRE guidelines. Transgressions are reported to neighbouring 26 & 27 Bastwick Street, 37 Bastwick Street, 41 Central Street and 46-56 Pear Street. These are outlined further below:

Table 1: 46-56 Pear Tree St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**
First Floor										
236	LKD	28.3	23.9	19%	16%	55.9	38	19	**53%**	**50%**
237		2.6	2.6	0	0					
238	LKD	21.3	15.2	**32%**	**29%**	27.4	23.1	12.9	**49%**	**44%**
239	Bedroom	28.1	22	**24%**	**22%**	9.3	9.1	8.2	10%	10%
240	Bedroom	21.8	16.4	**27%**	**25%**	13.8	12.4	8.3	**34%**	**33%**
241	Bedroom	20.4	16.6	20%	19%	19.5	18.3	13.5	**29%**	**27%**
Second Floor										
244	LKD	33.5	30.6	11%	9%	55.9	42.5	29.6	**36%**	**30%**
245		22.6	22.6	0	0					
256	Kitchen	32.8	28.6	15%	13%	27.4	25.5	17	**39%**	**33%**

Table 2: 26 & 27 Bastwick St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**
First Floor										
45	Unknown	3.3	2	**40%**	**39%**	67.8	26.4	26.4	0	0

Table 3: 29 Bastwick St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**
First Floor										
11	LKD	0	0	0	0	27.2	9	6.6	3%	3%
12		26	20.1	**24%**	**23%**					
13	Staircase	22.7	21.7	5%	4%	1.3	1.2	0.6	**50%**	**50%**

Table 4: 37 Bastwick St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**
First Floor										
122	Living	25.5	19.3	**25%**	**24%**	4.7	4.6	4.5	3%	3%
Second Floor										
126	Bathroom	31.7	23.7	**28%**	**25%**	4.7	4.6	4.5	3%	2%
Third Floor										
130	Conservatory	34.7	18.7	**47%**	**46%**	21.8	21.8	21.8	0	0

Table 5: 41 Central St		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Previous scheme	**Reduction (%) Revised Scheme**
First Floor										
145	Reception / Living	12.5	11.9	10%	5%	18	12	8.8	**28%**	**27%**

Impacts to Sunlight

3.9. In the scheme presented to the 22 February 2022, 8 neighbouring windows would have seen reductions beyond BRE guidance in relation to Sunlight. Following the revisions, the results show that the quantum of reduction is now 7 windows as follows:

Table 6: Sunlight Transgressions		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
29 Bastwick								
First Floor								
3	Domestic	27	20	7	26%	0	0	0
4	Domestic	36	25	11	31%	0	0	0
5	Domestic	25	18	7	28%	0	0	0
8	Domestic	32	23	9	28%	0	0	0
10	Domestic	30	21	9	30%	0	0	0
43 Central Street								
Ground Floor								
150	LKD	19	14	5	32%	1	1	0
151	LKD	31	25	6	23%	5	3	40%

3.10. The results show that the transgressions to 29 Bastwick Street are the same as the previous scheme of 22 February 2022.

3.11. To 43 Central Street, there are betterments to window 150 now seeing a 26% reduction (previously 32%) and window 151 now seeing a reduction of 19% (previously 23%). The reductions however would still marginally transgress BRE guidance. Paragraph 9.113 of the 22 February 2022 highlights that this is believed to be a living/kitchen/dining room and there are no other sunlight transgressions to other windows.

3.12. 45 Central Street saw reductions beyond BRE guidance to one window (157) of a conservatory at ground floor to the rear of the property in the previous scheme. The revised proposal sees a betterment to this window, which would now meet BRE guidance.

Overshadowing

3.13. Paragraphs 9.116 – 9.118 of the 22 February 2022 Committee Report outline overshadowing. The revised scheme would see the same result of 1 neighbouring garden (45 Central Street) seeing a 100% reduction beyond BRE guidance. There are no other transgressions to neighbouring gardens/amenity spaces beyond BRE guidance.

Amendment to Recommended Conditions

3.14. The conditions as recommended in the 22nd February 2022 Committee Report have been amended to account for the revised plans and to address the motions seconded at the planning committee on 22nd February 2022. The amendments to conditions are detailed below:

- Condition 2 has been amended to include the revised drawings and documents received since the 22 February 2022 Committee Meeting;
- Condition 11 has been amended to include restricted hours for deliveries and servicing of the building so that they do not disturb standard nigh-time/sleeping hours (between 2300 and 0700); and

- Condition 12 has been amended to restrict demolition and construction to weekdays only (no Saturday, Sunday or Public Holidays).

Summary

3.15. A comprehensive assessment of the revised proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. While a number of transgressions continue to occur beyond BRE guidance with regard to daylight, sunlight and overshadowing to one garden, the overall quantum is considered low whilst the reductions themselves are considered to result in a minor adverse impact given the circumstances and site context. Transgressions weigh against the scheme but the weight given is low by officers following inspection of the results and context of the neighbouring properties affected. The BRE guidance must be viewed flexibly and considered with regard to the prevailing Central London urban context. As such, while there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduly or unacceptably harmful. Officers consider the proposed development is acceptable, in accordance with the overall planning balance of the proposal as set out at paragraphs 9.190 – 9.195 of the 22 February 2022 Committee Report at **Appendix 2**.

4. CONCLUSION

4.1. Following the deferral of the application at 22 February 2022 Committee Meeting, the Applicant has revised the proposal by reducing the extent of the upper most storey and introducing a pitched roof form. This has led to betterments in the reductions to daylight, albeit the quantum of transgressions remains the same. The quantum of transgressions in regard to sunlight has been reduced from 8 to 7, but there is no change in regard to overshadowing of the garden of 45 Central Street.

RECOMMENDATION

4.2. It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in **Appendix 1** – RECOMMENDATIONS.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

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

a. Contribution of **£312,480** towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;

b. Provision of 281sqm small / micro workspace units at basement level which includes-
   - a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
   - flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
   - good standards of internal sound insulation;
   - a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading; and
   - demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.

c. Contribution towards 4x bays or other accessible transport initiatives of: **£8,000**;

d. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of **£3,000**;

e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by the LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;

f. Facilitation, during the construction phase of the development, of the following number of work placements: 2x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£10,000**;

g. A contribution of **£25,806** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);

h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;

i. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;

j. Compliance with the Code of Employment and Training;

k. Compliance with the Code of Local Procurement;

l. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,778** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;

m. Payment towards employment and training for local residents of a commuted sum of: **£22,239**; and

n. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid or within the agreed extension of time, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	**COMMENCEMENT OF DEVELOPMENT**
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	**APPROVED PLANS**
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents: 1927.PP.01 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.02 - Proposed Basement Floor Plan – Rev. H;

	1927.PP.03 - Proposed Ground Floor Plan – Rev. F; 1927.PP.04 - Proposed First Floor Plan – Rev. E; 1927.PP.05 - Proposed Second Floor Plan - Rev. H; 1927.PP.06 - Proposed Third Floor Plan - Rev. I; 1927.PP.07 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.08 - Proposed Basement Floor Plan - Rev. E; 1927.PP.09 - Proposed Ground Floor Plan - Rev. E; 1927.PP.10 - Proposed First Floor Plan - Rev. D; 1927.PP.11 - Proposed Second Floor Plan - Rev. E; 1927.PP.12 - Proposed Third Floor Plan - Rev. F; 1927.PP.13 - Proposed Roof Plan - Rev. E; 1927.PP.14 - Proposed Rear & Front Elevations - Rev. G; 1927.PP.15 - Proposed Side Elevations - Rev. G; 1927.PP.16 - Proposed Section AA & BB Rev. J; 1927.PP.17 - Proposed Section CC & DD Rev. H; 1927.PP.18 - Proposed Section EE Rev. G; 1927.PP.20 - Proposed Roof Plan Rev. B; Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21; Delivery & Service Plan prepared by Paul Mew Associates dated June 2021; Final Noise Report (ref: 557/21) prepared by Michael Sugiura Acoustic Consultant dated May 2021; FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021; Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021; Transport Statement prepare by Paul Mew Associates dated May 2021; Highways Response prepared by Paul Mews Associates dated September 2021; REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	**Materials (Detail and Samples)**
	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. The details and samples shall include: a) brickwork, bond and mortar courses for all facing bricks; b) render (including colour, texture and method of application); c) windows and doors (including sections and reveals); d) roofing materials (including facing materials); e) any balustrading treatment (including sections); and f) any other materials to be used. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. 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.
4	**Fixed Plant (Compliance)**
	CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.

	A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. REASON: To ensure that the amenity of neighbouring residents is not adversely affected.
5	**Refuse and Recycling (Compliance)**
	CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans (1927.PP.03 Rev G - Proposed Ground Floor Plan) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter. REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.
6	**Cycle Storage (Compliance)**
	CONDITION: The bicycle storage area(s) shown on the approved plans (1927.PP.01 Rev. I - Proposed Sub Basement Floor Plan) shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter. REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
7	**Flat Roofs (Compliance)**
	CONDITION: The flat roofs of the development hereby approved, including the identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance. REASON: To ensure that the amenity of residents is not adversely affected.
8	**Internal Lighting and Roller Blinds (Details and Compliance)**
	CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to): - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter. REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.
9	**Obscured Glazing (Compliance)**
	CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the development hereby approved, all windows at second floor and third floor levels of the

	rear (north-western) elevation of the building shall be obscure glazed and permanently fixed shut, unless otherwise approved in writing by the Local Planning Authority. REASON: In the interest of preventing direct overlooking and in addition to prevent undue noise disturbance to the residential properties in immediate proximity to the development site. This condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.
10	**External Lighting (Details)**
	CONDTION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development. The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter. REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.
11	**Delivery and Servicing Plan (Compliance)**
	CONDITION: The development shall be constructed and operated strictly in accordance with the hereby approved Delivery and Servicing Plan dated June 2021 and the Highways Response dated September 2021, and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No deliveries or servicing shall take place outside of 0700 – 2300. REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.
12	**Demolition, Construction and Environmental Management Plan (Details)**
	CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding: a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and

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

	Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021 and any supporting documents shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy efficiency measures within the approved Sustainable Design and Construction Statement, a revised Sustainable Design and Construction Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of addressing climate change and to secure sustainable development.
15	**Green Roofs (Details and Compliance)**
	CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details: a) substrate base depth; b) laid out in accordance with plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
16	**Urban Greening Factor (Compliance)**
	CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to an approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting. REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.
17	**Bird and Bat Boxes (Details and Compliance)**
	CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed 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. REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

18	**Inclusive Design**
	CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: a) All entrances to the building must be level, step free and Part M compliant; b) Confirmation that all doors are to be automated; c) Confirmation that all accessible WCs on ground, first and second floors achieve Part M4 compliance; d) All WCs to allow for right hand and left hand transfer on alternating floors; and e) A management plan, including a PEEP. The inclusive design measures shall be retained as such in perpetuity. REASON: In order to facilitate and promote inclusive and sustainable communities.
19	**Sustainable Urban Drainage (Compliance)**
	CONDITION: The development shall be carried out strictly in accordance with the details so approved within the FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021 and shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter. REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.
20	**Piling Method Statement – Thames Water (Details)**
	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. 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.
21	**Basement Excavation (Compliance)**
	CONDITION: The development shall be constructed in accordance with the approved Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21, unless otherwise agreed in writing. 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. REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.
22	**Restriction of Office Use and Removal of Permitted Development Rights (Compliance)**
	CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i)

	floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place unless otherwise agreed in writing by the Local Planning Authority. REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the Central Activities Zone, Employment Growth Area and wider Borough. 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.
23	**Amalgamation of Units (Compliance)**
	The dedicated 4x SME office units at Basement level shall not be amalgamated with one another into a single unit nor amalgamated with the office floorspace above. REASON: To ensure that the dedicated SME units are secured in perpetuity for the provision of premises suitable for small businesses.
24	**Contaminated Land (Details)**
	CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority. a) A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site: b) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local

	Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.
25	**Fire Safety Strategy (Compliance)**
	CONDITION: The details and measures set out in the Fire Statement ref: 611272 by Salus Building Control and Fire Safety Consultants dated 15/01/2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent cP20hange(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter. REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

List of Informatives:

1	**Positive Statement**
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant. This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.
2	**Community Infrastructure Levy (CIL)**
	CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Further information and all CIL forms are available on the Planning Portal at and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/
3	**The Building Acts and Building Regulations**
	To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk
4	**Street Naming and Numbering**
	If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk
5	**Thames Water**
	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. Thames Water would expect the developer to demonstrate what measures they 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 trade.effluent@thameswater.co.uk Application forms should be completed on line via www.thameswater.co.uk Please refer to the Wholsesale; Business customers; Groundwater discharges section.
6	**Thames Water**
	In regards to Condition 20, Thames Water advise on referring to their guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developinga-large-site/Planning-your-development/Working-near-or-diverting-our-pipes Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

APPENDIX 2: 22 FEBRUARY 2022 COMMITTEE REPORT

ISLINGTON

PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE	AGENDA ITEM NO:
Date: 22 February 2022	

Application number	P2021/1692/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	n/a
Conservation area	n/a
Strategic	Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Employment Priority Area 14 (Great Sutton Street) Article 4 Direction B1c to C3 (CAZ) Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	n/a
Site Address	30 Bastwick Street, London, EC1V 3PS
Proposal	Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	H Planning

5. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. Subject to the conditions set out in **Appendix 1**; and

2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in **Appendix 1**.

