

**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>	<b>B2</b>
<b>Date:</b>	6 <sup>th</sup> October 2022	<b>NON-EXEMPT</b>	

<b>Application number</b>	P2022/1543/FUL
<b>Application type</b>	Full Planning Application – Major
<b>Ward</b>	Caledonian
<b>Listed building</b>	n/a
<b>Conservation area</b>	n/a
<b>Development Plan Context</b>	Kings Cross and Pentonville Road Core Strategy Key Area; Vale Royal/Brewery Road Local Industrial Site (LSIS); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough); and Local View from Archway Bridge (View 5);
<b>Licensing Implications</b>	n/a
<b>Site Address</b>	4 Blundell Street London N7 9BH
<b>Proposal</b>	Demolition of the existing two storey building and erection of a part four and part five storey commercial building comprising light industrial Use Class E(g)(iii), flexible workspace Use Class E (g) and associated cycle and waste storage

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	Noble House Properties Ltd.
<b>Agent</b>	Rolfe Judd 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. SITE LOCATION

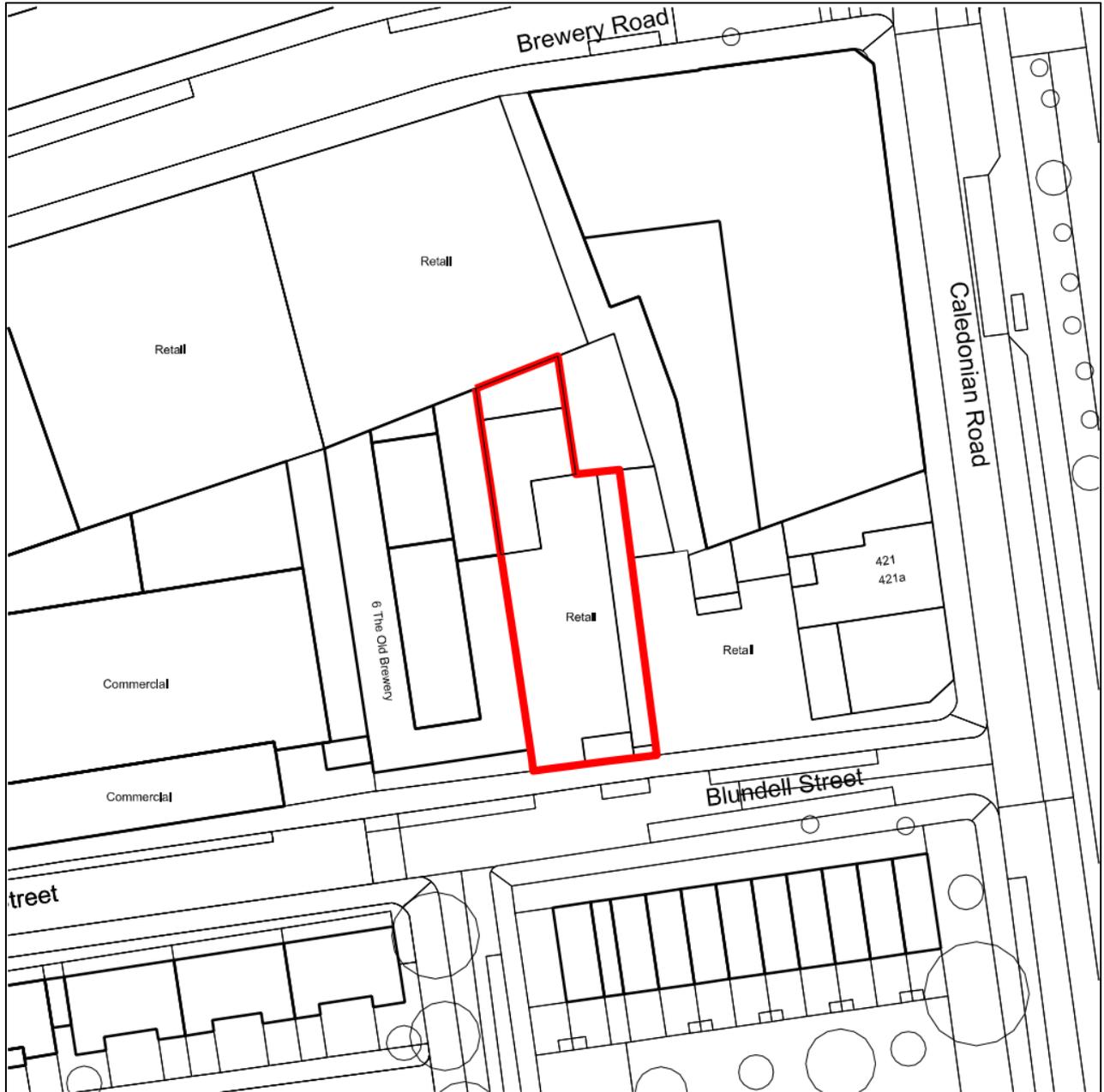


Figure 1: Site Location Plan (outlined in red)



Figure 2: Aerial view from the South



Figure 3: Aerial view from the North



Figure 4: The front of the site



Figure 5: Existing crossover to the front of the site.

### 3. SUMMARY

- 3.1 The application seeks to demolish the existing two-storey building on the site and construct a 2 to 5 storey commercial building providing 2,206 sqm in Gross Internal Area (GIA), an uplift of 1,910sqm.
- 3.2 The proposal has been amended during the course of the application, by way of setting back the upper most storey in order to reduce the scale and massing of the building and its impact upon the streetscene of Blundell Street.
- 3.3 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.
- 3.4 In land use terms, the proposed development consisting of Light-Industrial and Office floorspace is supported given the site's location within the Vale Royal/Brewery Road Locally Significant Industrial Site ('LSIS'). The proposed light industrial flexible Use Class E(g) floorspace would total 55% of the development's GIA, ensuring that the site is predominantly in industrial use, in accordance with all the pertinent land use policies within the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms.
- 3.5 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 adjoining buildings and the wider streetscape.
- 3.6 The proposed development would lead to the reduction of daylight to neighbouring residential properties to the northeast and south of the site. It is noted that the most affected residential units are perceptible to reductions from the site being developed due to overhanging features, whilst the affected windows/rooms are limited to north facing kitchens only. It should be noted that all windows and rooms affected at Fulbeck House by reductions beyond BRE Guidance are dual aspect units, with other rooms in the property not impacted by reductions to daylight or sunlight.
- 3.7 Nonetheless, the impact to the level of daylight and sunlight has been fully considered following the submission of a daylight and sunlight report, which highlights transgressions beyond BRE guidance. It should be noted that while the transgressions weigh against the scheme, they are at the lower end of the spectrum. It has been shown that it is the architectural features of neighbouring buildings which interfere with the light received to neighbouring windows and rooms as existing. Overall, neighbouring amenity is not considered to be unduly harmed by the development.
- 3.8 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. Due to the constraints of the site, servicing and deliveries are to take place on street in a safe manner, whilst there would be sufficient cycle parking facilities located at ground level.
- 3.9 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 section 106 legal agreement.
- 3.10 The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.11 The proposal is considered to be a sustainable form of development on brownfield land and is in accordance with the land use thrust for the LSIS. 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.

## **4. SITE AND SURROUNDINGS**

- 4.1 The site occupies a narrow plot on the north side of Blundell Street approximately 30 metres from the junction with Caledonian Road. It is approximately two thirds open with a builder's yard to the front of the site and two storey building to the rear and a 2 metre high gate and wall fronting Blundell Street. There is a marked fall in levels across the site from north to south. It is a deep plot, extending back 44 metres from the street; the 12 metre wide frontage means that it is narrow relative to its neighbours.
- 4.2 There are no existing buildings of any architectural merit on the site with the closest designated heritage asset being the grade II listed Pentonville Prison on Caledonian Road. The immediate context is mixed with commercial uses adjacent to the site on either side. To the east is a used-car dealership, beyond which is a café on the junction with Caledonian Road, while to the west at No 6 Blundell Street are the offices of Quarto Group, a small publishing house. The building at No.6 Blundell Street occupies the full depth of the plot presenting a largely blank flank frontage to a height of two storeys to the proposal site. It is a yellow stock brick building of some architectural interest, symmetrically arranged with two wings flanking a double height central space lit from above by a glazed roof.
- 4.3 On the opposite side of Blundell Street are the Islington Council Estates, the Boston Estate and the Nailour Estate, while to the south-east, on the other side of Caledonian Road, is the grade II listed Pentonville Prison. To the north of the site is a new mixed-use development currently under construction, with frontages on Caledonian Road and Brewery Road. Blundell Street features relatively narrow pavement widths, a single carriageway width in each direction and building heights typically of 1-2 storeys for sites in non-residential use and 3-4 storey housing. In general, the prevailing heights of surrounding buildings are low, though the new development currently under construction on adjacent land rises up to eight storeys in height.
- 4.4 The site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS). All sites within the LSIS are subject to a number of Article 4 directions removing permitted development rights for (i) a change of use from office (B1a – Now E(g)[i]) to residential (C3) (ii) shops (A1 now E(a)) to financial and professional services (A2 now E(c)), and (iii) a temporary flexible change of use from A1/B1/D1 to A1, A2, A3 or B1.

