

PLANNING COMMITTEE REPORT
ADDENDUM

Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	07 June 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 22nd February 2022. During the 22nd February 2022 Committee Meeting, following concerns raised in representations regarding daylight and sunlight transgressions to neighbouring properties, Members deferred the item in order for the applicant to review the massing of the building and seek betterments to the daylight and sunlight levels.

- 2.2 A revised scheme was presented to Planning Committee on 4th April 2022, which saw a number of revisions to the rearmost part of the second floor, with the flat roof being revised to a pitched roof with 6 rooflights and a reduction to the north-western part of the fourth storey (third floor) floorplan. Members deferred the item in order for the applicant to review the massing of the building and seek betterments to the daylight and sunlight levels, and to address concerns regarding a sense of enclosure and prominence of the rear elevation to neighbouring terraces.
- 2.3 Since the 4th April 2022 Committee Meeting, the Applicant has submitted amended plans and an updated Daylight Sunlight report for both the existing situation and with the approved scheme at neighbouring no.44 Pear Tree Street built out. The revisions to the proposal include the further stepping back of part of the top floor and the introduction of pitched roofs to the rear, where these were previously flat roofs.

3. CONSULTATION

Public Consultation Responses

- 3.1 To date, a total **35** representations raising 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.

4. UPDATED ASSESSMENT

- 4.1 Following the 4th April 2022 deferral, the Applicant has submitted revised elevation plans and floor plans. Further revised 'Daylight & Sunlight' reports have been submitted alongside the revised drawings. It should be noted that the application scheme has not been amended beyond the following revisions:
- Revision to rear most part of the first floor, with the flat roof which adjoins the northern boundary with 46-56 Pear Tree Street being revised to a pitched roof; and
 - Setting back of the rear most elevation at third floor level so that it is level with the elevation of adjoining no.37 Bastwick Street (leading to a reduction in floorspace from 178sqm to 150sqm).
- 4.2 Therefore, the overall GIA floorspace of the proposal has been reduced from 1,778sqm (original submission), to 1,758sqm (revision presented to April Committee) and now to 1,705sqm (as currently proposed). This has subsequently led to amendments to the required planning obligations, given the reduction in floorspace proposed.

Design and Appearance

- 4.3 The proposed amendments seek to reduce the impact of reductions to daylight and sunlight to neighbouring properties through revisions to the bulk and mass of the building to the rear and upper most floors. The floor plan of the first floor remains as previously proposed, however the roof along the boundary line has been amended from a flat roof to a pitched roof, which is considered to be acceptable in design terms.
- 4.4 The upper most floor has been set back further from the rear boundary with 46-56 Pear Tree Street (Pietra Lara) and level with adjoining no.37 Bastwick Street. While this does result in a somewhat complex and stepped form, with this being necessary to address concerns raised

regarding daylight and sunlight, and considering its context to the rear of the site, the amended rear elevation is considered to be acceptable in this instance.

Impacts to Daylight

- 4.5 In the schemes presented to the 22nd February 2022 and 4th April 2022 Planning Committees, 8 windows and 8 rooms to neighbouring properties would have seen reductions beyond BRE guidance in relation to Vertical Sky Component (VSC) and No Sky Line (daylight distribution (DD)). Following the latest revisions, 5 windows and 7 rooms would have transgressions beyond BRE guidance. As shown in the below tables, the quantum of transgressions has decreased whilst a number of windows and rooms would see betterments to the reductions to neighbouring properties, specifically to 46-56 Pear Tree Street.
- 4.6 Transgressions are still reported to neighbouring 26 & 27 Bastwick Street, 37 Bastwick Street, 41 Central Street and 46-56 Pear Tree Street. These are outlined further below, with the previous results of the April 2022 scheme also shown for reference:

Room / Window		Room Use		Vertical Sky Component				No Skyline (Daylight Distribution)				
				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	25.6	16%	10%	55.9	38	19	50%	47%		
237		2.6	2.6	0	0							
238	LKD	21.3	17.8	29%	16%	27.4	23.1	12.9	44%	39%		
239	Bedroom	28.1	24.6	22%	12%	9.3	9.1	8.2	10%	0%		
240	Bedroom	21.8	18.8	25%	14%	13.8	12.4	8.3	33%	22%		
241	Bedroom	20.4	18.3	19%	11%	19.5	18.3	13.5	27%	18%		
Second Floor												
244	LKD	33.5	31.6	9%	6%	55.9	42.5	29.6	30%	25%		
245		22.6	22.6	0	0							
246	Kitchen	32.8	30.4	13%	7%	27.4	25.5	17	33%	20%		