6. SITE LOCATION

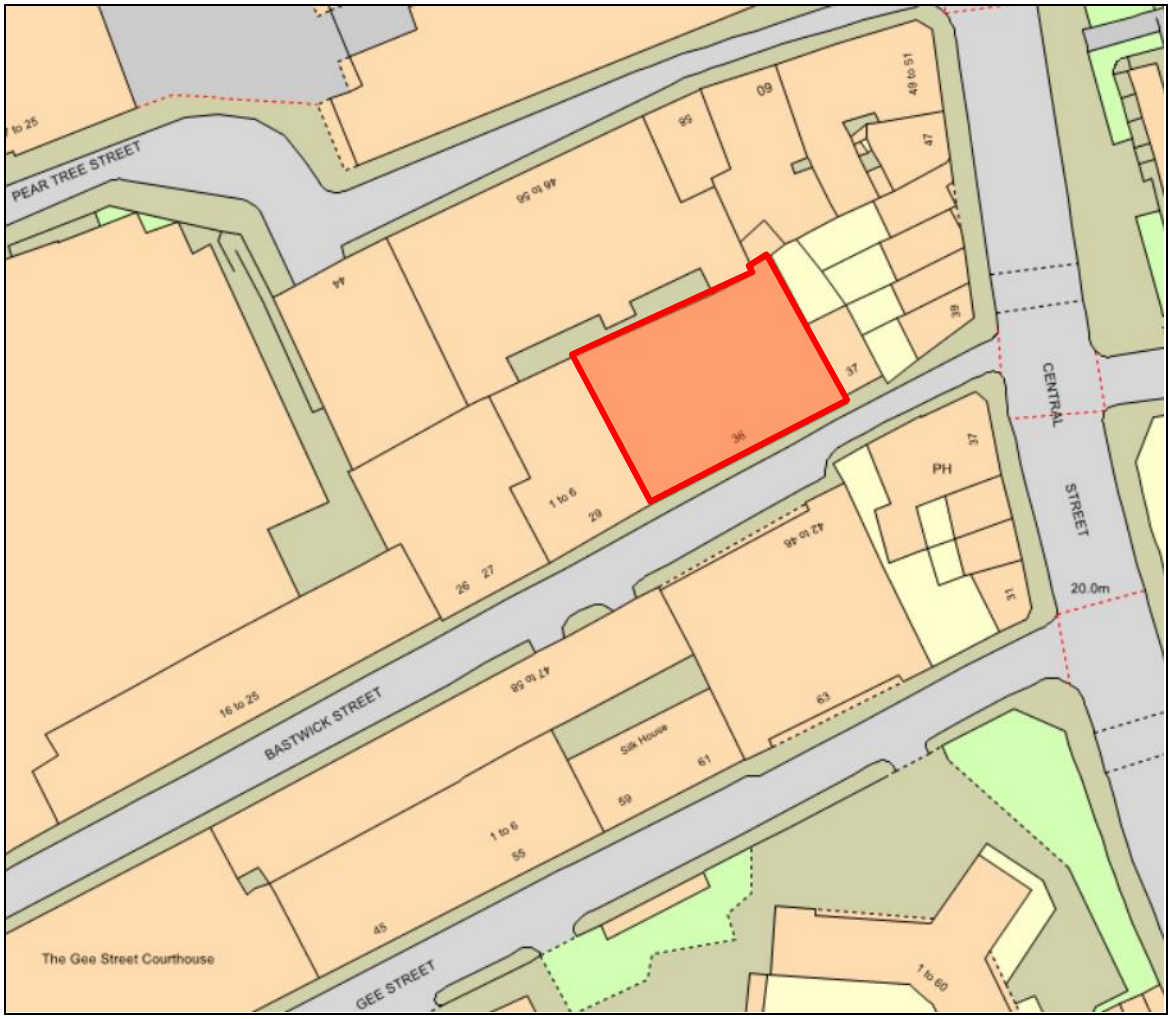

Figure 1: Site Location Plan (outlined in red)

Figure 2: Aerial view from the south

Figure 3: Aerial view from the north

7. SUMMARY

7.1. The application seeks to redevelop the site (currently in use as a photography studio and prop studio) following the demolition of the existing single storey building. The proposed replacement building would be a total of 4 storeys in height and provide for 1,778sqm of office floorspace (E(g)(i) Use Class), an uplift of 1,778sqm.

7.2. The proposal has been amended during the course of the application, with revisions to the height of the upper most floor and first floor rear projection, and alterations to the internal configuration in order to provide sufficient inclusive design features, cycle and refuse/recycling storage.

7.3. The main planning considerations are land use, height, bulk, scale, design and appearance, impact upon neighbouring residential amenity, transport and highways implications, energy and sustainability credentials.

7.4. In land use terms, the provision of additional office floorspace within the Central Activities Zone (CAZ), Bunhill & Clerkenwell Key Area and the 'Great Sutton Street' Employment Priority Area, is supported. The proposed office development ensures that the site is predominately in business use, in accordance with all pertinent land use policies within the London Plan and Islington's Development Plan framework and therefore, the proposal is considered to be acceptable in land use terms.

7.5. The scale, height, design and appearance of the proposal is considered acceptable within its setting and would not cause detriment to the nearby heritage assets. Further, the proposed development is considered to be well-designed, responding successfully to its context alongside neighbouring buildings along Bastwick Street.

7.6. Following further revisions during the application stage, the overall height of the building and the first floor have been reduced following concerns relating to impact upon outlook and reductions to daylight and sunlight to neighbouring residential properties.

7.7. The site has excellent public transport accessibility level (PTAL) due to its proximity to Old Street and Barbican railway and underground stations, and several bus routes run along Goswell Road and Central Street. The proposal would be car-free. Due to the site constraints, servicing and deliveries will take place safely on-street, whilst there would be sufficient cycle parking facilities on-site. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.

7.8. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, which are to be secured via conditions and panning obligations.

7.9. The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.

7.10. The proposal would deliver high quality office accommodation in an area of high demand. As such, the proposal is considered to be a sustainable form of development on brownfield land and an appropriate land use within the CAZ. All other matters relevant to planning are also considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

8. SITE AND SURROUNDINGS

8.1. The application site relates to an existing single storey building to the north-west of Bastwick Street. The building has two hipped roofs.

8.2. The site is not located within a Conservation Area, however the north-eastern elevation adjoins the St Luke's Conservation Area (CA16). The buildings on site are not statutory listed, nor are any of the adjoining sites.

8.3. The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent). Old Street and Barbican are located a short distance to the site. There are also numerous bus routes along both nearby Goswell Road and Old Street. The site is within a resident only Controlled Parking Zone ('Zone A') with restricted parking on weekdays from 0830-1830 and Saturdays 0830-1330.

Figure 4: The existing front elevation looking north-east along Bastwick Street towards the junction with Central Street

Figure 5: The existing front elevation looking south-west along Bastwick Street

9. PROPOSAL (IN DETAIL)

9.1. The proposal seeks to demolish the existing single storey building and the construction of a four storey building (plus two basement levels). The total Gross Internal Area ('GIA') floorspace to be provided is 1,778sqm.

9.2. The only entrance to the building would be from Bastwick Street, with no other access point available on site. There is a single core to the building with a staircase and lift which would allow for step-free access to every floor within the building. Office floorspace is located at upper basement, ground, first, second and third floor levels. Cycle storage, changing rooms and a plant room would be located in the lower basement level.

<u>Revisions to the scheme</u>

9.3. It should be noted that the application has been subject to revisions and receipt of additional supporting information since the application's original submission date in August 2021. In this respect, discussions were held between the applicant and officers following the expiry of the first round of public consultation, in particular with a view of addressing outstanding concerns relating to scale, height, bulk and the resultant impact of the proposed development upon neighbour amenity. The quantum and use of the proposed floorspace remains as originally submitted.

9.4. A summary of the revisions to the proposal are as follows:

- Reduction of the Third Floor from 3.00m to 2.50m;
- Reduction of the rear most part of the First Floor from 3.00m to 2.50m;
- The inclusion of 4x Small and Medium Enterprise (SMEs) units at Upper Basement Level; and
- Layout amendments have been made in response to comments relating to inclusive design, cycle storage and refuse/recycling areas.

10. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

6.1 The Site has been subject to a number of applications. The following list are considered relevant to the current proposal:

6.2 P2020/3032/FUL: for "Temporary change of use of the site from 'housing and repair of motor vehicles' (Sui Generis) to prop storage and photography studio (sui Generis) for a period of 2 years, and retention of a front mental roller shutter door (retrospective application)" – Approved with Conditions 16/12/2020.

6.3 P2017/2858/FUL: for "Temporary change of use of site used for housing and repair of motor vehicles (Sui Generis) to a depot for two years to be used as Use Class B8 (Depot/Storage) for Cadent (National Grid) during the redevelopment of 1 Pear Tree Street. Insertion of new (metal) roller shutters and door to match existing on the front elevation" – Approved with Conditions 15/09/2017.

6.4 P121265: for "Retrospective change of Use to Commercial Car park for up to approximately 18 vehicles" – Refused 05/09/2012 and subsequent Appeal Dismissed 10/12/2012.

RELEVANT NEIGHBOURING SITES:

6.5 29 Bastwick Street (adjoins the site to the south-west)

P042590: for "The construction of a four storey building to provide 170m^2 commercial (B1) floorspace at ground floor and six 1-bedroom flats to the first, second and third floors" – Approved with Conditions 15/10/2004.

6.6 44 Pear Street

P2020/3206/FUL for "The upward extension, refurbishment and recladding of the existing building to create a new second and third floor and mezzanine level, associated with the use of the building for Class E purposes, together with the provision of plant equipment and a roof terrace at roof level and the provision of refuse, recycling and cycle parking facilities at ground floor level" – Resolution to Grant Planning Permission given a Planning Sub-Committee A on 14th December 2021. **This application was heard at the 14 December 2021 – Planning Sub Committee, where a resolution to grant planning permission was made subject to conditions and a legal agreement.**

P2017/0865/FUL: for "Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations. (AMENDED PLANS: Amendments include alterations to the screening and relationship with the Pietra Lara Building (Flats 1 and 4) and alterations to the layout of units 7 and 8 at the fifth floor level)" – Approved with Conditions 29/11/2017, however this permission was not implemented.

6.7 46 – 56 Pear Street (Pietra Lara) (adjoins the site to the north-east)

990314 for "Redevelopment to provide two x B1 units at ground and basement levels five x 1-bedroom flats and nine x 2-bedroom flats at first to third floor levels" – Approved with Conditions 25/07/2000.

6.8 60 Pear Street (adjoins the site to the north)

P2015/2476/FUL: for "Proposed terrace at roof level. Balustrading set back from front and rear elevations. Existing metal staircase extended to meet roof level. Introduction of fixed roof lights and solar panels at roof level" – Approve with conditions 29/06/2015.

P2015/0183/FUL: for "Erection of a single storey half width rear extension at first floor level, together with the infill of the ground floor void" – Approved with Conditions 27/01/2015.

PRE-APPLICATION ADVICE

6.9 Pre-Application engagement between the Applicant and the Council was undertaken (reference: Q2020/3671/MJR) prior to the submission of the planning application. It was advised that the intensification of employment floorspace, and specifically office development, within the CAZ and Bunhill and Clerkenwell Area Action Plan could be supported in land use terms.