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

- 5.1 The proposal seeks to demolish the existing buildings on site and erect a part four and part five storey commercial building (above a basement level) comprising 2,206sqm (GIA) for light industrial Use Class E(g)(iii), flexible workspace Use Class E(g) and associated cycle and waste storage.
- 5.2 1,286sqm of light industrial use is located at basement, ground and first floor levels. This equates to 57% of the overall GIA floorspace of the building.
- 5.3 948sqm of flexible workspace (open Use Class E(g)) is located at second floor and above. This equates to 43% of the total floorspace of the building.
- 5.4 The main entrance is located at ground floor level on Blundell Street, allowing level access. The main core to the centre of the building includes a lift and staircase, allowing level access to all floors, whilst a secondary staircase to the rear of the site allow access from ground floor level to third floor level.
- 5.5 The proposal seeks to make use of repurposing 'shipping containers' stacked internally, with a grey metal cladding and glazing to the building envelope. Figure 6 below shows the layout of the basement level and the second floor level, outlining the units created by the containers.



Figure 6: Proposed layout of the basement (left) and second floor (right)



Figure 7: Proposed principle elevation to Blundell Street

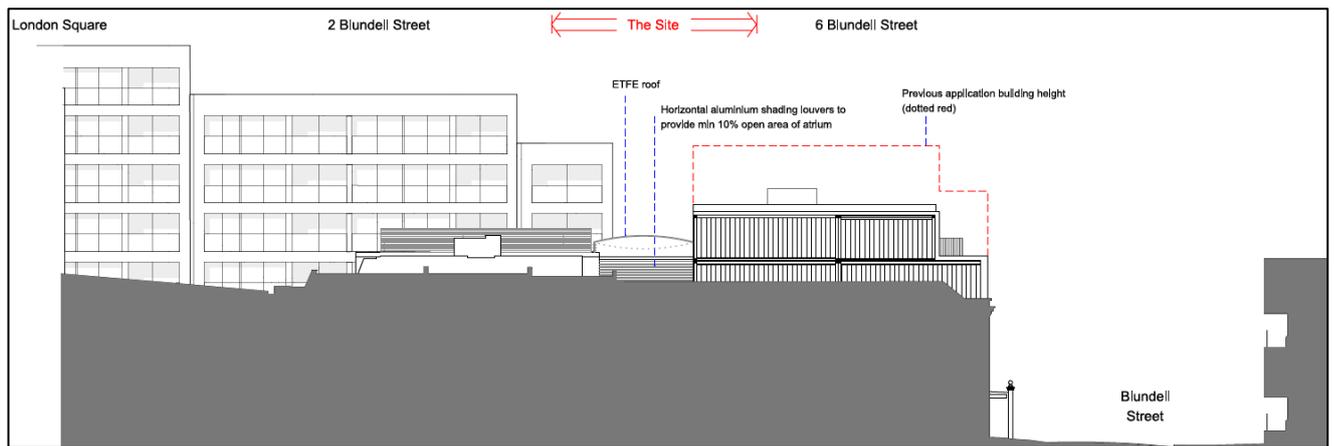


Figure 8: Proposed west elevation

## 6. RELEVANT PLANNING HISTORY

### Planning Applications

6.1 The site has been subject to several planning applications. The following list are considered relevant:

6.2 P2019/2786/PRA – Notification for Prior Approval for the Change of Use at first floor level from Retail (Class A1) to Residential (C3) to facilitate the provision 1no. self-contained residential unit and associated works at first floor level. **Prior Approval Required - Approved with Conditions** on the 07/11/2019.

6.3 P2020/3015/FUL - Erection of a part-four and part-six storey building constructed of stacked shipping containers comprising flexible workspaces, and light industrial use at basement level and part-ground, including a new delivery bay at ground floor, and associated plant, cycle storage, WC / Shower room facilities at basement level. **Refused** on 27/01/2021.

6.4 This application was refused for 4 reasons as follows:

1. The development's failure to propose sufficient industrial floorspace appropriate to the role of the industrial area within a development of largely open Class E floorspace results in a proposal that is not considered to sufficiently complement or support the economic and employment role of the LSIS, as identified in Policy DM5.3, and is considered to compromise the scope for future intensification of industrial uses. The application is therefore considered to be contrary to Policy 4.4 of the London Plan 2016, Policy E4 of the Draft London Plan (Intend to Publish Version) December 2019, the objectives of Policy DM5.3 of the Islington Development Management Policies 2013 and Policy SP3 of the Draft Islington Local Plan 2019 and as well as the Mayor of London's Supplementary Planning Guidance "Land for Industry and Transport".

2. The proposed development, by reason of its excessive height, dominant scale and poor design and materials, would be overbearing and fail to respect and respond positively to existing buildings, the streetscape and the wider context contrary to the National Planning Policy Framework Chapter 12 (Achieving well-designed places), London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 Policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment), Islington Development Management Policies 2013 DM2.1 (Design), DM2.3 (Heritage) as well as emerging London Plan Policies D3 and D4 and emerging Local Plan Policies SP3 and DH3.

3. Due to the proposed building's height, bulk and massing, the application would result in unacceptable impacts on neighbouring residential amenity in terms of loss of daylight and sunlight and is therefore considered contrary to Islington's Policy DM2.1, London Plan Policy 7.6 and emerging Local Plan Policy SP3.

4. In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development necessary as a consequence of demands created by the proposed development (highway and footway works, employment and training, carbon offsetting, and Travel Plan), and as such the proposal fails to accord with policies CS10, CS13, CS18 and CS19 of Islington's Core Strategy 2011, policies DM7.1, DM7.2, DM7.4, DM8.2, and DM9.2 of Islington's Development Management Policies (2013), and Islington's Planning Obligations SPD (2014) and the Environmental Design SPD (2012).

## **Pre-Application Advice**

### 2019 pre-application

- 6.5 The appellants submitted the scheme for pre-application advice in 2019, for which a pre-application response was issued by the Council in October 2019. The proposal at pre-application was described as 'redevelopment of the site comprising the demolition of the existing building and the erection of a part-four and part-seven storey commercial building for Class B1 (business) use.' The description is, however, slightly misleading as what was proposed was up to six storeys in height, with the basement potentially being included in the stated height of the proposal. As such, what was proposed at pre-application stage was broadly similar in uses, heights and massing as what is proposed here at application stage, though the application is a storey higher at the rear.
- 6.6 The pre-application letter to the applicant stated in response to the proposal that the proposal fails to comply with the then draft London Plan Policy, namely E4, and does not attempt to suitably intensify industrial uses in an LSIS designation as set out in Policy E7 of the new London Plan." Moreover, it was confirmed in the pre-application letter that the provision of open B1 flexible uses (now Class E) would not guarantee that the proposed space would be used as B1c. It is likely that most of the proposed open B1 space would be used as offices. The proposed land uses should reflect the policy objectives of intensifying industrial uses in the LSIS in line with the advice given.
- 6.7 In terms of heights and design, the pre-application letter states that given its position with the street frontage and the narrowness of the plot, a development that is out of scale with neighbouring plots would be detrimental to the established grain and hierarchy of the townscape in the locality: "This would mean that the site would support a maximum development height of three commercial storeys on the principle frontage with the potential for an additional set back fourth storey." Finally, at pre-application stage, the applicants were advised that the "the design of the elevations and selection of materials should respond to the current and emergent appearance and character of the locality and use robust, attractive materials."

### 2021 pre-application scheme

- 6.8 Following the refusal of the previous application, further pre-application advice was sought in August 2021. It was advised that the Council is supportive of the principle of developing the site and erecting a building which covers the wider site, however the overall scale and detailed design of the pre-application scheme was still of concern. It was suggested that the top floor of the proposal (the sixth storey), should be removed, and a part four and part five storey building could be supported by Officers. This would also likely lighten the reductions to daylight and sunlight to neighbouring properties. Further, Officers suggested that the detailed design of the building should be more akin to the proposed use of the building, noting it is located within the LSIS, and not residential. As such, gold cladding, Juliet balconies, projections to the principal elevation and amenity terraces, should be avoided.

## **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 392 adjoining and nearby properties on 30 June 2022 and expired on 24 July 2022.

7.2 At the time of the writing this report, 2 public/neighbour 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*]:

#### **Land use**

- The proposal is not a 'retro' first approach;
- The flexible workspace is neither in keeping with the residential homes on Blundell St and at Silver House, nor the daytime-operating industrial workplaces on Blundell St industrial estate. Does Islington need a 5-storey building in this location?
- Shouldn't alternative proposals for housing be explored given the high demands in the area? [*It is assumed that this relates to retrofitting the existing building and site. The application for redevelopment is considered acceptable in principle in paragraphs 9.2 – 9.35.*]

#### **Neighbouring amenity**

- The application would block sunlight completely from the homes of many young families and vulnerable people, and the children's play garden; [*See paragraphs 9.72 – 9.110 which outline and consider the transgressions to neighbouring properties in relation to reductions to daylight, sunlight and overshadowing of external amenity space.*]
- The flexible workspace will give rise to 24 hour access for workers and increase noise and disturbance; [*See paragraphs 9.68 – 9.71 for consideration of noise and disturbance.*]
- The building would allow overlooking leading to loss of privacy to nearby homes; [*See paragraphs 9.64 – 9.66 for consideration to loss of neighbouring privacy and overlooking.*]

#### **Design and appearance**

- It is too tall and unsuitable for the area; [*See paragraphs 9.35 – 9.57 for consideration to height, bulk, detailed design and appearance.*]

#### **External Consultation:**

7.3 **Transport for London** – no response received.