Room / Window		Room Use		Vertical Sky Component				No Skyline (Daylight Distribution)				
				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	2.3	39%	30%	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	20.2	23%	22%					
13	Staircase	22.7	21.8	4%	4%	1.3	1.2	0.7	50%	46%

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	24%	24%	4.7	4.6	4.5	3%	3%
Second Floor										
126	Bathroom	31.7	23.7	25%	25%	4.7	4.6	4.5	3%	2%
Third Floor										
130	Conservatory	34.7	18.7	46%	44%	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	5%	5%	18	12	8.8	27%	27%

Impacts to Sunlight

- 4.7 In the scheme presented to the 4th April 2022 Committee Meeting, 7 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 5 windows as follows:

Table 6: Sunlight Transgressions		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
		Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
29 Bastwick								
<i>First Floor</i>								
3	Domestic	27	21	6	22%	0	0	0
5	Domestic	25	18	7	28%	0	0	0
10	Domestic	30	23	7	23%	0	0	0
43 Central Street								
<i>Ground Floor</i>								
150	LKD	19	14	5	26%	1	1	0
151	LKD	31	26	5	16%	5	3	40%

- 4.17 The results show that the revised scheme would see betterments to the transgressions at 29 Bastwick Street, both in quantum and quality. The scheme presented to 4th April 2022 Planning Committee saw 5 transgressions to this property, this has reduced to 3 transgressions.
- 4.18 43 Central Street continues to see 2 windows serving a living/kitchen/diner transgress BRE guidance. These however are betterments over the 22nd February 2022 scheme.
- 4.19 45 Central Street saw reductions beyond BRE guidance to one window (157) of the windows at ground floor to the rear of the property in the original scheme presented to 22nd February 2022. The revised proposal continues to meet BRE guidance as achieved in the 4th April 2022 scheme.

Impacts to Overshadowing

- 4.20 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 reduction beyond BRE guidance, however at 98% this is a minor betterment of the previous iterations of the scheme which saw a 100% reduction. There are no other transgressions to neighbouring gardens/amenity spaces beyond BRE guidance.

Daylight and Sunlight Conclusion

- 4.21 The amended proposals would result in a number of betterments to daylight and sunlight receipt to neighbouring properties, with the total number of transgressions against BRE Guidelines reduced. Noting this, it is considered that the proposal would not result in an unacceptable reduction in daylight and sunlight receipt to neighbouring occupiers for the reasons detailed within the previous Committee Reports.

Rear Elevation

- 4.22 The amended plans introduce a pitched roof to the two rear projections at the site that would adjoin neighbouring external amenity spaces. The height of the resultant rear wall would now match that of the existing wall onto these areas, while the pitched roof would reduce the massing above this. It is considered that the introduction of the pitched roof would reduce the scale of the rear projection when viewed from the neighbouring property and would not result in an unacceptable sense of enclosure or be overbearing.

Planning Obligations

4.23 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The current and previous amendments to the proposal have resulted in a reduced floor area being proposed and therefore it is necessary for the Heads of Terms to be amended to reflect this. The amendments to the Heads of Terms are detailed in **bold** and underlined below:

- a. Contribution of **£272,800** 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 **3x** bays or other accessible transport initiatives of: **£6,000**;
- 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 Highways). 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). Condition 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: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: **£5,000**;
- 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: **£1,705** 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: **£16,612**; 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.

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

5. CONCLUSION

5.1 Following the deferral of the application at 22nd February 2022 and 4th April 2022 Committee Meetings, the Applicant has amended the proposal by reducing the extent of the upper most storeys and introducing pitched roofs. This has led to betterments in the quantum and extent of reductions to daylight. The quantum of transgressions in regard to sunlight has been reduced from 7 to 5, whilst a minor betterment is made in regard to overshadowing of the garden of 45 Central Street, albeit this still does not meet BRE guidance.

5.2 The recommended conditions replicate the conditions detailed in Appendix 1 of the original Committee Report, save for amended wording to the following conditions:

- Condition 2 has been amended to include the revised drawings and documents received since the 22nd 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).

RECOMENDATION

5.3 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 - RECOMMENDATION

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 £272,800 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 3x bays or other accessible transport initiatives of: £6,000;
- 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 Highways). 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). Condition 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: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000;
- g. A contribution of £24,858 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: £1,705 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: £16,612; 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.