6.10 In terms of the design, the development of a four storey building would be acceptable, subject to refining the principle elevation on Bastwick Street. However, it was highlighted that there were concerns relating to the amenity of residential neighbours, in particular to an increased sense of enclosure, loss of outlook, loss of privacy through overlooking and loss to daylight/sunlight to habitable rooms.

7 CONSULTATION

Public Consultation

7.1 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 901 adjoining and nearby properties on 08 July 2021 and expired on 02 August 2021.

7.2 At the time of the writing this report, **23** representations were received on the application. The points raised within the representation are summarised below [*with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets*]:

Neighbouring Amenity

- Loss of privacy as a result of overlooking; *[See paragraphs 9.62 – 9.66]*
- Increased sense of enclosure and intrusion leading to loss of outlook; *[See paragraphs 9.67 – 9.68]*
- Loss of daylight and sunlight to neighbouring properties and increase overshadowing to amenity areas;

  The cumulative impact upon daylight/sunlight to neighbouring properties due to another planning application: P2020/3206/FUL; *[See paragraphs 9.73 – 9.119]*

Design, appearance and heritage

- The proposal is too large of a building with unacceptable massing;

  The proposal would adversely impact the character and appearance of this property and the setting of the conservation area;

  Poor design. There is nothing distinct or delightful about the proposed building; *[See paragraphs 7.8 and 9.26 – 9.53]*

Biodiversity and sustainability

- Insufficient detail is provided in respect of biodiversity and the drainage strategy of the site. *[See paragraphs 7.13, 9.150 – 9.154 and 9.177 – 9.180]*

  Construction

- Construction would bring noise and disturbance; *[See paragraph 9.120]*

External Consultees

7.3 **London Fire & Emergency Planning Authority** – The Brigade will be satisfied subject to the application meeting the access requirements of Approved Document B5 of the Building Regulations.

7.4 **Transport for London (Spatial Planning)** – No comments to make on the application by TfL's Spatial Planning Team. It is reminded that the proposal should be in accordance with transport policies set out in the London Plan 2021.

7.5 **Thames Water** – No objection subject to conditions and informatives.

Internal Consultees

7.6 **Access Officer** – Step-free access by way of platform lift to the basement of the unit is supported and the double doors to the unit should be automated and be secured by condition. All uses are provided with acceptable accessible WCs are provided doors in line with our Inclusive Design in Islington SPD. A Personal Emergency Evacuation Plan (PEEP) should be submitted and approved through condition.

7.7 **Building Control Officer** – A Fire Safety Strategy document has been prepared in which the Applicant's Fire Safety Engineer has put forward an engineered solution to meet relevant Building Regulations for Fire Safety. Some concern raised over the provision of lobbies within the sub-basement and the suppression systems and the evacuation lift.

[Officer Response: Noted, paragraphs 9.146-147 within the assessment of the proposal below.]

7.8 **Design & Conservation Officer** – The proposed development has incorporated the design comments given by the Council at pre-application stage. The proposed building is substantial in appearance but it is considered to have a contextual form, height and materiality when compared to its immediate context within Bastwick Street and does not cause harm to the wider streetscape. When the proposed development is compared to the existing site in design and townscape terms it offers a better resolution of the streetscape than the existing condition, by screening more of the blank return elevations of adjacent buildings and by following the predominant three storey plus set-back configuration of most of the buildings on this street.

7.9 **Highways and Transport Officer** – The original submission only provides for 20 long-stay cycle parking spaces and no short stay spaces.

[Officer Response: Revisions to the scheme now include 24x long-stay cycle spaces in the sub-basement in accordance with London Plan requirements. Short-stay spaces are not proposed given the constraints of the site, and as such a contribution is sought towards short-stay cycle provision within the locality of the Site.]

The application includes a Delivery and Servicing Plan. The proposals suggest that the Highway can accommodate additional servicing vehicles however the Highway is narrow and the capacity of the Highway to accommodate servicing has not been established.

[Officer Response: No on-site servicing of the building is proposed given the constraints of the site as an on-site loading bay at ground floor area is not considered to best optimise the

site. The removal of the dropped kerbs and crossover would be of benefit to pedestrian safety along the narrow footway to the northern side of Bastwick Street. Neighbouring buildings along Bastwick Street are serviced on the highway. The Street is one way and the southern side of the highway provides for sufficient loading/unloading through either the existing bays or double yellow lines. Paragraphs 9.143 – 9.145 consider this in further detail.]

7.10 **Energy Services** – No objection. The Applicant has worked with the Council's Energy Officer to produce a policy compliant energy strategy. The Council's Energy Team confirm that subject to conditions and s106 obligations that all outstanding issues have been resolved.

7.11 **Environmental Health (Acoustic Officer)** – No objection is raised. The proposal includes new plant to be installed on the roof. The accompanying noise report has only background sound survey and advised noise criterion, with no confirmation of the plant or assessment of the impact as yet. As such, a condition should be attached to an approval of permission in order to minimise noise impacts, with control on overall noise levels and a subsequent verification report.

7.12 **Environmental Health (Contamination)** – The application includes a desktop contaminated land study which advises on further investigation into pollution linkage here, given the historic use of the site for vehicular repair and maintenance. No objection subject to condition.

7.13 **Sustainability Officer** – The drainage design, proposed discharge rate and blue roof attenuation storage are welcomed and policy compliant. The details provided in the Drainage Report should be secured via condition.

Further, they are proposing to achieve the required Urban Greening Factor of 0.3 through the proposed green roof which is welcomed. The UGF score should be secured via condition.

A condition should be used to ensure a suitable number of bird and bat bricks/boxes are installed in suitable locations, as advised by an ecologist and in accordance with best practice guidance (CIEEM), including specific reference to swift bricks.

8 RELEVANT POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.);

8.2 National Planning Policy Framework (NPPF) 2021, Paragraph 11(c) states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"

8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: *"these objectives should be delivered through the preparation and implementation of plans*

and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."

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

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

8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

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

8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

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

Emerging Policies

Draft new Islington Local Plan

8.10 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 Draft of the new Local Plan. Submission took place on 12 February 2020. As

part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October 2021.

8.11 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

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

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

- SP1 Bunhill and Clerkenwell
- B1 Delivering a range of affordable business floorspace
- B2 New business floorspace
- B3 Existing business floorspace
- B4 Affordable workspace
- B5 Jobs and training opportunities
- G4 Biodiversity, landscape design and trees
- G5 Green roofs and vertical greening
- 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 design
- T1 Enhancing the public realm and sustainable transport
- T2 Sustainable transport choices
- T3 Car-free development
- T4 Public realm
- T5 Delivery, servicing and construction
- DH1 Fostering innovation while protecting heritage
- DH2 Heritage assets
- DH3 Building heights
- DH4 Basement development

Draft Site Allocations

8.13 The Site Allocations document includes Bunhill and Clerkenwell, however the subject site has not been allocated to this specific site.

Designations

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

- Central Activities Zone ('CAZ')
- Bunhill & Clerkenwell Core Strategy Key Area
- Employment Priority Area ('EPA') – Great Sutton Street
- Article 4 Direction B1c to C3 (CAZ)
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment (EIA)

8.16 EIA screening is not required for this development, as the site is less than 0.5 hectares.

9 ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use;
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport and Highways;
- Energy & Sustainability; and
- Overall Planning Balance.

Land Use

Policy Context

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

9.3 The National Planning Policy Framework ('NPPF') (2021) states that in building a strong, competitive economy, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

9.4 The site is located in the Central Activities Zone ('CAZ') as set out within the London Plan. London Plan policy SD4 'The Central Activities Zone'. The CAZ is an internationally and nationally significant office location. The unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses, should be promoted and enhanced.

9.5 Further, London Plan policy SD5 'Offices, other strategic functions and residential development in the CAZ' indicates that given their strategic importance, as a general principle, offices and other strategic functions are to be given greater weight relative to new residential development within this area of the CAZ.

9.6 London Plan policy E3 'affordable workspace' outlines the need for supplying sufficient affordable business space to generate a wide range of economic and other opportunities, to ensure that London is a fairer, more inclusive and more equal city. The policy outlines that London Boroughs, in their Development Plans, should consider detailed affordable workspace policies in light of local evidence of need and viability.

9.7 The site is located in the Bunhill & Clerkenwell 'Key Area' as defined within Islington Core Strategy ('ICS') 2011 policies CS7 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3.

9.8 Islington's Core Strategy ('ICS') policy CS7 'Bunhill and Clerkenwell' is spatial strategy that highlights the specific spatial policies for managing growth and change for this key area within the Borough. The Bunhill and Clerkenwell are is considered as Islington's most important employment location with the Core Strategy, with the area expected to accommodate an addition of 14,000 business use jobs by 2025. Creative industries

Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged.

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

9.10 The definitions of "business" and "employment" floorspace/buildings/development/uses provided in the glossary of the adopted Core Strategy. Business floorspace accommodates activities or uses that previously fell within the "B" use class (i.e. offices, industry, or warehousing), and now fall within Use Class E.

9.11 Islington's Development Management Policies ('DM') policy DM5.1 'New business floorspace' encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units.

9.12 DM policy DM5.2 'Loss of existing business floorspace' states that the reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area's primary economic function (including by constraining future growth of the primary economic function).

9.13 DM policy DM5.4 'Size and affordability or workspace' seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.

9.14 Further, Finsbury Local Plan policy BC8 'Achieving a balanced mix of uses' designates an area within for Employment Priority Areas ('EPA') for General or Offices employment. Within the EPA, not net loss business floorspace is to be permitted and proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

9.15 The site is located within an EPA for General (Great Sutton Street). Part B of policy BC8 states that Development should not be unfettered commercial office use, but where appropriate, must include retail or leisure uses at ground floor alongside i) a proportion of non-office business0 floorspace or business related floorspace (e.g. light industrial workshops, galleries and exhibition space) and/or; ii) office or retail floorspace suitable for micro and small enterprises ('SME') and/or; iii) affordable workspace, to be managed for the occupant whose needs are not met by the market.

<u>Assessment</u>

Existing Use

9.16 As highlighted in para.6.2 the building is currently and has been used temporarily for the past several years as a photography studio and prop storage (Sui Generis) following the temporary change of use from a workshop for the housing and repair of motor vehicles (Sui

Generis). The current temporary permission for the photography studio and prop storage expires in December 2022, where it would revert back to the pre-existing use as a vehicle repair workshop.

Proposed Office Use

9.17 The proposal seeks the uplift in business floorspace (GIA) of 1,778qm. Office use is proposed at basement, ground, first, second and third floors.

9.18 It is noted that new London Plan Policy SD5 states that, within the CAZ, increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan. Further DM Policy DM5.1, Part E, sets out that major development that would result in a net increase in office floorspace should also incorporate housing. However, developments should optimise the amount of office space that can be accommodated on site. The two limbs of this policy must be considered in the wider context of other relevant Development Plan policies, both local and London wide. When assessed in consideration of London Plan (2021) policies and Islington's Core Strategy (2011) policies, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas, such as the CAZ.

9.19 Officers consider that due to the narrowness of the site, a mixed use development consisting of both office and residential would require separate cores (stairs and lifts etc.) which would not optimise the site sufficiently, reducing the net internal floorspace. As such, a building in use solely for single business use (office) floorspace is supported. Notwithstanding this and in accordance with Finsbury Local Plan Policy BC8, a contribution to the provision of off-site housing has been agreed with the applicant and is recommended to be secured as part of a legal agreement.

9.20 Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, office floorspace would support higher employment densities and thus create additional employment opportunities within the borough and in particular the CAZ and EGA.

Affordable workspace

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

9.22 The proposal includes dedicated SME floorspace through provision of 4x units at basement level, measuring a total of 281sqm (66sqm, 66sqm, 72sqm and 77sqm respectively). This equates to 15.8% of the GIA or 19% in NIA. The proposed SME floorspace therefore exceeds the Local Plan policy requirement.

9.23 The units are accessed from the main core of the building and as such would share the entrance and reception area at ground floor level. The units would all have access to sufficient natural light, outlook and good floor to ceiling heights (at 4.00m), it is therefore considered that the proposed affordable workspace units by way of being for SME would comprise a good working environment for occupiers.