7.4 **Thames Water** – no response received.

#### **Internal Consultation:**

7.5 **Accessibility and Inclusive Design** – The general arrangement of the building with regards to providing step free access to all floors via lifts, accessible WC provision and emergency refuges, is supported. Accessible cycle storage is provided (quality and quantum) in accordance with London Plan standards, whilst end of trip facilities are acceptable. The inclusive design and accessibility details should be secured through condition.

*[Officer Response: Noted, the inclusive design details outlined in the proposed inclusive design floor plans are to be secured through Condition 2.]*

7.6 **Building Control** – Clarifications requested with regards to the submitted Fire Statement, to which the Applicant has responded. Finalised fire safety strategy is subject to Building Regulations.

7.7 **Design & Conservation** – Following the revision to set-back the upper most storey of the building, there is no objection to the proposed scale and massing of the building and its impact upon the streetscene.

- 7.8 **Energy** – 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.

*[Officer Response: Noted, paragraphs 9.129 – 9.151 consider the energy credentials of the proposal, whilst also reflected in conditions 12 and 13, and the planning obligations recommended at paragraphs 9.185.]*

- 7.9 **Environmental Health (Acoustic)** – There will inevitably be some building services plant to serve the workspaces. No objection is raised subject to conditions limiting the maximum noise level measured to the nearest sensitive receptors.

*[Officer Response: Noted, Condition 4 secures further details as recommended.]*

- 7.10 **Environmental Health (Contaminated Land)** – The site is underlain with vaults historically associated with the Whitbread Brewery. A preliminary desktop contaminated land study has been submitted, which outlines potential pollutants. There will need to be a full site investigation along with any likely remediation strategy and as such this should be conditioned.

*[Officer Response: Noted, regarding the impacts of contamination, condition 21 relates to securing investigation and any required remediation works as recommended.]*

- 7.11 **Highways and Transport** – A S106 legal agreement to be applied to the planning application to cover costs caused by any damage to the public footway/carriageway during construction. Parking Bay DC401 should be suspended during construction. A banks person must be present at all times when construction/delivery vehicles are entering and leaving the site as this area is used by parents/guardians taking children to Robert Blair School. Any spillages to the carriageway during construction must be swept/cleared and washed away. No construction vehicles/delivery vehicles are to double park on Blundell Street No Vehicles are to Idle.

*[Officer Response: Noted, a finalised Construction Management Plan is to be submitted and approved via condition 11, as recommended.]*

- 7.12 **Planning Policy (Land Use)** – The current use is retail which is protected by Development Management Policy DM4.7, which protects shops outside of town centres and local shopping areas. The loss of shops is not permitted unless the premises has been vacant for two years and has been marketed without success to demonstrate that there is no prospect of the unit being used a shop. No marketing evidence has been provided. Loss of retail is in not in line with policy, however the loss of the retail and the benefits of the replacement uses should also be considered in relation to the role of the LSIS as an industrial location.

The site is within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS). new development proposals should enhance the area’s potential to retain and maximise industrial capacity. Development in this location that would have detrimental impact on the area’s primary economic function as an industrial location will be resisted.

The proposal to develop light industrial floorspace is supported as it creates industrial floorspace on a site where there was none. Office use is supported where it does not compromise the continued industrial function of the LSIS would remain. I note that the amount of industrial floorspace has been increased from previous iterations of the scheme and this is supported. Both uses, light industrial and flexible Use Class E(g) which would include office should be restricted to these uses and not broader Class E.

*[Officer Response: Noted, paragraphs 9.2 – 9.35 consider land use implications. Conditions 20 restrict the use of the building.]*

- 7.13 **Sustainability** – In general, the submitted details are considered acceptable, subject to conditions to secure further details.

A comprehensive Drainage Strategy has been submitted, including details on drainage/Sustainable Drainage System design using blue/green roofs and a geocellular tank, alongside rainwater

harvesting is welcomed. The proposed run-off rate of 2.0 l/s is acceptable. These details should be secure through condition.

*[Officer response: Noted, condition 23 secures the Drainage Strategy details].*

The proposal to use rainwater harvesting water for flushing of toilets is welcomed and should be confirmed via condition.

*[Officer response: Noted, condition 23 secures the Drainage Strategy details].*

Urban Green Factor: The UGF score of 0.18 falls short of the recommendation (of 0.3 for commercial buildings) within London Plan policy G5. As it is not possible to provide greater uplift in biodiversity value on site, the incorporation of appropriate bird/bat boxes, including swift bricks is recommended. While this will not impact the UGF, it will provide biodiversity benefits.

*[Officer response: Noted, conditions 15 and 16 secures details of UGF and bird/bat boxes details].*

## **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) 2019, 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 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. The Council consulted on main modifications to the plan from 24 June 2022 to 7 August 2022.
- 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:

Policy SP3 Vale Royal / Brewery Road Locally Significant Industrial Site	Policy S5 Energy infrastructure
Policy B1 Delivering a range of affordable business floorspace	Policy S6 Managing heat risk
Policy B2 New business floorspace	Policy S7 Improving air quality
Policy B3 Existing business floorspace	Policy S8 Flood risk management
Policy B4 Affordable workspace	Policy S9 Integrated water management and sustainable design

Policy B5 Jobs and training opportunities  
Policy R8 Location and Concentration of Uses  
Policy G4 Biodiversity, landscape design and trees  
Policy G5 Green roofs and vertical greening  
Policy S1 Delivering sustainable design  
Policy S2 Sustainable design and construction  
Policy S3 Sustainable design standards  
Policy S4 Minimising greenhouse gas emissions

Policy T1 Enhancing the public realm and sustainable transport  
Policy T2 Sustainable transport choices  
Policy T3 Car-free development  
Policy T4 Public realm  
Policy T5 Delivery, servicing and construction  
Policy DH1 Fostering innovation while protecting heritage  
Policy DH2 Heritage assets  
Policy DH3 Building heights  
Policy 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:
- Kings Cross and Pentonville Road Core Strategy Key Area;
  - Vale Royal/Brewery Road Local Industrial Site (LSIS);
  - Article 4 Direction B1c to C3 (CAZ); and
  - Article 4 Direction A1-A2 (Rest of Borough);
  - Local View from Archway Bridge (View 5);

#### **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. OFFICER ASSESSMENT**

- 9.1 The main material considerations arising from this proposal are as follows:
- Land use in principle;
  - Design and appearance
  - Accessibility and inclusive design;
  - Neighbouring amenity;
  - Transport and highways;
  - Energy and 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 regarding existing and proposed land use.
- 9.3 The site is located in the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) as defined within Islington Core Strategy ('ICS') 2011 policies CS6 and CS13, Islington Development Management Policies ('DM') 2013 DM5.3 and Draft Islington Local Plan policy SP3.
- 9.4 Draft Islington Local Plan explains that the industrial/business cluster east of York Way is the only remaining significant concentration of industrial uses in Islington. It is located centrally in the borough and provides over 100,000m<sup>2</sup> of employment uses, mostly comprising light industry E(g)(iii), general industry (B2) and storage and distribution (B8) uses. As well as providing employment, the cluster fulfils an important supporting role for commercial, retail and leisure uses in central London.
- 9.5 Islington's economic success relies on the diversity of its business clusters and the Brewery Road/Vale Royal LSIS is an example of this. In recent years, there has been an increase in "cleaner" industrial activities driven by market demand. Light industrial activities, particularly in the LSIS, have an important function in complementing and supporting general industrial and storage and distribution uses in the area. The LSIS has also an important role in supporting Central London's economy due to its proximity to the CAZ.
- 9.6 To support its designation, the introduction of land uses that would erode the function of the Vale Royal / Brewery Road Locally Significant Industrial Site will not be permitted. Given its suitability for employment use, and its function as the only Locally Significant Industrial Site in the borough, active marketing of vacant floorspace should be demonstrated for a period of at least two years where loss of business floorspace is proposed.
- 9.7 It is also noted that the site is located within an Article 4 Direction which has removed Permitted Development rights for the change of use from B1(c) (light industrial uses) to C3 Use Class (residential) and requires full planning permission.
- 9.8 The NPPF 2021 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 9.9 ICS policy CS6 'Kings Cross' is a spatial strategy for Kings Cross that highlights the specific spatial policies for managing growth and change for this key area within the Borough. It states that The Vale Royal/Brewery Road area will be retained as the only locally significant concentration of industrial/warehousing/employment land in the borough.
- 9.10 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.
- 9.11 Business floorspace is defined in the Council Core Strategy as space which accommodates activities or uses that fall within the "B" use class (including warehousing).
- 9.12 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.