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

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. J;

	<p>1927.PP.02 - Proposed Basement Floor Plan – Rev. H; 1927.PP.03 - Proposed Ground Floor Plan – Rev. H; 1927.PP.04 - Proposed First Floor Plan – Rev. H; 1927.PP.05 - Proposed Second Floor Plan - Rev. I; 1927.PP.06 - Proposed Third Floor Plan - Rev. L; 1927.PP.07 - Proposed Sub Basement Floor Plan - Rev. F; 1927.PP.08 - Proposed Basement Floor Plan - Rev. E; 1927.PP.09 - Proposed Ground Floor Plan - Rev. F; 1927.PP.10 - Proposed First Floor Plan - Rev. F; 1927.PP.11 - Proposed Second Floor Plan - Rev. F; 1927.PP.12 - Proposed Third Floor Plan - Rev. I; 1927.PP.13 - Proposed Roof Plan - Rev. H; 1927.PP.14 - Proposed Rear & Front Elevations - Rev. J; 1927.PP.15 - Proposed Side Elevation - Rev. J; 1927.PP.16 - Proposed Section AA & BB - Rev. N; 1927.PP.17 - Proposed Section CC & DD - Rev. I; 1927.PP.18 - Proposed Section EE - Rev. K; 1927.PP.19 - Proposed Front Elevation - Rev. C; 1927.PP.20 - Proposed Roof Plan - Rev. D;</p> <p>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; Fire Safety Statement dated 18 January 2022; Fire Strategy Report dated 15 January 2022; 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 prepared by Paul Mew Associates dated May 2021; Highways Response prepared by Paul Mews Associates dated September 2021;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Detail and Samples)</p>
	<p>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:</p> <ul style="list-style-type: none"> 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. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Fixed Plant (Compliance)</p>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p>

	<p>A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the amenity of neighbouring residents is not adversely affected.</p>
5	<p>Refuse and Recycling (Compliance)</p> <p>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.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	<p>Cycle Storage (Compliance)</p> <p>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.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	<p>Flat Roofs (Compliance)</p> <p>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.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
8	<p>Internal Lighting and Roller Blinds (Details and Compliance)</p> <p>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):</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The 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</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.</p>
9	<p>Obscured Glazing (Compliance)</p> <p>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.</p> <p>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</p>

	condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.
10	External Lighting (Details)
	<p>CONDITON: 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.</p> <p>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.</p> <p>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.</p>
11	Delivery and Servicing Plan (Compliance)
	<p>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.</p> <p>No deliveries or servicing shall take place outside of 0700 – 2300.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
12	Demolition, Construction and Environmental Management Plan (Details)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ol style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on 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)

	<p>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register 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.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
13	<p>BREEAM (Compliance)</p>
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
14	<p>Energy Efficiency (Compliance)</p>
	<p>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.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
15	<p>Green Roofs (Details and Compliance)</p>
	<p>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:</p> <p>a) substrate base depth;</p>

	<p>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).</p> <p>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.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	Urban Greening Factor (Compliance)
	<p>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.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
17	Bird and Bat Boxes (Details and Compliance)
	<p>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.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
18	Inclusive Design
	<p>CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> 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. <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
19	Sustainable Urban Drainage (Compliance)
	<p>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.</p>

	<p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
20	<p>Piling Method Statement – Thames Water (Details)</p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
21	<p>Basement Excavation (Compliance)</p> <p>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.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
22	<p>Restriction of Office Use and Removal of Permitted Development Rights (Compliance)</p> <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved 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.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the 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.</p>
23	<p>Amalgamation of Units (Compliance)</p> <p>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.</p> <p>REASON: To ensure that the dedicated SME units are secured in perpetuity for the provision of premises suitable for small businesses.</p>

<p>24</p>	<p>Contaminated Land (Details)</p> <p>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.</p> <ul style="list-style-type: none"> 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 <p>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.</p> <p>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.</p>
<p>25</p>	<p>Fire Safety Strategy (Compliance)</p> <p>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 change(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.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Community Infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
3	The Building Acts and Building Regulations
	<p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk</p>
4	Street Naming and Numbering
	<p>If the development results in changes to any postal address or addresses on the site, you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
5	Thames Water
	<p>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 Wholesale; Business customers; Groundwater discharges section.</p>

6	Thames Water
	<p>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</p> <p>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)</p> <p>Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.</p>

APPENDIX 2 – 4TH APRIL 2022 COMMITTEE REPORT