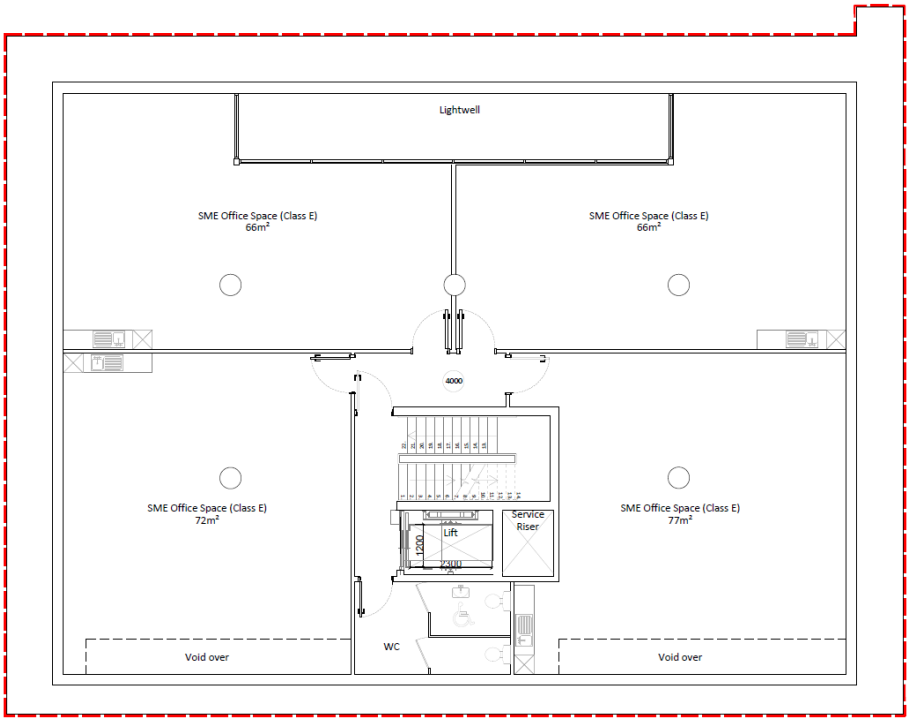

Figure 6: Proposed SME units at Basement Level.

Land Use Summary

9.24 The proposal is considered to comply with the overarching land use policy directives, as it would increase business use floorspace (office), including provision for SMEs, within the EPA and CAZ, in accordance with London Plan (2021) policies SD4, SD5 and E3, Islington Core Strategy (2011) policies CS7 and CS13, Finsbury Local Plan Policy BC8 and Islington Development Management policies (2013) DM5.1 and DM5.4. The proposed land use is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.

9.25 It should be noted that 'Condition 22 and 23 are recommended to ensure that the floorspace of the new building can only be used for 'office' purposes and should be changed to other uses within Use Class E (e.g. light industrial or retail etc.) via permitted development rights.

Design, appearance and impact upon heritage

Policy Context

9.26 Paragraph 126 of the NPPF 2021 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.27 Paragraph 132 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. Paragraph 133 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.

9.28 Paragraph 134 states that Permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

9.29 Planning policies relevant to design are set out in chapter 3 of the newly adopted London Plan (2021), Policy CS9 of Islington's Core Strategy (2012) and policies in chapter 2 of Islington's Development Management Policies (2013).

9.30 The London Plan Policy D3 (Optimising site capacity through the design-led approach) states developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and 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.

9.31 London Plan Policy D4 (Delivering good design) expects the design of development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising 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.

9.32 London Plan Policy HC1 (Heritage conservation and growth) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Further, development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

9.33 ICS policy CS9 sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity preserving the historic urban fabric. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

9.34 DM policy DM2.1 (Design) requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9.35 DM policy DM2.3 requires that development make a positive contribution to Islington's local character and distinctiveness and that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building or within a conservation area which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm

will be strongly resisted. The policy also encourages the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.

9.36 The above policy makes it clear that the relationship between the height of buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street.

Height, scale and massing

9.37 The site lies on the northern side of Bastwick Street, close to its junction with Central Street. It is occupied in its entirety by a large single storey building dating from the C20th which has an industrial appearance and is used as a vehicle repair garage. Previously, the site had a terrace of houses (from c.1870s-1940s). The site is surrounded by both residential and commercial buildings that are typically 4-6 storeys in height.

9.38 A four-storey building with a set-back fourth storey is not inherently harmful to the coherence of the streetscape and is considered to offer some townscape benefit in the sense that it screens the large flank walls of the adjacent development at 29 Bastwick Street without introducing an equivalent degree of blank return into the streetscape.

9.39 Bastwick Street is already of a greater height/scale than the neighbouring conservation area and the proposed new building has some advantages in creating a somewhat more resolved streetscape than the present arrangement. The character of Bastwick Street is largely commercial/office and the proposed development would be of an equivalent appearance and use.

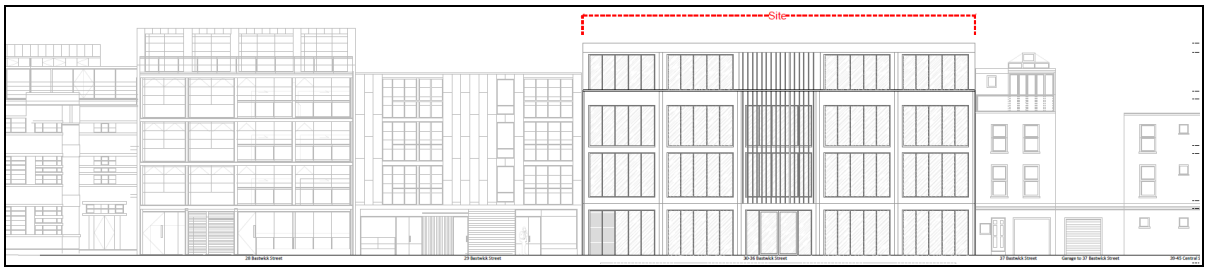

Figure 7: Drawing 1927.PP.14 showing the front elevation in the wider Bastwick Street context

9.40 As such, officers (including the Council's Design & Conservation Officer) consider the scale of the development would generally reflect the character of the surrounding area in accordance with London Plan policy D4 and ICS Policy CS8.

Detailed design and appearance

9.41 The predominant material of the proposal is grey/black brickwork. In regards to the main elevation, the façade achieves articulation of the glazing to the bays with a horizontal emphasis when dividing between the first and second floors, enabling the building to sit comfortably with the rhythm and proportions of its neighbours.

9.42 The top (third) floor of the building is to be zinc-clad and set back from the principle elevation of Bastwick Street. This setback top storey successfully results in a coherent parapet and silhouette to the building. The materiality of the building is considered acceptable and would not cause harm to the wider streetscape. Nonetheless, Condition 3 required the submission of details regarding to materials (such as: facing brickwork/render, windows, doors and access points etc.) to ensure that the resulting appearance and construction of the development is of a high standard.

Figure 8: CGI View of proposal when looking east on Bastwick Street

Impact upon neighbouring Heritage Assets

9.43 The site is not located within a conservation area, nor adjacent to a statutory listed building. However, the site is adjacent to and shares its eastern boundary with the St Luke's Conservation Area.

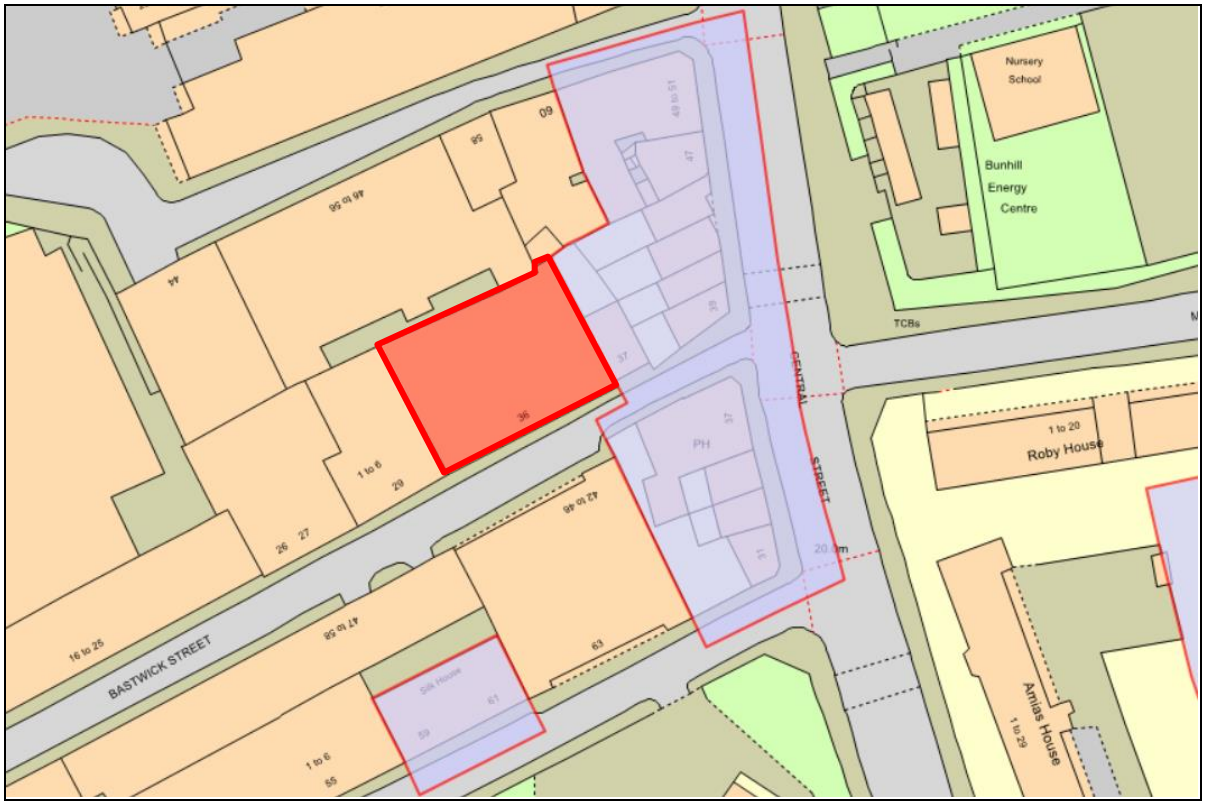

Figure 9: Site (identified in red) in relation to the St Luke's CA boundary.

9.44 The NPPF defines a “heritage asset” as: “A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”.

9.45 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing).

9.46 ‘Significance” is defined within the NPPF as being: “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset’s physical presence, but also from its “setting”. The NPPF, at paragraph 194, recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.

9.47 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

9.48 At the local level, policy DM2.3 encourages development to make a positive contribution to Islington’s local character and distinctiveness whilst conserving and enhancing heritage assets in a manner appropriate to their significance.

Figure 10: CGI View of the proposal from Central Street

9.49 Although the site adjoins part of a Conservation Area, there is no objection to the proposal in regard to heritage impacts given the distance to the main body of the Conservation Area, and acceptability of the scale, height and design of the proposal.

9.50 Further, it is noted that the proposal seeks excavation to increase the below ground level floorspace provision of the existing basement. The site is however not within an Archaeological Priority Area.

Summary

9.51 The proposed building is substantial in appearance but it is considered to have a contextual form, height and materiality when compared to its immediate context within Bastwick Street and does not cause harm to the wider streetscape.

9.52 In regards to design and townscape, the proposal offers a better resolution of the streetscape than the existing condition, due to screening the blank return (side elevations) of adjoining neighbouring buildings (29 and 37 Bastwick Street), and by following the predominant three storey plus set-back configuration of the rest of Bastwick Street.

9.53 No objection is raised to the proposal in regard to scale, detailed design or heritage impacts by Council's Design and Conservation Officer.

Accessibility and Inclusive Design

9.54 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies 2013, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.

9.55 The proposal would see modern accessibility and inclusive design features. All parts and floors of the subject buildings have access to accessible WCs, including the SME office floorspace with dedicated accessible cycle storage and WCs. Entrance doors, approaches, wheelchair accessible refuge areas to each level, corridor widths, lifts and bathrooms would meet national and local guidelines and permission would be suitably conditioned to ensure that the needs of those with mobility and visual impairments are suitably met.

9.56 Policy D5 of the London Plan requires a minimum of at least one lift per core to be a suitably sized fire safety lift so that all people can evacuate in the event of a fire.