- 9.13 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).
- 9.14 DM policy DM5.3 'Vale Royal / Brewery Road Locally Significant Industrial Site' outlines the objectives and mechanisms in supporting the retention, vitality and viability of the LSIS. It states the following:
- "A. The council supports the retention and intensification of uses appropriate to the role of the Locally Significant Industrial Site (i.e. within the B1(c), B2 and B8 Use Classes).*
- B. Proposals that would result in a loss or reduction of floorspace in the B1(c), B2 or B8 Use Classes will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence related to the continuous marketing of vacant floorspace for a period of at least two years.*
- C. Notwithstanding (B), the loss or 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).*
- D. Planning permission will be refused for the introduction of non-business uses (i.e. which fall outside the B Use Classes) except for services and facilities that are clearly ancillary to, and support the economic and employment function of, the Locally Significant Industrial Site."*
- 9.15 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.
- 9.16 The Draft Islington Local Plan policies consider the latest employment and industrial land evidence base both at local and regional levels, in line with national policy. In response to the London Plan, Policy SP3 part A of the Draft Islington Local Plan identifies the principal objective of the Vale Royal/Brewery Road LSIS as being "to retain industrial land and intensify B1c light industrial, B2 general industry and B8 storage and distribution uses", while part C from this policy states that "any proposal which introduces additional offices, regardless of whether there is an existing office use on site, and which does not result in the building being in predominantly industrial use, will be refused."
- 9.17 Policy B2 from the Draft Islington Local Plan sets out that the overriding priority land uses in LSIS designations are industrial uses (B1(c), B2, B8 and Sui Generis uses which are akin to industrial uses). The retention and intensification of industrial uses and existing clusters of industrial activity in LSISs will be required as part of any proposal within a LSIS. The provision of hybrid space is supported. The development of office use may be permissible as part of a hybrid workspace scheme, but it must only constitute a small proportion of the overall gross floorspace proposed.
- 9.18 Emerging local policies Draft Islington Local Plan consider that the introduction of a large quantum of non-industrial uses would over time undermine the primary industrial economic function and compromise the future growth of LSISs and will therefore not be permitted unless they are clearly ancillary to a proposal. The provision of hybrid space in LSIS designations is also referenced in Policy SP3, part B, that encourages the provision of a range of flexible industrial uses including those suitable for SMEs, in line with policy E6 of the new London Plan.
- 9.19 London Plan policy E4 'Land for industry, logistics and services to support London's economic function' seeks to ensure that a sufficient supply of land and premises exist in different parts of London, to meet current and future demand for industrial and related functions. It states that in overall terms across London, there is no net loss of industrial floorspace capacity within SIL and LSIS. Further, Policy E4 explains that such floorspace capacity is defined as "either the existing industrial

and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater)".

- 9.20 London Plan policy E6 'Locally Significant Industrial Sites' requires London boroughs to designate and define boundaries for Locally Significant Industrial Sites, making clear the range of industrial and related uses acceptable in the LSIS to include, where appropriate, hybrid or flexible B1c/B2/B8 suitable for SMEs. This encourages all boroughs to explore the potential to intensify industrial activities on industrial land to deliver additional capacity (para 6.7.1 of the supporting text to policy E7).
- 9.21 London Plan policy E7 "Industrial intensification, co-location and substitution" instructs both borough local plans and development proposals to be proactive and encourage the intensification of industrial (B1c, B2, B8) uses on all categories on industrial land (meaning SIL, LSIS and non-designated industrial sites) through various measures.
- 9.22 The Mayor's current approach towards protection of industrial land is underpinned by robust evidence, including the London Industrial Land Demand Study (LILDS, 2017), the London Industrial Land Supply and Economy Study (LILSES, 2015) and The Industrial Land and Transport Study (ILTS, 2017). Para 6.4.4 from the London Plan indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041, mostly driven by strong demand for logistics to service growth in London's economy and population. In addition, the ILTS (2017) concluded that the release of industrial land could have a negative impact on the efficient operations of the firms affected by land release; the labour market, if firms have to relocate a significant distance; the ability to achieve service level agreements and supply chain impacts on third parties more generally; and traffic congestion, air quality and emissions and road safety issues.
- 9.23 The Vale Royal/Brewery Road LSIS accommodates many of the type of uses suggested in the Mayor's evidence, including 'clean' activities that provide for the expanding Central London business market. Such activities may also exist alongside more traditional forms of industrial uses, as well as emerging forms. The uses identified include:
- trade suppliers (plumbers and builders' merchants);
  - companies supplying logistics and sound equipment for live events;
  - props hire companies;
  - artisan bread makers;
  - catering companies;
  - distribution companies (wine distributor);
  - a graphics company who design and manufacture hoardings; and
  - photographic and sound recording studios.

## **Assessment**

### Existing use

- 9.24 The existing use of the site is as retail in the form of tool hire merchants (including ancillary office and storage to the rear of the site) and is approximately 290sqm in area. A further 400sqm of open storage and yard space to the front of the site is associated with the main retail use. A Certificate of Lawfulness for Existing Use was recently granted (P2019/1502/COL) demonstrating the existing lawful A1 Use Class (now E(a) Use Class) on site.
- 9.25 The loss of retail is regrettable, as the particular type of retail that the site offers at present for the hiring of tools, is considered appropriate for a LSIS location, given the size of the tools to be hired, much like a building merchant.

### Proposed use

- 9.26 The site is not allocated within either the current adopted or Draft Islington Local Plan. It should be noted that the site benefits from an unimplemented Prior Approval to convert to a residential use under reference: P2019/2786/PRA.
- 9.27 The proposal involves the demolition of the existing buildings on site and the removal of the yard space, to provide a new building involving 1,258sqm of light industrial (E(g)(i) Class) space and 948sqm of flexible workspace (Class E(g)). As such, the proposal does not involve net loss of industrial floorspace in accordance with part B of Policy DM5.3.
- 9.28 The application maintains and enhances industrial floorspace on site by proposing an uplift from zero sqm to 1,258sqm in accordance with adopted local policy, whilst the flexible 948sqm of flexible Use Class E(g) would also allow for light industrial, research and development, or office.
- 9.29 It can be confirmed that the application site measures 0.54 hectares or 544sqm. The Applicant states that the London Plan seeks a no overall net loss of overall industrial capacity and referred to a 65% plot ratio as a benchmark, i.e. 65% of the overall site area should be retained as industrial floorspace. However, following the direction by the SoS advise for the removal of the 65% plot ratio reference and directed a more flexible approach, the overall aim of providing sufficient industrial and logistics capacity remains, so the benchmark still provides a useful exercise. Potential industrial and warehousing floorspace that could be accommodated on site at a 65% plot ratio is approximately 360sqm. The application proposes 1,213sqm of light industrial (E Class (g)(iii)) floorspace, which is considerably above a minimum benchmark for industrial floorspace capacity threshold of 65% plot ratio.
- 9.30 Consideration is also given to Islington's Core Strategy Policy CS6 (King's Cross). Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged. This is echoed by Core Strategy Policy CS13, which requires new business floorspace to be flexible to meet future business needs and for proposals to offer a range of unit types and sizes, including those suitable for SMEs. The proposals include a wide range of flexible office and industrial units from small units suitable for SMEs which could be amalgamated into larger worksapces which maximise employment capacity. The proposal also includes generous floor-to-ceiling heights and suitable servicing and delivery providing flexible business floorspace for a diverse range of potential occupiers in line with planning policy.

### **Land use summary**

- 9.31 The proposal is considered to comply with the overarching land use policy directives, as it would intensify appropriate use within the LSIS and supports the area's industrial designation.
- 9.32 The proposal is considered to accord with NPPF chapter 6, London Plan (2021) policies E4 and E6, Islington Core Strategy (2011) policies CS6 and CS13, Islington Development Management Policies (2013) DM5.1, DM5.3 and DM5.4, as well as emerging Islington Local Plan policies SP3. The proposed land use is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.
- 9.33 It should be noted that Condition 20 is recommended to ensure that 1,213sqm floorspace of the new building can only be used for 'light industrial' purposes and cannot be changed to other uses within Use Class E (including other uses within (g) such as research and development and/or office) via permitted development rights.
- 9.34 Further, Condition 20 is recommended to ensure that the flexible Use Class E(g) floorspace of 992sqm to be open for use as either office, research and development, and/or light industrial, shall not be changed to other uses within Class E via permitted development rights.

## **Design and appearance**

### **Policy Context**

- 9.35 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.
- 9.36 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.
- 9.37 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.
- 9.38 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).
- 9.39 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.
- 9.40 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.
- 9.41 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.
- 9.42 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.
- 9.43 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.

- 9.44 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.
- 9.45 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.

### **Surrounding context**

- 9.46 The site occupies a plot on the north side of Blundell Street approximately 30 metres from the junction with Caledonian Road. It is approximately two thirds open with a builder's yard to the front of the site and two storey building to the rear, and fronts Blundell Street with a gate and brick wall over 2m in height. There is a marked fall across the site from north to south and to adjoining sites to the north. It is a deep plot, extending back 44m from the street frontage and is frontage of 12m width means that it is narrow relative to its neighbours.
- 9.47 There are no existing buildings of any architectural merit on the site, with the closest designated heritage asset being the grade II listed Pentonville Prison on Caledonian Road. The buildings to the west at no.6 Blundell Street and on the corner of Caledonian Road and Blundell Street are considered to contribute positively to the townscape in the locality, however.
- 9.48 The building at no.6 Blundell Street was formerly the offices for the now demolished brewery complex on Brewery Road and is visually linked to the historic buildings through its materials and detailing. It can be considered to be a non-designated heritage asset owing to its architectural, historic and evidential values. It is a yellow stock brick building symmetrically arranged with two wings flanking a double height central space lit from above by a glazed roof. Its principle elevation uses contrasting brick quoins and a deep, heavily decorative brick cornice line to give expression to the form and organisation. The building occupies the full depth of the plot presenting a largely blank flank frontage to a height of two storeys to the proposal site. An electricity sub-station located in the base of the building is accessed via an opening in its eastern flank elevation that is reached via the yard of the proposal site.
- 9.49 To the east, no.2 Blundell Street is an open garage forecourt with small ancillary workshop and office building to the rear. To the east of this is the corner plot of Caledonian Road and Blundell Street. It is a three-storey building, assumed to be a former Victorian pub, with a single storey extension at fourth floor level set back behind the heavy parapet of the original building. As is typical of the typology, it has a high ground floor to ceiling height.
- 9.50 Blundell Street features relatively narrow pavement widths, a single carriageway width in each direction and building heights typically of 1-2 storeys for sites in non-residential use and 3-4 storey housing. A raised four storey residential building faces the site to the south across Blundell Street which is arranged as two rows of stacked maisonettes served by access walkways on the Blundell Street frontage.

### **Height, scale and massing**

- 9.51 The applicant has been advised through pre-application responses and the refusal of the previous application, that the appropriate scale of development to this site should be determined in response to the scale of surrounding development and the relation of the plot's shape and position to its immediate locality. The site is a narrow but deep plot and its redevelopment would partially infill a gap in the street frontage. A development that is out of scale with neighbouring plots would be detrimental to the established grain and hierarchy and would fail to take the opportunity to replace a sense of coherence to the fragmented street frontage.
- 9.52 Therefore, the relevant points of contextual reference in determining appropriate scale and massing on this site are the neighbouring historic building at no.6 Blundell Street and the former Victorian pub building occupying the corner of Caledonian Road and Blundell Street. The corner building is prominent within the townscape because of its location and has a parapet height of approximately 11m (or three commercial storeys). The previous advice concluded that the site can support a maximum development height of three commercial storeys on the principal frontage with the potential for an additional set back fourth storey.
- 9.53 The proposal has been amended from the previously refused application by way of removing a storey, and further setting back the fourth floor from the principal elevation. The proposed building will cover the entire plot with the massing arranged into two parts, with the taller five storey element to the front of the site, and dropping down to four storeys to the rear, with a central atrium dividing them. The reduction in height through removal of a storey and significant set-back to the fifth storey is now not considered to be harmful to setting of the neighbouring building or surrounding context. Officers consider that the amended proposal has overcome the previous reason for refusal for overbearing scale and failing to take the opportunity restore coherence to the streetscene. The below figures compare the previously refused application and current proposal.



Figure 9: Comparison of the refused scheme (left) and the proposed scheme (right) when looking east down Blundell Street



Figure 10: Proposed CGI View from the junction of Caledonian Road and Blundell Street (left shows the previous scheme and the right current proposal)



Figure 11: Proposed CGI aerial view of the proposed building

### Detailed design, appearance, and materiality

- 9.54 The proposed building's front façade is aligned with its neighbour at no.6 Blundell Street. The proposal has removed projecting louvres to the front elevation which formed the previously refused scheme. The removal of the louvres into an established principle elevation now achieves a clear sense of order and ensures a consistent street frontage to Blundell Street. Further, the proposal ensures that the cornice to neighbouring no.6 continues to protrude from the building and would attach to the proposed building elevation.
- 9.55 Islington's Urban Design Guide (2017) states that the proposed palette of materials should not jar, inappropriately draw the eye or otherwise undermine the local distinctiveness of the area. A dark grey metal cladding is proposed to the main facing material of the building. To the principal elevation fronting Blundell Street, the fenestration would include horizontal louvre to the top, and vertical timber 'fins' to one side of the window unit, which alternate as you move up the building. The windows and doors are aluminium in a dark grey.

9.56 Overall, the contemporary form and language of the proposed building, which is clearly to be in use for industrial purposes, reflecting the land thrust of the LSIS, is considered successful and a welcome approach by officers.

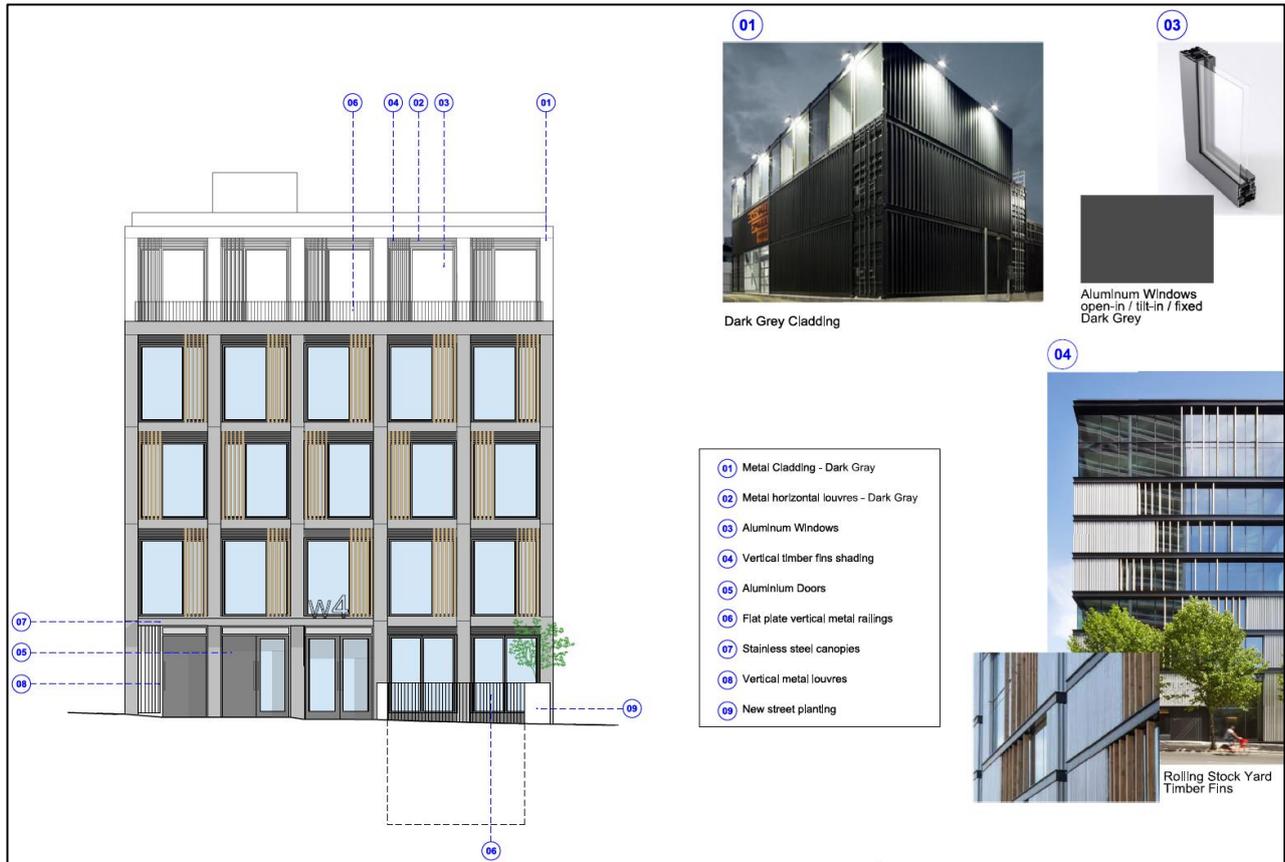


Figure 12: Proposed materials taken from the Applicant's Design & Access Statement

## Summary

9.57 The proposal is considered to be well-designed, while developing a site to its maximum capacity, is considered to sit comfortably within its context and provides for a good quality of contemporary industrial and commercial floorspace. The proposal therefore represents high-quality architecture in accordance with policies D3 and D4 of the London Plan (2021), policies CS8 and CS9 Islington Core Strategy (2011) and policies DM2.1 and DM2.4 of Islington Development Management Policies (2013), as well as Islington's Urban Design Guide.

## Accessibility and inclusive design

9.58 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.

9.59 The proposal would see modern accessibility and inclusive design features. Level access across the site to the entrance at ground floor level is secured whilst there are several lifts allowing for level access to all floors of the proposed building, including the basement.

9.60 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 51 and, as such, 2x 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 **£4,000** would be secured through a section 106 agreement.

- 9.61 The proposal is considered acceptable in relation to accessibility and inclusive design, confirmed by Council's Accessibility Officer, in accordance with policy D5 of the London Plan (2021) and policy DM2.2 of Islington's Development Management Policies (2013).

### **Neighbouring Amenity**

- 9.62 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.
- 9.63 There are immediate and adjoining residential occupiers to the subject site. Residential properties adjoin the site to the north-eastern boundary of the site, forming newly built 423-425 Caledonian Road (). Further, there are nearby residential properties to the south of Blundell Street at Fulbeck House and to the east at 419-421 Caledonian Road.

### **Overlooking and privacy**

- 9.64 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.
- 9.65 It is noted that there are no windows to the side facing elevations of the building (east and west elevations). To the front of the building windows are located at all levels from ground up to fourth floor. Although these windows face the windows of Fulbeck House, this would be mutual overlooking across a highway, in line with the rest of the buildings along Blundell Street.
- 9.66 A roof terrace is proposed at fourth floor level and would be set-back from the principle elevation by approximately 2.00 metres. Given the separation distance over the highway, officers do not consider that the roof terrace would be of detriment to neighbouring occupiers at Fulbeck House.

### **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 separation distance achieved. The building is two to three storeys shorter than the London Square development (423-425 Caledonian Road), whilst being less than a storey taller than nearby residential buildings such as Fulbeck House and 419 Caledonian Road.