9.57 For the uplift in employees on site, for every 33 additional employees, an accessible car parking bay is required. The proposal would see an uplift in employees on the site of 146 and as such 4x accessible parking bays are required. The development is to be car-free with no on-site parking proposed. Where provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £8,000 would be secured through a section 106 agreement.

9.58 The proposal is considered acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies, subject to condition 18 is recommended for further details in relation to a Personal Emergency Evacuation Plan.

Neighbouring Amenity

9.59 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy D4, as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.

9.60 There are immediate and adjoining residential occupiers to the subject site. Residential properties adjoin the site to the north, east and west on Pear Tree Street (north), Central Street (east) and Bastwick Street (east and west).

9.61 Neighbouring 46-56 Pear Tree Street (Pietra Lara building) which adjoins the northern boundary of the site is within mixed use. This building gained planning permission (see para.6.8) in 2000 for office floorspace at basement and ground floor levels, and 14x residential units at first floor and above.

Overlooking and Privacy

9.62 The subtext to Policy DM2.1 states at paragraph 2.14 that '*to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy*'. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.

9.63 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. Nevertheless, there is potential for windows which serve the proposed office building to adversely affect the privacy of neighbouring buildings.

9.64 At second floor level, the distance between the windows of the development and neighbouring 46-56 Pear Tree Street (Pietra Lara Building) to the rear is between 11.4m and 9.88m. At third floor level, the distance between the windows are at least 13m. As such, in order to mitigate potential loss of privacy, Condition 9 is proposed to secure these windows as obscured glazed to ensure that occupiers of the office cannot directly overlook into residential windows/rooms.

9.65 Further, there are number of flat roofs of the first and second floors of the building, as well as the main roof atop of the third floor. These are identified as 'green roofs' and the plans indicate that these would not be in use for occupiers of the office building for external use as amenity areas. Condition 7 ensures that these flat roofs shall not be made available for external amenity as terraces and shall only be accessed for maintenance when required.

9.66 As such, it is not considered that that neighbouring residents would suffer from an unacceptable loss to privacy.

Outlook and Sense of Enclosure

9.67 The proposal is not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties given the context of the Central London location.

9.68 The height and mass of the proposed building will be in keeping with the rest of the buildings along Bastwick Street, whilst sufficient separation distance is considered between the site and neighbouring properties of Central Street and Pear Tree Street.

Noise and Disturbance

9.69 A 'Noise Report' dated May 2021 and prepared by Michael Sugiura Acoustics Consultant was submitted in support of the application. It is noted that the site is located within a Central London location given its designation within the CAZ. The Report highlights the noise limits for the proposed mechanical plant within the development for the daytime, evening and night-time. The air conditioning units would operate to a level of at least 10 dB below the lowest measured background noise. The noise level of all mechanical plant and equipment will be restricted as per condition 4.

9.70 The proposed office element of the development would be unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers given that offices do not typically generate significant noise and are compatible with residential uses.

9.71 Although there would be flat roofs to the building at second and third floor levels, these are not proposed to be used as external amenity roof terraces. These flat roofs will be green roofs and would not allow for external space for occupiers. Condition 7 secures the restriction of these roofs for green roofs only and not to be used for external amenity.

9.72 Given the proposed number and proximity of new glazing at first, second and third floors facing the adjoining buildings along Pear Tree Street to the rear, objections from neighbouring properties raised concerns that the amount of light emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should office staff need to work outside normal office hours. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds. Condition 8 requires details to be submitted in relation to internal lighting measures, such as automatic blinds and lighting strategies.

Daylight, Sunlight and Overshadowing

9.73 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

9.74 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in '*Rainbird vs Tower Hamlets [2018]*'.

9.75 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.

9.76 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance

cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.

9.77 Whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight.

Daylight Guidance

9.78 The BRE Guidelines stipulate that… "*the diffuse daylighting of the existing building may be adversely affected if either:*

- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
- *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value." (No Sky Line / Daylight Distribution).*

9.79 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 is former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."*

9.80 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

9.81 At paragraph 2.2.8 the BRE Guidelines state: *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important… The no sky line divides points on the working plane which can and cannot see the sky… Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside".*

9.82 Paragraph 2.2.11 states: *"Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight."* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

9.83 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is "*in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing* layout".

Sunlight Guidance

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

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

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;*
- *Receives less than 0.8 times its former sunlight hours during either period and;*
- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours."*

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

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

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

Overshadowing Guidance

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

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

Assessment

9.90 The proposed development has been revised through lowering the heights of the upper most floor since the original submission and the Applicant has submitted a revised Daylight and Sunlight report dated November 2021 has been submitted. The report and annexes consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

9.91 In modelling the assessment, 'Right to Light Consulting' have attempted to obtain the floor plans of the nearest neighbouring properties identified, outlining that various online

resources have been searched, including Local Planning Authority planning records, online real estate agencies, and council tax/valuation office agency records. It should be noted that a number of windows/rooms are designated as 'domestic', as although the Applicant acknowledges that these properties are within domestic residential use, the room use could not be established.

9.92 The report concludes that a number of neighbouring properties relevant for assessment fail the relevant BRE daylight, sunlight and overshadowing tests.

9.93 The report has been prepared with regard to the neighbouring 44 Pear Tree Street planning application (P2020/3206/FUL). As para.6.6 above states, a resolution to grant planning permission by 'Sub Committee A' on 14 December 2021, and the application awaits completion of a legal agreement. A comprehensive daylight and sunlight assessment was submitted in support of this neighbouring planning application. Figure 11 below shows 44 Pear Tree Street (if the proposal under P2020/3206/FUL was built) and the application site in relation to neighbouring sites.

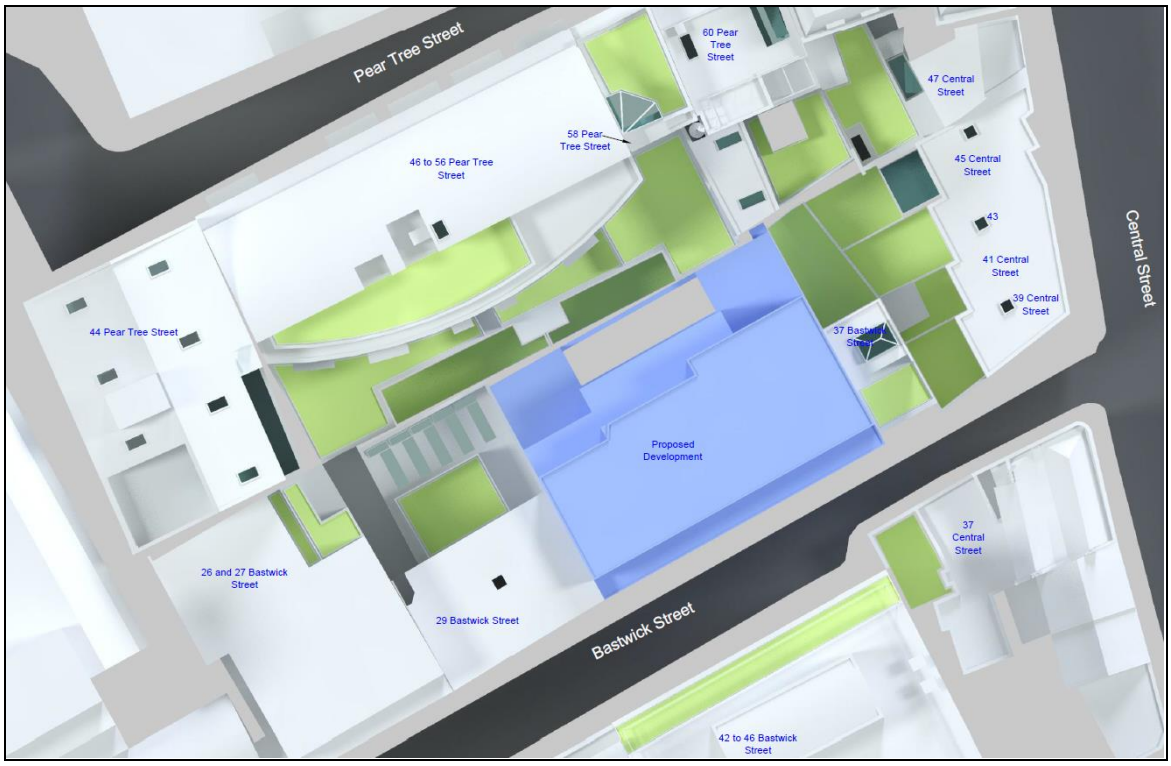

Figure 11: Location of neighbouring properties (including the proposed future building at 44 Pear Tree Street) in relation to the application site.

Impacts to Daylight

9.94 The submitted report indicates that a total of 298 windows and 267 rooms facing the Site were assessed in regards to Vertical Sky Component (VSC). However, 136 of these windows are for residential habitable rooms. The report indicates that 8 (5.9% of the 136 habitable room windows) would transgress BRE criteria relating to VSC and 13 of the rooms assessed would transgress BRE criteria relating to NSL.

9.95 Transgressions are reported to neighbouring 26 & 27 Bastwick Street, 37 Bastwick Street, 41 Central Street and 46-56 Pear Street. These are outlined further below.

46 - 56 Pear Tree Street

9.96 46 to 56 Pear Tree Street (Pietra Lara Building) is located to and adjoins the north western boundary of the site. It comprises a four storey building (above ground) and basement level, with a curved rear elevation. The building contains 14x flats at first, second, third and fourth floor levels. In regard to residential units, 30 windows and 25 rooms were assessed at first floor level and above. The transgressions to these are reported for reference in Table 1 below:

Table 1: 46-56 Pear Tree St		**Vertical Sky Component**			**No Skyline (Daylight Distribution)**			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
240	LKD	28.3	22.9	19%	55.9	19.3	13	**53%**
241		2.6	2.6	0				
242	LKD	21.3	14.4	**32%**	27.4	17.2	8.7	**49%**
243	Bedroom	28.1	21.4	**24%**	9.3	8.9	7	10%
244	Bedroom	21.8	16	**27%**	13.8	9.5	6.1	**34%**
245	Bedroom	20.4	16.4	20%	19.5	13.9	8.9	**29%**
Second Floor								
248	LKD	33.5	29.7	11%	55.9	42.5	28	**36%**
249		22.6	22.6	0				
250	Kitchen	32.8	27.9	15%	27.4	25.5	15.6	**39%**

9.97 As shown in the table above, there are 6 rooms which would see reductions in NSL daylight distribution. One room is considered low adverse impact, three rooms are considered medium adverse impact, and one room is considered high adverse impact. However, only 3 of these rooms would also suffer reductions in VSC to corresponding windows. The worst affected room at first floor level (with a reduction of 53% in DD) serves an open plan Living/Kitchen/Diner, which is dual aspect with windows facing north onto Pear Tree Street.

9.98 Two second floor rooms would see reductions of 36% and 39%, however the windows that serve these rooms would not see reductions in VSC. Although the reductions to this building are regrettable, it must be highlighted the proposal would be directly south of these windows and rooms.

9.99 Officers consider that given the reductions are limited to either VSC or DD, and not both, in most instances, the proposal is of minor adverse impact to this neighbouring building.

9.100 Objections raised in representations have raised concern regarding the cumulative impact to this building as a result of the current proposal and a planning application at 44 Pear Tree Street, which adjoins 46-56 Pear Tree Street to the west, and to the north west of the application site. The representations indicate that the cumulative impact of both proposed developments would cause severe reduction in daylight to occupiers of 46-56 Pear Tree Street. The neighbouring proposal for 44 Pear Tree Street would impact this building with minimal (22% and 23%) reductions to 2 windows (window 246 at first floor and window 255 at second floor level, understood to be Flats 10 and 14 by Officers). These windows/rooms are located close to 44 Pear Tree Street, whilst this proposed development would not impact these window/rooms cumulatively beyond BRE guidance.