### **Noise and disturbance**

- 9.68 A 'Plant Noise Assessment' dated 25 March 2021 and prepared by CSG Acoustics Ltd was submitted in support of the application. The assessment notes that a number of AC units and plant

are to be installed on within and on the building. The assessment includes a noise survey conducted at the site over a period of 5 days. It goes on to confirm the plant noise would be in line with Islington's limits through mitigation of the plant being housed within an acoustic enclosure. The plant would operate to a level of at least 5 dB below the lowest measured background noise. The noise level of all mechanical plant and equipment will be restricted as per condition 4.

- 9.69 The proposed flexi 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. Further, the proposed light industrial use would be in line with the thrust of industrial uses within the LSIS designation. The Council's Acoustic Environmental Health Officer has raised no objection to the proposed uses of the building and associated plant and equipment.
- 9.70 A roof terrace at fourth floor level to the front of the building is proposed. In order to protect neighbouring amenity, with condition 7 limiting the hours of use is recommended (to between 0800 and 2000 only), to ensure that noise and disturbance within night time is avoided.
- 9.71 Given the proposed amount of new glazing to the principle elevation, light emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should employees 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**

- 9.72 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.
- 9.73 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]*'.
- 9.74 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.75 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.
- 9.76 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

- 9.77 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).”

- 9.78 At paragraph 2.2.7 of the BRE Guidelines it states: “If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”
- 9.79 At paragraph 2.2.10 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”.
- 9.80 Paragraph 2.2.13 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.
- 9.81 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

- 9.82 The BRE Guidelines (2022) 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.”
- 9.83 The BRE Guidelines) state at paragraph 3.1.6 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.”
- 9.84 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”.*

- 9.85 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

- 9.86 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’.
- 9.87 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 of Daylight, Sunlight and Overshadowing

- 9.88 The Applicant has submitted a ‘Daylight, Sunlight and Overshadowing to neighbouring buildings’ report dated April 2022 and prepared by Brooke Vincent + Partners. In modelling the assessment, ‘Brooke Vincent + Partners’ 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 and online real estate agencies.
- 9.89 During the course of the application the proposed development has been revised through creating a set back of the fifth storey and the Applicant has submitted an Addendum Report to the Daylight, Sunlight and Overshadowing to Neighbouring Buildings report’ dated August 2022. The addendum report and annexes consider the impacts of the proposed development on the residential neighbours in accordance with the 2022 Building Research Establishment (BRE) guidelines.
- 9.90 The report concludes that a number of neighbouring properties relevant for assessment do not meet the recommended BRE guidance in relation to daylight and sunlight. There would be no transgressions with regards to overshadowing of external amenity spaces.



Figure 13: Location of neighbouring properties) in relation to the application site with the proposed massing.

### Impacts to Daylight

9.91 The submitted report indicates that 16 would transgress BRE guidance relating to VSC and 9 of the rooms assessed would see reductions beyond BRE guidance relating to NSL. Transgressions are reported to neighbouring 423-425 Caledonian Road and Fulbeck House. These are outlined further below.

#### 423-425 Caledonian Road

9.92 Located to the northeast of the site, this buildings is ranges from 5 to 7 storeys, and includes flexible employment and retail use at ground floor level and residential units to the upper levels. The transgressions to these are reported for reference in Table 1 below:

Table 1:

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>First Floor</i>								
R1 / W1	LKD	15.1	10.5	<b>30%</b>	37.4	37.4	23.1	<b>38%</b>
R2 / W2	LKD	13.7	10	<b>27%</b>	28.6	26.4	20.6	<b>22%</b>

9.93 As shown in the table above, two windows and rooms would see reductions in both VSC and NSL beyond BRE guidance. The two affected windows and rooms are in use as living/kitchen/diners to two separate units at first floor level. Both windows and rooms are set below an overhanging balcony above. Room 1 which would see a 30% reduction in VSC to its full width window/sliding doors would see a reduction in NSL of 38%, however this unit is dual aspect with outlook over Caledonian Road. Room 2 serves a single aspect unit (to the rear only) however, although there are reductions in both VSC and NSL, these are limited to the living/kitchen/diner only and transgress BRE guidance minimally.

9.94 Within the previously refused application, 4 windows and 2 rooms would have seen reduction beyond BRE Guidance in VSC and NSL. The proposal is an improvement over the refused application in both quantum and reduction % to neighbouring 423-425 Caledonian Road.



Figure 14: Floorplan and windows (highlighted in red) of affected neighbouring windows at first floor level of 423-425 Caledonian Road

9.95 A 'without balconies' results in which the additional calculations of the VSC for both the existing and proposed situations, without the overhanging balconies in place. It indicates that without the balconies do cause harm to the light received to the windows, as the windows would meet BRE guidance if the overhanging balconies above were not in place. Table 2 below shows the results to VSC with and without the overhang in place:

Table 2:

Room / Window	Room Use	Vertical Sky Component (as existing)			Vertical Sky Component (without balconies)		
		Existing (%)	Proposed (%)	Reduction (%)	Existing (%)	Proposed (%)	Reduction (%)
<b>First Floor</b>							
R1 / W1	LKD	15.1	10.5	<b>30%</b>	31.6	27.1	14%
R2 / W2	LKD	13.7	10	<b>27%</b>	32.7	28.3	13%

9.96 Officers consider that given the reductions are limited to only just beyond BRE guidance or to one room within a dual aspect unit, the proposal is of minor adverse impact to this neighbouring building.

9.97 It is acknowledged that balconies cannot actually be removed to the existing building, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance. However, it is clear that it is the architectural features of the neighbouring 423-425 Caledonian Road which prejudiced the development's impact.

#### Fulbeck House

9.98 Fulbeck House is a four-storey block of residential units to the south of the site forming part of the Boston Estate. The dwellings are two storey maisonettes with 'deck access' at ground and second floor level respectively.

9.99 It is noted that the windows at ground and second floor levels which face the proposal site are set within walkway balconies. 14 windows would not meet BRE Guidance regarding VSC and 6 rooms

would not meet BRE Guidance with regards to NSL. The transgressions to these are reported in Table 3 below:

**Table 3:**

		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>Ground Floor</i>								
R2 / W2	Kitchen	0.75	0.5	<b>35%</b>	6.4	4.4	4.1	8%
R3 / W3	Kitchen	0.92	0.46	<b>50%</b>	6.4	3.5	3.2	10%
R6 / W6	Kitchen	0.52	0.2	<b>61%</b>	6.4	4.8	2.5	<b>47%</b>
R7 / W7	Kitchen	0.67	0.21	<b>69%</b>	6.4	3.6	2.4	<b>33%</b>
R10 / W10	Kitchen	0.53	0.14	<b>73%</b>	6.4	4.8	2	<b>60%</b>
R11 / W11	Kitchen	0.35	0.1	<b>71%</b>	6.4	3.6	1.3	<b>66%</b>
R12 / W12	Kitchen	0.44	0.04	<b>91%</b>	6.4	5.4	2.4	<b>55%</b>
<i>Second Floor</i>								
R2 / W2	Kitchen	1.7	0.9	<b>46%</b>	6.4	5.2	5.2	0
R3 / W3	Kitchen	2	0.85	<b>57%</b>	6.4	4.8	4.8	0
R6 / W6	Kitchen	1.6	0.66	<b>61%</b>	6.4	5.3	5.1	4%
R7 / W7	Kitchen	1.9	0.64	<b>67%</b>	6.4	5	5	0
R10 / W10	Kitchen	1.66	0.73	<b>56%</b>	6.4	5.3	5.1	4%
R11 / W11	Kitchen	1.11	0.15	<b>86%</b>	6.4	5.2	3.7	<b>28%</b>
R12 / W12	Kitchen	3.23	2.2	<b>32%</b>	6.4	6.1	4.6	20%

- 9.100 The above table shows that 14 windows would see reductions beyond BRE guidance regarding VSC and 7 rooms would see reductions beyond BRE guidance regarding NSL. All the effected windows and rooms are in use as a kitchen. All of the impacted windows are located set-back from main elevation to allow for 'deck access' and beneath an overhang, as shown in Figure 12 below. As a result of the overhangs, the existing values of VSC are very low, no higher than 3.3%, and are therefore highly perceptible to change should any development of the subject site come forward.
- 9.101 Within the previously refused application, 14 windows and 7 rooms would have seen reduction beyond BRE Guidance in VSC and NSL. The proposal is an improvement over the refused application in both quantum and reduction % to neighbouring Fulbeck House.