26 & 27 Bastwick Street

9.101 26 & 27 Bastwick Street is located to the west of the site, with no.29 separating this building and the site. It comprises a four storey building and contains 12x flats. There are a number of windows (to the east elevation) facing the site (over neighbouring no.29's first floor roof). The transgressions to these properties are reported for reference in Table 2 below:

Table 2: 26 & 27 Bastwick St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
45	Unknown	3.3	1.9	**42%**	67.8	26.4	26.4	0%

9.102 One window (to the side elevation at first floor) of 26 Bastwick Street would see a medium adverse impact reduction in VSC of 42%. This window is believed to serve an open plan LKD within this first floor flat. The window has a low existing value % due to being set back and under a balcony overhang, and as such is considered highly susceptible to reductions beyond BRE guidance. However, it should be noted that the DD of the room would not be beyond BRE guidance. As such, Officers consider this is very minor adverse impact given the reduction being restricted to only one window with no impact to the daylight distribution of the room.

29 Bastwick Street

9.103 29 Bastwick is located to and adjoins the west boundary of the site. It comprises a four storey building and contains 6x flats. 37 windows and 15 rooms were assessed by the Applicant. The transgressions to these properties are reported for reference in Table 3 below:

Table 3: 29 Bastwick St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
11	LKD	0	0	0	27.2	6.9	6.6	3%
12		24.5	18.7	**24%**				
13	Staircase	20.7	19.7	5%	1.3	0.35	0.2	**50%**

9.104 As shown in Table above, only one window in this property would see a reduction in VSC. This window is a secondary window to a Living/Kitchen/Diner, and would be minimally over the BRE guidance of 20%. The corresponding Daylight Distribution for this LKD room is well below BRE Guidance, with only a 3% reduction. There is a reduction in Daylight Distribution of 50%, however this relates to a communal staircase of the building, and not a habitable room. The transgressions to this property are therefore considered minor adverse impact by officers.

37 Bastwick Street

9.105 37 Bastwick Street ('The Barbican Townhouses') is located to and adjoins the eastern boundary of the site. The building is registered with the Valuation Office Agency for Council Tax as a single dwelling. The transgressions to this property are reported for reference in Table 4 below:

Table 4: 37 Bastwick St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
122	Living	25.5	19.1	**25%**	4.7	4.6	4.5	3%
Second Floor								
126	Bathroom	31.6	22.7	**28%**	4.7	4.6	4.5	3%
Third Floor								
130	Conservatory	34.6	18.4	**47%**	21.8	10.7	10.7	0

9.106 The affected windows at first and second floor are located to the rear elevation of the building (north facing). At first floor, a living room window would see a reduction marginally over the BRE Guidance with a 25% reduction, however the Daylight Distribution of only 3% would not be a transgression. The second floor window serving a bathroom would see a 28% reduction. The one window at third floor which sees a reduction of 47% serves as one of 6 windows of a conservatory type roof structure. The corresponding Daylight Distribution to this room would see no reduction given it is a roof light type structure with 6x windows.

9.107 Given the reductions in VSC to habitable room windows at first and second floors are minor at less than 30%, and the reduction to only one of six windows to a roof light type conservatory structure at roof level, with no reductions (beyond BRE) to DD, the overall impact to this property by the development is considered minor adverse impact by officers.

41 Central Street

9.108 41 Central Street is located to the east of the site. It comprises a three storey mid-terrace building and contains 1x residential unit. 4 windows and 3 rooms at this property were assessed by the Applicant. The transgressions to this property are reported for reference in Table 5 below:

Table 5: 41 Central St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Ground Floor								
145	Domestic	12.5	11.3	10%	18	12	8.6	**28%**

9.109 One room to 41 Central Street would see a reduction in DD of 28%, a moderate adverse impact, however the window which serves this room would not see a reduction beyond BRE

guidance. Given no other room or window in this dual aspect three storey property would see reductions, this reduction is considered minor adverse impact to this property by officers.

Other Properties

9.110 There are a number of other transgressions reported within the Applicant's submitted Daylight and Sunlight Report. These have not been reported within tables as per above by Officers as these transgressions relate to non-domestic or communal areas (e.g. stairs, reception, commercial offices etc.) and as such do not impact on residential amenity. These include the basement and ground floors of 46-56 Pear Tree Street (Pietra Lara building) and the ground floor of 37 Central Street, which are in use as offices according to the Valuation Office A.

Impacts to Sunlight

9.111 The submitted report indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. Transgressions are reported to neighbouring residential properties of 29 Bastwick Street, 43 and 45 Central Street and 46-56 Pear Street as outlined in Table 6 below.

Table 6: Sunlight Transgressions		**Annual (APSH)**				**Winter (WPSH) (between 21 September and 21 March)**		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
29 Bastwick								
First Floor								
3	Domestic	27	20	7	26%	0	0	0
4	Domestic	36	25	11	31%	0	0	0
5	Domestic	25	18	7	28%	0	0	0
8	Domestic	32	23	9	28%	0	0	0
10	Domestic	30	21	9	30%	0	0	0
43 Central Street								
Ground Floor								
150	LKD	19	13	6	32%	1	1	0
151	LKD	31	24	7	23%	5	3	40%
45 Central Street								
Ground Floor								
157	Conservatory	26	20	6	23%	6	4	33%

9.112 29 Bastwick Street would see transgressions to 5 windows, all of which are roof lights serving the first floor level. The majority of these reductions are between 20-30%, which are considered marginally beyond the BRE guidance, whilst still retaining good levels of sunlight. The corresponding daylight distribution to this room would not be beyond BRE guidance, and as such the reduction in sunlight is considered minor adverse impact.

9.113 43 Central Street would see 2 transgressions to windows to the ground floor level (believed to be living/kitchen/diner by the Case Officer) to the rear of the property. Given the

transgressions are limited to 2 windows at ground floor level only of this three storey dual aspect property, this is considered minor adverse impact.

9.114 45 Central Street would see only 1 transgression to a ground floor patio door type window to the rear of the property (believed to be living/kitchen/diner by the Case Officer). Given there is a reduction in sunlight to only a single window of this three storey dual aspect property, this is considered minor adverse impact.

9.115 46-56 Pear Tree Street would see transgressions to 3 windows at ground floor level. However, the lawful use of the basement and ground floor level of this building is for office use and as such is not reported in the above table.

Overshadowing

9.116 The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time).

9.117 20 neighbouring external amenity areas were assessed by the Applicant. The submitted report indicates that only one external amenity space, a rear garden to 45 Central Street, would see a reduction in sunlight on the ground beyond BRE guidance. 31% (8.39sqm) of the garden (which has a total area of 27.16sqm) receives at least two hours of sunlight on 21st March as existing. The proposal would result in no part of the rear garden receiving at least two hours of sunlight on 21st March, therefore a 100% reduction.

9.118 It is noted by Officers that this garden has had its area reduced historically through development of a single storey extension to the rear of the property. The main bulk of the proposed building would be located due south of this neighbouring garden, as shown in Figure 10 below. However, given the prevailing urban context surrounding the site, the reduction of sunlight on the ground being limited to only one neighbouring amenity space is considered minor adverse impact, made more significant due to the garden having been reduced through a single storey extension.

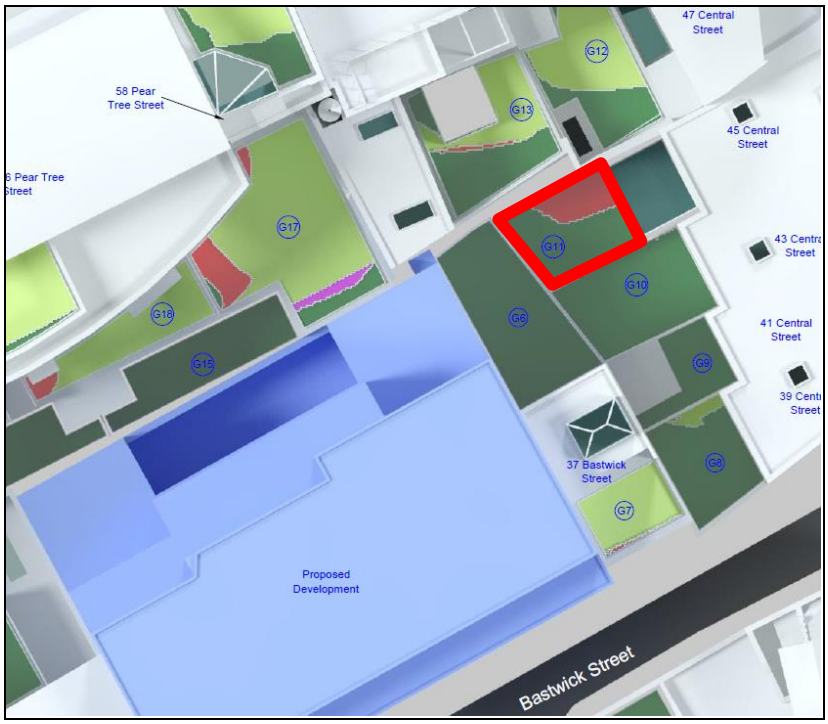

Figure 12: The location of Garden 11 to 45 Central Street shown outlined in red.

9.119 ***Daylight and Sunlight Summary*** – 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. While a number of transgressions occur with regard to daylight and sunlight (to windows/rooms), the overall quantum is considered low whilst the reductions themselves are considered to be minor adverse impact given the circumstances and site context (e.g. impacting only one room in a dual aspect property). Transgressions weigh against the scheme but the weight given is low by officers following inspection of the results and context of the neighbouring properties affected. The BRE guidelines must be viewed flexibly and considered with regard to the prevailing Central London urban context.

Construction Impacts

9.120 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. A number of objections to the proposals include concern over construction disrupting both residential amenity and businesses. A 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 would be secured by condition 12 should approval of the application be recommended by Officers. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Summary of impact upon neighbouring amenity

9.121 In summary, the proposed development is considered to result in low adverse impacts to neighbouring properties in regards to daylight and sunlight reductions. However, it is not considered that there would be a loss of outlook, sense of enclosure, increased noise and disturbance, or loss of privacy. A number of conditions are recommended to mitigate potential concerns, such as overlooking from office windows, the use of flat roofs as amenity areas and noise/disturbance during the construction of the development.

9.122 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduly or unacceptably harmful. Officers consider the overall planning balance of the proposal at paragraphs 9.190 – 9.195.

Highways and Transportation

9.123 Chapter 10 of the new London Plan (2021) sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, developments proposals should not increase road danger.

9.124 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.

9.125 The application site has a PTAL of 6a, which is considered ‘excellent’, due to its proximity to Old Street and Barbican stations, and numerous bus routes along Goswell Road and Central Street.

9.126 Bastwick Street is for one-way traffic only, with vehicles entering from Goswell Road and/or Ludlow Street from the west and exiting by Central Street to the east.

Trip Generation

9.127 The submitted Transport Statement includes an analysis into the amount of additional trips to and from the site would be undertaken following the development. Similar developments for offices within London, with a PTAL Score of 6, have been assessed and compared. It indicates that the proposed development would have significantly less vehicular (car) trips than the historic (and lawful use) as a vehicle repair and maintenance workshop.

9.128 Circa 99% of all trips to and from the site would be taken via public transport such as tube/underground, trains and buses. The proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones.

9.129 The level of trips generated by the uplift in floorspace of the proposed development is not considered significant and is not expected to have a material impact on local highway or public transport network.

9.130 A Local Level Travel Plan is required for this development as the proposal is for less than 2,500sqm. The Travel Plan would need to be monitored for a period of five years. This would be secured through a planning obligation as part of a section 106 agreement.

Cycles and Pedestrian Movements

9.131 New London Plan policy T5 (Cycling) suggests that barriers to cycling can be removed and that a healthy environment in which people choose to cycle can be created through appropriate levels of cycle parking which are fit for purpose, secure and well-located.

9.132 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is considered accessible for pedestrians given its entrance onto Bastwick Street, which is accessed from either Goswell Road or Central Street.

9.133 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80sqm of office (B1a) floorspace. The store(s) need to be secure, covered, conveniently located and step free.

9.134 As such, the following provision of long-stay cycle space is required:

Use	Proposed sqm (GIA)	Required Cycles	Proposed Cycle Storage Spaces
Office	1778sqm	24	24

9.135 24 long-stay cycle parking spaces are located in the basement of the proposed building. This would include sufficient space for accessible cycle parking space. The cycle storage area could be accessed via the lift of the core allowing for step-free access.

9.136 As such, a sufficient quantum of long-stay cycle parking spaces are proposed. Further, lockers, shower and changing facilities are proposed next to the cycle storage area so that they can be easily accessed.

9.137 For short-stay cycle spaces, the new London Plan (2021) requires a total of 4x spaces. Given the narrowness of the pedestrian footway along either side of the highway on Bastwick Street, on-street short stay cycle provision is unachievable. Given the site constraints in providing short-stay cycle provision within the site or adjoining footway, a

contribution towards short-stay cycle provision within the surrounding public realm should be sought. A figure of £3,000 is required and this is included within the planning obligations recommended.

Vehicle parking

9.138 The site does not include on-site formal parking arrangements as existing, however does allow for vehicles to enter the site and building via crossovers to the street/pavement. The subject site is located within a Controlled Parking Area (CPZ) 'Zone A', with restricted parking on weekdays between 0830-1830 and Saturdays between 0830-1330. The development is car-free given no on-site parking will be provided.

9.139 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). For commercial developments, an uplift in 33 employees would require one additional accessible parking bay.

9.140 The proposal would see an uplift in approximately 146 employees and therefore at least 4x accessible parking bay is required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of £8,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.

9.141 Footway and highway reinstatement works may be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Servicing, deliveries and refuse collection

9.142 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, 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, Part B, requires details to be submitted to demonstrate that onsite provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.

9.143 The existing buildings on site are serviced off-site and on-street given the site constraints. It is proposed to service from Bastwick Street. 7x 360 litre waste containers are provided at ground floor of the building.

9.144 It has been shown that the proposed office would generate demand of two delivery/servicing trips daily. Servicing from/along Bastwick Street is common to neighbouring development along Bastwick Street.

Summary on transport and highways

9.145 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions. The application sets out adequate provision for servicing, waste collection, accessibility, cycling, and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The proposal would be acceptable in highways terms and would comply with new London Plan (2021) Policies T4, T5, T6 and T7, Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6.The proposal is therefore acceptable in terms of transport / highways subject to conditions and S106 contributions.

Fire Safety

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

9.147 A Fire Safety Strategy document has been prepared in which the Applicant's Fire Safety Engineer has put forward an engineered solution to meet relevant Building Regulations for Fire Safety. The Councils Building Control Officer has raised concerns over the provision of lobbies within the sub-basement; the suppression systems and the evacuation lift. However, for the purposes of compliance with Policy D12(b), it is considered that sufficient information has been provided to demonstrate that the fire safety of the development has been considered at planning stage. Should there be a need for further alterations of the building to meet building regulations (such as internal re-arrangements to accommodate lobbies or the installation of suppression systems) the applicant would need to make further applications or amend this current proposal. Should permission be granted, Condition 25 ensures that the development should only be occupied and managed in accordance with the submitted fire strategy.

Air Quality

9.148 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

9.149 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 12. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 12.

Biodiversity, Landscaping and Trees

9.150 London Plan (2021) policy G5 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. Further, Islington Policy DM6.5 states that 'developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area'. Further, developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations.

9.151 There are no trees on the site as existing, whilst there are no street trees near to the site on Bastwick Street. As such the proposal does not have the potential to be of detriment to existing trees. No trees are proposed within the red line boundary due to the constraints of the site.

9.152 The proposal includes green roofs, to the flat roofs at second and third floors, and also to the main roof beneath the solar PV array. Further details of the final requirements in regards

to substrate depth and a focus on wildflower planting has been recommended by the Council's Sustainability Officer.

Urban Green Factor

9.153 London Plan Policy G5 requires major development proposals to 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 to increase the overall urban greening factor of sites.

9.154 The whole curtilage of the site is covered by a building as existing. The site has no ecological activity including soft landscaping as existing. The numerous flat roofs of the proposed building offer an opportunity to enhance the biodiversity by providing green roofs. The submission highlights that the proposal will achieve an Urban Green Factor of 0.3 due to the inclusion of the green roofs, which is welcomed, and shall be secured through Condition 16.

Energy & Sustainability

9.155 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 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

9.156 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.

9.157 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management.

9.158 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

9.159 The applicant has submitted the relevant detail within a 'Sustainable Design and Construction Statement' dated July 2019 ('SDCS').

9.160 Following initial comments on the submitted energy statement by the Council's Energy Officer, revised information was submitted (Energy Statement Addendum).

Carbon emissions

9.161 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted SDCS indicates a 53% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.

9.162 Islington's Core Strategy policy CS10 requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted SDCS shows a 34% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington's Core Strategy policy CS10.

9.163 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". All in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "*The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement*". In order to mitigate against the remaining carbon emissions generated by the development, the SDC includes a correctly calculated Carbon Offset contribution of £25,806 for the 28 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation.

Sustainable Design Standards

9.164 Council policy DM 7.4 A states "*Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification*".

9.165 A BREEAM Pre-Assessment has been submitted for the development achieving an 'excellent' rating with an overall score of 71% as required by Islington DM 7.4A, which shall be secured through Condition 13.

Energy Demand Reduction (Be Lean)

9.166 Council policy DM 7.1 (A) states "*Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development*." Council policy states "developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy".

9.167 An air permeability of 3m3/hr/m2 is specified. As mechanical ventilation with heat recovery is proposed, this is considered to be an appropriate value.

9.168 Lighting controls include absence detection and sensors in circulation spaces and daylight dimming in workspace areas. The luminous efficacies shown in the BRUKL document are relatively good, but we would suggest investigating further improvements to these, as the development falls short against the Council's emissions target.

9.169 In accordance with council policy "Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed".

9.170 Dynamic Thermal Modelling has been carried out with natural ventilation, natural and mechanical ventilation and active cooling. The results have been compared against the criteria of CIBSE TM52 as required in Islington's Environmental Design SPD. Council policy states "Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control". Based on the thermal modelling results, the Council's Energy Officer accepts the approach to the cooling hierarchy and active cooling.

Low Carbon Energy Supply (Be Clean)

9.171 The development is identified as being within 60m of the Bunhill Heat Network – and therefore, it is proposed that the development will connect to the network. This is welcomed and strongly supported by the Council's Energy Officer.

9.172 Space heating and hot water will be provided via the Bunhill connection, with heating served predominantly via a fan coil system. Electric panel heating is also proposed in some smaller areas.

9.173 Potential for a Shared Heat Network with neighbouring sites/developments or a Combined Heat and Power system on-site has not been assessed, as an immediate connection to the Bunhill network is sought. Therefore, no further assessment of this is required and is supported by the Council's Energy Officer.

Renewable Energy Supply (Be Green)

9.174 The use of renewable energy should be maximised to enable the achievement of CO2 targets. An array of Solar PV of ~98sqm is proposed at roof level and there is limited scope to increasing this further.

Green Performance Plan (GPP)

9.175 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.

9.176 A Draft Green Performance Plan has been submitted as Appendix H to the SDCS which includes measurable targets for gas, electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. A finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

Sustainable Urban Drainage System (SUDS)

9.177 DM Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate' (8 litres/second/hectare), where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare.

9.178 The submitted 'FRA & SuDS Strategy Report' indicates that the site as existing and proposed is 100% impermeable and there are no attenuation system for rainwater and hence all rainwater on the site flows into the existing combined sewer. The strategy seeks to provide for source control technique to the aforementioned green roofs. Additional surface water from the roof will be discharged to the front of the building to existing sewer networks.

9.179 An attenuation tank would discharge into the existing public combined sewer at a restricted 3.9 l/s, this would be designed for all storm events up to and including the 1 in 100 year event plus 40% climate change attenuation of 23m^3. This is a significant saving on existing brownfield rates and is considered policy compliant by the Council's Sustainability Officer.

9.180 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage subject to informatives. The Sustainable Urban Drainage measures are to be secured through condition 20.

Basement Works

9.181 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.

9.182 Policy D10 of the London Plan (2021) states that Boroughs should establish within their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.

9.183 Emerging Local Plan Policy DH4 – 'Basement development' insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure.

9.184 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.

9.185 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.

9.186 The site currently does not benefit from existing basement levels and the proposal seeks the inclusion of two levels of basement. The first basement level would have an NIA equivalent area and envelope to the ground floor above (of sqm), whilst the sub-basement level has a lesser area than the building above.

9.187 A Structural Method Statement ('SMS') prepared by Braemar Structural Design dated 07 May 2021, was submitted in support of the application. In accordance with Appendix B of Islington's Basement Development SPD, the SMS is signed by a chartered Structural Engineer and includes details regarding a desk study, site investigations, design and

construction monitoring. The SMS concludes that the proposed development meets the Council's Basement SPD as follows:

- The proposed sub-basement is wholly within the footprint of the proposed site and is of sufficient distance from the boundary to not undermine any adjacent structures;
- The site geology is capable of supporting the loads;
- The subterranean development has no adverse impact on drainage, sewage, surface water and ground water flows and levels nor on any LUL assets;
- The site is not considered to be in an area with raised ground water level or in a significant flood risk zone;
- The report describes the engineering details of the scheme, including proposals for the excavation and construction; and
- The proposed subterranean development has no adverse impact on existing trees.

9.188 The SMS concludes that the proposed works and basement development will not likely detrimentally affect the surface water regime in the local and wider area, and the existing pathway for surface water flows will not be altered by the proposals. The report demonstrates that by adopting the highlighted construction practices the proposed works can be executed in a safe manner minimising any impact on the local amenity. This will be conditioned (21) in the event of permission being granted.

Planning Balance

9.189 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".

9.190 There is a degree of conflict with Local Plan policy DM2.1 relating to amenity, specifically in relation to sunlight/daylight impacts. This has been carefully examined and while impacts weigh against the scheme, they are considered to have a low adverse impact overall, and therefore at the lower end of the spectrum and would not cause undue or unacceptable harm. The overall conclusion is that the scheme accords with the development plan as a whole.

9.191 The proposed land uses on site are acceptable in principle and the scheme is considered compliant with policies DM5.1and DM5.4 which sets out requirements for new business floor space and development in the CAZ.

9.192 The scheme would comply with policies relating to energy, sustainability, accessibility and highways, whilst no objection is raised to the scale, mass, appearance and detailed design of the proposal.

9.193 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report where relevant, and include:

- Uplift in high quality and modern employment business (E Class) floorspace within the CAZ and EGA;
- Redevelopment and intensification of an underutilised brownfield site;
- Contribution to the Council's affordable housing provision (see obligation (a) at paragraph 9.196 below); and
- Sustainable transport thrust, a car-free development;

9.194 In summary, Officers consider that the aforementioned public benefits are significant and therefore outweigh the harm caused from the development to neighbouring amenity, in the overall planning balance.

Planning Obligations, Community Infrastructure Levy and local finance considerations

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

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

a. Contribution of **£312,480** towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
b. Provision of 281sqm small / micro workspace units at basement level which includes:
   - a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
   - flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
   - good standards of internal sound insulation;
   - a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading; and
   - demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.
c. Contribution towards 4x bays or other accessible transport initiatives of: **£8,000**;
d. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of **£3,000**;
e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
f. Facilitation, during the construction phase of the development, of the following number of work placements: 2x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£10,000**;

g. A contribution of **£25,806** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
i. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
j. Compliance with the Code of Employment and Training;
k. Compliance with the Code of Local Procurement;
l. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,778** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
m. Payment towards employment and training for local residents of a commuted sum of: **£22,239**; and
n. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

10 SUMMARY AND CONCLUSION

Summary

10.1 The proposal would provide 1,778sqm (GIA) of high quality office floorspace (an uplift of 1,778sqm), of which 281sqm would be suitable for micro or small enterprises (secured through condition / a legal agreement). A contribution towards the provision of affordable housing would also be provided due to it's lcoation within the CAZ. The proposal would contribute to the stock of office floorspace within the Borough, the Central Activities Zone, the Bunhill & Clerkenwell Core Strategy Key Area and the Employment Priority Area (Great Sutton Street). The proposal is therefore supported in regards to land use principle.

10.2 Significant provision for 4x Small and Medium Enterprise units (totalling 15% of the overall GIA) is proposed within the basement level of the building, with sufficient quality in regards to floor to ceiling height, natural light and access to communal facilities.

10.3 The proposed development is considered to be well-designed, responding successfully to its immediate and surrounding context and maintaining the setting of nearby heritage assets.

10.4 It is recommended that conditions are attached to minimise the impact of the development upon neighbouring amenity, such as privacy and overlooking, noise and/or light disturbance to an acceptable level.

10.5 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts, the impacts are at the lower end of the spectrum, and are not considered unduely or unacceptably harmful. Officers consider that the proposal complies with the Development Plan when considered as a whole.