Figure 15: Image of Fulbeck House showing the deck access and overhangs

9.102 The Applicant's Daylight and Sunlight Report also gives 'without balconies' results, in which the additional calculations of the VSC for both the existing and proposed situations, without the overhanging balconies in place, as follows:

Table 4:		Vertical Sky Component (as existing)			Vertical Sky Component (Without Balconies)		
		Existing (%)	Proposed (%)	Reduction (%)	Existing (%)	Proposed (%)	Reduction (%)
<i>Ground Floor</i>							
R2 / W2	Kitchen	0.75	0.5	<b>35%</b>	31.3	29.2	7%
R3 / W3	Kitchen	0.92	0.46	<b>50%</b>	31.2	29	7%
R6 / W6	Kitchen	0.52	0.2	<b>62%</b>	31.1	28.3	9%
R7 / W7	Kitchen	0.67	0.21	<b>69%</b>	31	28.1	9%
R10 / W10	Kitchen	0.53	0.14	<b>73%</b>	29.2	26	11%
R11 / W11	Kitchen	0.35	0.1	<b>71%</b>	27	24	11%
R12 / W12	Kitchen	0.44	0.04	<b>91%</b>	21.8	20	8%
<i>Second Floor</i>							
R2 / W2	Kitchen	1.7	0.9	<b>46%</b>	35.1	33.6	4%
R3 / W3	Kitchen	2	0.85	<b>57%</b>	35	33.5	4%
R6 / W6	Kitchen	1.6	0.66	<b>61%</b>	34.9	33.1	5%
R7 / W7	Kitchen	1.9	0.64	<b>67%</b>	34.8	33	5%
R10 / W10	Kitchen	1.66	0.73	<b>56%</b>	33.7	31.8	6%
R11 / W11	Kitchen	1.11	0.15	<b>86%</b>	31.8	30	6%
R12 / W12	Kitchen	3.23	2.2	<b>32%</b>	31	29.7	4%

Table 5:

Room / Window	Room Use	No Sky Line (as existing)				No Sky Line (Without Balconies)			
		Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<i>Ground Floor</i>									
R2 / W2	Kitchen	6.4	4.4	4.1	8%	6.4	6.3	6.3	0
R3 / W3	Kitchen	6.4	3.5	3.2	10%	6.4	6.2	6.2	0
R6 / W6	Kitchen	6.4	4.8	2.5	<b>47%</b>	6.4	6.3	6.2	1%
R7 / W7	Kitchen	6.4	3.6	2.4	<b>33%</b>	6.4	6.3	6.3	0
R10 / W10	Kitchen	6.4	4.8	2	<b>60%</b>	6.4	6.3	6.2	2%
R11 / W11	Kitchen	6.4	3.6	1.3	<b>66%</b>	6.4	6.3	6.2	2%
R12 / W12	Kitchen	6.4	5.4	2.4	<b>55%</b>	6.4	6.3	6.1	3%
<i>Second Floor</i>									
R2 / W2	Kitchen	6.4	5.2	5.2	0	6.4	6.2	6.2	0
R3 / W3	Kitchen	6.4	4.8	4.8	0	6.4	6.2	6.2	0
R6 / W6	Kitchen	6.4	5.3	5.1	4%	6.4	6.2	6.2	0
R7 / W7	Kitchen	6.4	5	5	0	6.4	6.2	6.2	0
R10 / W10	Kitchen	6.4	5.3	5.1	4%	6.4	6.2	6.2	0
R11 / W11	Kitchen	6.4	5.2	3.7	<b>28%</b>	6.4	6.2	6.2	0
R12 / W12	Kitchen	6.4	6.1	4.6	20%	6.4	6.2	6.2	0

9.103 The results of the 'without balconies' calculations show that the balconies do cause harm to the light received to the windows and rooms at Fulbeck House as existing. With the balconies in place as existing, the windows would have very low values and perceptible to reductions beyond BRE Guidance. The without balconies alternative assessment shows that all windows and rooms would meet BRE guidance and would receive high levels of daylight to the window and room without the overhanging balconies in place.

9.104 It is acknowledged that balconies cannot actually be removed to the existing building, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance. However, it is clear that it is the architectural features of the neighbouring Fulbeck House which prejudiced the development's impact.

#### Impacts to Sunlight

9.105 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. 3 windows would not meet BRE guidance in both APSH and WPSH, as shown below in Table 6:

Table 6: Sunlight Transgressions

Room / Window		Annual (APSH)				Winter (WPSH) (21 September to 21 March)		
		Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
<b>423-425 Caledonian Road</b>								
<i>First Floor</i>								
R1/W1	LKD	21	15	6	30%	5	2	60%
R2/W2	LKD	19	14	5	26%	4	1	75%
<b>421 Caledonian Road</b>								
<i>First Floor</i>								
R2/W4	Unknown	29	22	7	24%	5	3	40%

9.106 As shown in the above table, 3 windows would see reductions in sunlight beyond BRE Guidance. At 423-425 Caledonian Road, the closest windows to the site would see minimal reduction beyond BRE Guidance of 26% and 30% in APSH, however reductions to WPSH would be 75% and 60%. Although the corresponding daylight figures for these windows would also see reductions, the overall reductions to these windows in both daylight and sunlight are considered minor adverse impacts.

9.107 The 'without balconies' assessment to 423-425 Caledonian Road indicates that the without the overhanging balconies of the flats above, all windows would meet BRE guidance regarding both sunlight tests of APSH and WPSH.

#### Overshadowing of external amenity space

9.108 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).

9.109 1 neighbouring external amenity areas was assessed by the Applicant. This was the communal amenity space at first floor level to 423-425 Caledonian Road, which measures circa 325sqm in area. Approximately 293sqm (90%) of this area is lit by sunlight as existing, which would reduce to 282sqm (87%) following the development. As such, there would only be an absolute reduction of 4% to the sunlight to this amenity area and therefore meeting BRE guidance.

#### Daylight and Sunlight Summary

9.110 A comprehensive assessment of the proposed development on surrounding windows and rooms to neighbouring dwellings has been undertaken in accordance with BRE guidance (2022). Whilst there are several transgressions, with regards to both daylight and sunlight, beyond BRE guidance, the overall quantum is considered low whilst the reductions themselves are considered to be of 'minor adverse impact' given the circumstances and site context. It is acknowledged that transgressions weigh against the proposal, but the weight given is low by officers following inspection of the results, alternative targets outlined (without balconies) and context of the affected neighbouring properties. The BRE guidance should be viewed flexibly and considered regarding the prevailing urban context.

#### **Construction impacts**

9.111 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. A Construction 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 recommended condition 11. 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.

### **Highways and transport**

- 9.112 Chapter 10 of the London Plan (2021) sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlining 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.
- 9.113 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.
- 9.114 A Transport Statement dated April 2022 prepared by Entran has been submitted in support of the application and includes a Delivery and Servicing Plan and interim Travel Plan. It should be acknowledged that the site only has access on to Blundell Street.

### **Trip Generation**

- 9.115 In calculating the trip generation data, this is determined by comparing the net increase in journeys between the existing and proposed uses, in accordance with Department for Transport Guidance on Transport Assessment (2017). For existing trip generation, the site has been deemed as a retail use (although the site is Sui Generis in land use terms, retail is considered the closest use for tool hire), and is considered appropriate by Officers. The existing site has a total floorspace of 544sqm, with the building to the rear comprising of 296sqm. If the external forecourt were to be used for another form of retail, the forecourt could provide for 10x customer car parking spaces. The Transport Statement has determined the existing use as a convenience store, outlining the possible 'most used/visited' retail type (as a convenience could occupy the site without the need for planning permission). The existing total multi-modal daily trips has been calculated at 4,872, with 5.3% being via car (both driver and passenger),
- 9.116 A total of 303 forecasted daily total trips to and from the site has been calculated. It is expected that 15% are expected to be in private cars (albeit given the car parking restriction, likely to be 'drop-offs' or as a passenger). 39% are expected to be via walking, with 20% for rail and bus a further 20%. 4% are expected to be HGV with regards to delivery and servicing needs. Cycling is forecast to be 2% of daily trips. As such, 81% of forecasted daily trips are to fall within sustainable transport modes (walking, cycling, bus and rail).

### **Vehicle Parking**

- 9.117 The site does not have any formal parking for employees/customers as existing. Several vehicles associated with the Building Merchants and Tool Hire are parked on and kept on site. As outlined above, if the site were to be used for another form of retail, the forecourt could provide for 10x customer car parking spaces.
- 9.118 The proposal would be car free, with no off-street parking provision.

### **Cycle Parking**

- 9.119 London Plan (2021) 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. The requirements for cycling parking are set out in Table 10.2, within the accompanying text to Policy T5 of the London Plan. Light

industrial, and research and development, requires 1 space per 250sqm (GEA) and office floorspace requires 1 space per 75sqm.

9.120 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 Blundell Street and its northern walkway.

9.121 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 floorspace. The store(s) need to be secure, covered, conveniently located and step free. The following provision of long-stay cycle space is required:

Use	Floorspace	Long Stay Requirement	Short Stay Requirement
Light industrial	1,212sqm	3	1
Open Use Class E(g) including office, research and development, and light industrial	992sqm	13	1
<b>Total:</b>	<b>2,206sqm</b>	<b>16</b>	<b>2</b>

9.122 18 long-stay cycle parking spaces (14 within a 2 tier rack and 4 by way of Sheffield stands) are located at ground floor level, accessed directly from the street. Further, space is provided for 2 accessible bicycles/tricycles and for a mobility scooter charging point.

9.123 As such, a sufficient quantum of long-stay and short-stay cycle parking spaces are proposed. Further, lockers, shower and changing facilities are proposed next to the cycle storage area and can then easily access the rest of the building internally. The proposal is considered to be in accordance with policy T5 of the London Plan (2021), policy CS10 of Islington's Core Strategy (2011) and policy DM8.4 of Islington's Development Management Policies (2013) with regards to cycling. The cycle storage provision proposed is to be secured prior to occupation through condition 6.

### **Servicing and Deliveries**

9.124 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.

9.125 Given the site location within the Local Significant Industrial Site, servicing vehicles are common through the day along Blundell Street and neighbouring highways. The Transport Statement outlines that an expected

9.126 With regard to refuse and recycling collection, given the building is to be commercial in use, collection is to be undertaken by private contract. The dedicated refuse storage area is at ground floor level to the front of the building, and as such the bins will not be required to be moved more than 10 metres. The submitted draft Delivery and Servicing Plan states that there are currently no restrictions to servicing to neighbouring industrial and commercial uses with regards to frequency and times. However, in order to protect the amenity of neighbouring residential properties, Officers recommend that no servicing takes place between night time hours (2300 to 0700).