10.6 The planning application is considered to deliver a sustainable form of development including energy efficiency measures, a reduction in carbon emissions, sustainable transport options and sustainable transport options in accordance with planning policy. The proposal is not considered to give rise to unacceptable transport or highways impacts, subject to appropriately worded conditions on construction, delivery and servicing. Furthermore, the proposal is considered acceptable in relation to all other technical matters, subject to the recommended conditions.

10.7 The proposal would deliver high quality office accommodation in an area of high demand whilst enhancing the street scene and the character of the area. The proposal is considered acceptable in planning terms and it is recommended that planning permission be granted subject to conditions and completion of a legal agreement securing relevant planning obligations.

Conclusion

10.8 It is recommended that planning permission be granted subject to conditions and legal obligation 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:

o. Contribution of **£312,480** towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;

p. Provision of 281sqm small / micro workspace units at basement level which includes-
   - a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
   - flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
   - good standards of internal sound insulation;
   - a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading; and
   - demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.

q. Contribution towards 4x bays or other accessible transport initiatives of: **£8,000**;

r. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of **£3,000**;

s. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by the LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;

t. Facilitation, during the construction phase of the development, of the following number of work placements: 2x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£10,000**;

u. A contribution of **£25,806** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);

v. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;

w. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;

x. Compliance with the Code of Employment and Training;

y. Compliance with the Code of Local Procurement;

z. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,778** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;

aa. Payment towards employment and training for local residents of a commuted sum of: **£22,239**; and

bb. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid or within the agreed extension of time, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	**COMMENCEMENT OF DEVELOPMENT**
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	**APPROVED PLANS**
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents: 1927.PP.01 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.02 - Proposed Basement Floor Plan – Rev. H; 1927.PP.03 - Proposed Ground Floor Plan – Rev. F; 1927.PP.04 - Proposed First Floor Plan – Rev. E; 1927.PP.05 - Proposed Second Floor Plan - Rev. F; 1927.PP.06 - Proposed Third Floor Plan - Rev. G; 1927.PP.07 - Proposed Sub Basement Floor Plan - Rev. I; 1927.PP.08 - Proposed Basement Floor Plan - Rev. E; 1927.PP.09 - Proposed Ground Floor Plan - Rev. E; 1927.PP.10 - Proposed First Floor Plan - Rev. D; 1927.PP.11 - Proposed Second Floor Plan - Rev. D; 1927.PP.12 - Proposed Third Floor Plan - Rev. E; 1927.PP.13 - Proposed Roof Plan - Rev. D; 1927.PP.14 - Proposed Rear & Front Elevations - Rev. F; 1927.PP.15 - Proposed Side Elevations - Rev. F; Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21; Delivery & Service Plan prepared by Paul Mew Associates dated June 2021; Final Noise Report (ref: 557/21) prepared by Michael Sugiura Acoustic Consultant dated May 2021; FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021; Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021; Transport Statement prepare by Paul Mew Associates dated May 2021; Highways Response prepared by Paul Mews Associates dated September 2021; REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	**Materials (Detail and Samples)**
	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. The details and samples shall include: a) brickwork, bond and mortar courses for all facing bricks; b) render (including colour, texture and method of application); c) windows and doors (including sections and reveals); d) roofing materials (including facing materials);

	e) any balustrading treatment (including sections); and f) any other materials to be used. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. 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.
4	**Fixed Plant (Compliance)**
	CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014. A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. REASON: To ensure that the amenity of neighbouring residents is not adversely affected.
5	**Refuse and Recycling (Compliance)**
	CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans (1927.PP.03 Rev G - Proposed Ground Floor Plan) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter. REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.
6	**Cycle Storage (Compliance)**
	CONDITION: The bicycle storage area(s) shown on the approved plans (1927.PP.01 Rev. I - Proposed Sub Basement Floor Plan) shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter. REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
7	**Flat Roofs (Compliance)**
	CONDITION: The flat roofs of the development hereby approved, including the identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance. REASON: To ensure that the amenity of residents is not adversely affected.
8	**Internal Lighting and Roller Blinds (Details and Compliance)**
	CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to): - Automated roller blinds;

	- Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter. REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.
9	**Obscured Glazing (Compliance)**
	CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the development hereby approved, all windows at second floor and third floor levels of the rear (north-western) elevation of the building shall be obscure glazed and permanently fixed shut, unless otherwise approved in writing by the Local Planning Authority. REASON: In the interest of preventing direct overlooking and in addition to prevent undue noise disturbance to the residential properties in immediate proximity to the development site. This condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.
10	**External Lighting (Details)**
	CONDTION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development. The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter. REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.
11	**Delivery and Servicing Plan (Compliance)**
	CONDITION: The development shall be constructed and operated strictly in accordance with the hereby approved Delivery and Servicing Plan dated June 2021 and the Highways Response dated September 2021, and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.
12	**Demolition, Construction and Environmental Management Plan (Details)**
	CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The DCEMP should be in accordance with the Council's Code of Practice for Construction

	Sites and shall include details and arrangements regarding: a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles; m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised; n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area; p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register https://nrmm.london/usernrmm/register prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local

	Planning Authority. REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.
13	**BREEAM (Compliance)**
	CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'. REASON: In the interest of addressing climate change and to secure sustainable development.
14	**Energy Efficiency (Compliance)**
	CONDITION: The energy efficiency measures as outlined within the hereby approved Sustainable Design and Construction Statement prepared by eb7 Ltd dated 26/05/2021 and any supporting documents shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy efficiency measures within the approved Sustainable Design and Construction Statement, a revised Sustainable Design and Construction Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of addressing climate change and to secure sustainable development.
15	**Green Roofs (Details and Compliance)**
	CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details: a) substrate base depth; b) laid out in accordance with plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
16	**Urban Greening Factor (Compliance)**
	CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to an approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting. REASON: In the interest of biodiversity, sustainability and to ensure that green

	infrastructure is maximised on the site.
17	**Bird and Bat Boxes (Details and Compliance)**
	CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed 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. REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
18	**Inclusive Design**
	CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: a) All entrances to the building must be level, step free and Part M compliant; b) Confirmation that all doors are to be automated; c) Confirmation that all accessible WCs on ground, first and second floors achieve Part M4 compliance; d) All WCs to allow for right hand and left hand transfer on alternating floors; and e) A management plan, including a PEEP. The inclusive design measures shall be retained as such in perpetuity. REASON: In order to facilitate and promote inclusive and sustainable communities.
19	**Sustainable Urban Drainage (Compliance)**
	CONDITION: The development shall be carried out strictly in accordance with the details so approved within the FRA & SuDS Strategy Report prepared by eb7 dated 26 May 2021 and shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter. REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.
20	**Piling Method Statement – Thames Water (Details)**
	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. 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.
21	**Basement Excavation (Compliance)**
	CONDITION: The development shall be constructed in accordance with the approved Basement Impact Assessment & Structural Method Statement revision A (21100-RP-S-01-001) dated 07/05/21, unless otherwise agreed in writing. 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. REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.
22	**Restriction of Office Use and Removal of Permitted Development Rights (Compliance)**
	CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place unless otherwise agreed in writing by the Local Planning Authority. REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the Central Activities Zone, Employment Growth Area and wider Borough. 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.
23	**Amalgamation of Units (Compliance)**
	The dedicated 4x SME office units at Basement level shall not be amalgamated with one another into a single unit nor amalgamated with the office floorspace above. REASON: To ensure that the dedicated SME units are secured in perpetuity for the provision of premises suitable for small businesses.
24	**Contaminated Land (Details)**
	CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority. d) A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site: e) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried

	out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. f) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.
25	**Fire Safety Strategy (Compliance)**
	CONDITION: The details and measures set out in the Fire Statement ref: 611272 by Salus Building Control and Fire Safety Consultants dated 15/01/2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent cP20hange(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter. REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

List of Informatives:

5	**Positive Statement**
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant. This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.
6	**Community Infrastructure Levy (CIL)**
	CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Further information and all CIL forms are available on the Planning Portal at and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/
7	**The Building Acts and Building Regulations**
	To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk
8	**Street Naming and Numbering**
	If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk
5	**Thames Water**
	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. Thames Water would expect the developer to demonstrate what measures they 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 trade.effluent@thameswater.co.uk Application forms should be completed on line via www.thameswater.co.uk Please refer to the Wholsesale; Business customers; Groundwater discharges section.
6	**Thames Water**
	In regards to Condition 20, Thames Water advise on referring to their guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developinga-large-site/Planning-your-development/Working-near-or-diverting-our-pipes Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

A) The London Plan 2021 - Spatial Development Strategy for Greater London	
1. Planning London's Future - Good Growth **Policy GG2** Making the best use of land **Policy GG5** Growing a good economy **2. Spatial Development Patterns** **Policy SD4** The Central Activities Zone **Policy SD5** Offices, other strategic functions and residential development in the CAZ **3. Design** **Policy D1** London's form, character and capacity for growth **Policy D3** Optimising site capacity through the design led approach **Policy D4** Delivering good design **Policy D5** Inclusive design **Policy D8** Public Realm **Policy D10** Basement development **Policy D11** Safety, security and resilience to emergency **Policy D12** Fire safety **Policy D13** Agent of Change **Policy D14** Noise **6. Economy** **Policy E1** Offices **Policy E2** Providing suitable business space **Policy E3** Affordable Workspace **Policy E11** Skills and opportunities for all	**7. Heritage and Culture** **Policy HC1** Heritage conservation and growth **8. Green Infrastructure and Natural Environment** **Policy G5** Urban Greening **Policy G6** Biodiversity and access to nature **Policy G7** Trees and woodlands **9. Sustainable Infrastructure** **Policy SI1** Improving air quality **Policy SI2** Minimising greenhouse gas emissions **Policy SI4** Managing heat risk **Policy SI5** Water infrastructure **Policy SI7** Reducing waste and supporting the circular economy **Policy SI12** Flood risk management **Policy SI13** Sustainable drainage **10. Transport** **Policy T2** Healthy Streets **Policy T3** Transport capacity, connectivity and safeguarding **Policy T4** Assessing and mitigating transport impacts **Policy T5** Cycling **Policy T6** Car parking **Policy T6.2** Office parking **Policy T7** Deliveries, servicing and construction
B) Islington Core Strategy 2011	
Spatial Strategy **Policy CS7** Bunhill and Clerkenwell **Strategic Policies** **Policy CS8** Enhancing Islington's character **Policy CS9** Protecting and Enhancing Islington's Built and Historic Environment **Policy CS10** Sustainable Design	**Policy CS11** Waste **Policy CS13** Employment Space **Infrastructure and Implementation** **Policy CS18** (Delivery and Infrastructure)

C) Development Management Policies June 2013	
2. Design and Heritage **Policy DM2.1** Design **Policy DM2.2** Inclusive Design **Policy DM2.3** Heritage **Policy DM2.4** Protected views **5. Employment** **Policy DM5.1** New business floorspace **Policy DM5.2** Loss of existing business floorspace **Policy DM5.4** Size and affordability of workspace **6. Health and open space** **Policy DM6.1** Healthy development **Policy DM6.5** Landscaping, trees and biodiversity **Policy DM6.6** Flood prevention	**7. Energy and Environmental Standards** **Policy DM7.1** Sustainable design and construction statements **Policy DM7.2** Energy efficiency and carbon reduction in minor schemes **Policy DM7.3** Decentralised Energy Networks **Policy DM7.4** Sustainable design standards **Policy DM7.5** Heating and cooling **8. Transport** **Policy DM8.1** Movement hierarchy **Policy DM8.2** Managing transport impacts **Policy DM8.3** Public transport **Policy DM8.4** Walking and cycling **Policy DM8.5** Vehicle parking **Policy DM8.6** Delivery and servicing for new developments **9. Infrastructure** **Policy DM9.1** Infrastructure **Policy DM9.2** Planning obligations **Policy DM9.3** Implementation

Designations

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

- Central Activities Zone (CAZ)
- Bunhill & Clerkenwell Core Strategy Key Area
- Employment Priority Area 14 (Great Sutton Street)
- Article 4 Direction B1c to C3 (CAZ)
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan	London Plan
Basement Development (2016) Environmental Design Planning Obligations and S106 (2016) Urban Design Guide (2017)	Accessible London (2014) Culture & the night time economy (2017) Sustainable Design & Construction (2014) Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (2013)