9.127 As indicated within the Transport Statement Delivery and Servicing Plan, a finalised version of the Delivery and Servicing Plan is to be secured by condition 10, to include restriction of delivery and servicing within night time hours of between 2300 and 0700, prior to occupation of the building.

## **Summary on transport and highways**

9.128 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions 6, 10 and 16. 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 DM8.6. The proposal is therefore acceptable in terms of transport / highways subject to conditions and S106 contributions outlined in paragraph 9.185 below.

## **Energy and sustainability**

- 9.129 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.
- 9.130 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.
- 9.131 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.
- 9.132 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.
- 9.133 The applicant has submitted the relevant detail within a 'Sustainable Design and Construction Statement' dated 17 March 2022. Following initial comments on the submitted energy statement by the Council's Energy Officer relating to how the proposal will meet the GLA's 'Be Seen' (London Plan policy SI 2(A4) requirements and with regards to the draft Green Performance Plan measurable target for CO2 emissions and a totalled measurable target for energy usage, revised information was submitted under 'Sustainable Design and Construction Statement v2' ('SDCS') dated 17 August 2022.

### *Carbon Emissions*

- 9.134 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 67.5% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.135 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 43.8% reduction in total emissions against a Building Regulation 2013 baseline, thereby exceeding the requirements of Islington's Core Strategy policy CS10.

- 9.136 Regarding 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 SDCS includes a correctly calculated Carbon Offset contribution of £18,712 for the 20.3 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation.

#### *Sustainable design standards*

- 9.137 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".
- 9.138 A BREEAM Pre-Assessment has been submitted for the development achieving an 'excellent' rating with an overall score of 73% as required by Islington DM 7.4A, which shall be secured through Condition 12.

#### *Energy demand reduction ('Be Lean')*

- 9.139 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." Further, 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".
- 9.140 The submitted SDCS indicates that all fabric elements meet or improve on the recommendations of Islington's Environmental Design SPD. Further, it explains how the Cooling hierarchy has been used to reduce the demand for cooling. LEDs and appropriate sensors have been specified throughout.
- 9.141 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".
- 9.142 Thermal modelling has been carried out (Appendix D of the SDCS) using CIBSE TM49 weather files and assessed against the criteria of CIBSE TM52 as required in GLA Energy Assessment Guidance. This shows all areas failing against the criteria of CIBSE TM52 in 2030 and 2050. This justifies the inclusion of ASHP to provide active cooling. 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')*

- 9.143 The SDCS proposes that heat and hot water to the building is provided by VRF air source heat pumps (ASHP).
- 9.144 Islington policy DM7.3B states all major developments within 500 metres of an existing or planned District Energy Network (DEN) are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible. The SDCS highlights that the

proposed development is more than 500m from the nearest planned or existing DEN and therefore there is not requirement to assess feasibility for connection. Further, the SDCS addresses future connection to a future DEN and commits to construction of a plantroom for the plant necessary for connection as well as a safeguarded pipe work route from the plant room to the property boundary, in accordance with Islington's Environmental Design SPD.

9.145 Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible. The SDCS shows that the applicant has approached a neighbouring building about the possibility of forming a shared heating network but have not had a response.

9.146 London Plan SI3 states that where major developments can't connect to local existing or planned heat networks they should next look to 'use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)'. The SDCS proposes ASHP to provide heating and cooling and this is acceptable given there is not an existing or planned DEN within 500m of the subject site.

#### *Renewable energy supply ('Be Green')*

9.147 The use of renewable energy should be maximised to enable the achievement of CO2 targets. The SDCS includes an assessment of a range of renewable technologies which are ruled out for valid reasons. ASHP has been specified for heating and cooling as previously discussed. A 36 panel Solar PV array is also proposed.

#### *Monitoring Energy Performance ('Be Seen')*

9.148 London Plan (2021) policy SI2 states that development must "be seen: monitor, verify and report on energy performance" and that "The move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered. Major developments are required to monitor and report on energy performance, such as by displaying a Display Energy Certificate (DEC), and reporting to the Mayor for at least five years via an online portal to enable the GLA to identify good practice and report on the operational performance of new development in London."

9.149 The revised SDCS includes a section on 'Be Seen; and states that the applicant makes the commitment to enable post construction monitoring and that the information set out in the 'be seen' guidance is submitted to the GLA's portal at the appropriate reporting stages. The initial submission will be made within 8 weeks of the grant of planning permission. It is further acknowledged by the Applicant that this will be secured via legal agreement.

#### *Green Performance Plan (GPP)*

9.150 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.

9.151 A revised Draft Green Performance Plan has been submitted 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 (SUDs)**

9.152 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.

- 9.153 The submitted 'Surface Water Drainage Strategy' indicates that the proposed building would cover the whole of the site at 530sqm.
- 9.154 The strategy in indicates that as infiltration is not deemed suitable for the roof runoff, it is proposed that the runoff from the roof is managed through blue roof systems (for approximately 240sqm of the roof) and geocellular attenuation tank for the remaining approx. 290sqm of roof is proposed.
- 9.155 The combined attenuation tanks would discharge into the existing public combined sewer at a restricted 2.0 l/s, this would be designed for all storm events up to and including the 1 in 100 year event plus 40% climate change. This is a significant saving on existing brownfield rates and the comprehensive drainage strategy including drainage/SUDS design using blue and green roofs, geocellular tank, alongside rainwater harvesting, is welcomed and is considered policy compliant by the Council's Sustainability Officer.
- 9.156 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 23.

9.157 **Biodiversity, landscaping and trees**

- 9.158 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.
- 9.159 There are no trees on the site as existing, whilst there are no street trees near to the site on Blundell Street or to neighbouring sites. 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.
- 9.160 The proposal includes green and blue roofs, to the flat roof at fourth floor level, and also to the main roof beneath the solar PV array. Further details of the final requirements in regard to substrate depth and a focus on wildflower planting has been recommended by the Council's Sustainability Officer to be secure through condition 14.

**Urban Green Factor ('UGF')**

- 9.161 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.
- 9.162 The application site is currently covered by hard standing surface and the existing building and as such has no ecological activity of note at present. The numerous flat roofs of the proposed building offer an opportunity to enhance the biodiversity and ecology by way of green/blue roofs. The proposal would achieve an UGF of 0.18 through external green roofs, permeable paving and green walls. This is an improvement on the previously refused scheme. Although the proposal fails to meet the recommended score of 0.3 for commercial buildings, it is considered that the Applicant has maximised urban greening on site, given the proposed building would cover the full site plot, with

limited scope for further greening. The extent of green roofs has been maximised, to be placed below solar panels. Officers consider that the proposal maximises urban greening to a brownfield site with hard surface, and the scheme can be supported in this instance.

- 9.163 The proposal would significantly enhance biodiversity on the site through the provision of green roofs and other soft landscape interventions. Further ecological enhancements will be required by conditions 14, 15 and 16, and a contribution of £7,500 towards off-site tree planting will be required by legal agreement.
- 9.164 For these reasons, the biodiversity strategy is considered acceptable subject to implementation of condition 14, 15 and 16, and the payment of the tree planting contribution.

**Air Quality**

- 9.165 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.
- 9.166 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 11. 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 11.

**Fire Safety**

- 9.167 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.
- 9.168 A Fire Safety Statement 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 queries on the Statement, and the Applicant has confirmed certain points relating to competency of the author of the statement, single direction travel from the upper floors and fire safety arrangements. 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. The below table outlines London Plan policy D12 requirements:

London Plan policy D12(b) requires the following detail:	Response:
1. The building’s construction: methods, products and materials used, including manufacturers’ details.	The basement will be constructed in reinforced concrete to both the retaining walls and ground slab. The lift structure and core of the building will also be reinforced concrete. The upper floors are to be constructed in steel shipping containers and isolated steel beams and posts. The façade is proposed to consist of metal cladding, aluminium fenestration and doors, and stainless steel canopies. The façade construction is required not to be a medium of fire spread. Therefore, it is proposed

	<p>that the surface spread of flame characteristics will achieve limited combustibility or Class B-s3, d2 classification in accordance with BS EN 13501-1. This exceeds the minimum requirement, where there is 'No Provision' applied to buildings with a boundary separation of more than 1m.</p>
<p>2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach</p>	<p>All areas will be provided with sufficient exits and escape routes to achieve the minimum required exit widths and travel distances in accordance with BS 9999. The required travel distance depends on the risk profile within an area, and can be further improved based on the provision of a Category L1 fire detection and alarm system, as well as a public address voice alarm (PAVA) system, and increased floor-to-ceiling heights in some areas of the building.</p> <p>An evacuation lift is proposed allowing for dignified and self-evacuation to be available either by the self-driven evacuation lift or traditional evacuation lifts with respect to BS 9999.</p> <p>The lift serving basement has been lobby protected and is independent from the stair, and whilst the lift shaft also serves upper floor levels it is fire rated, and deemed to be a low fire risk.</p> <p>A refuge will be provided within each stair of the lobby on all floor levels where there is a change in level with two-way communication and a 1400mm x 900mm clear refuge.</p> <p>As the topmost storey is under 18m, then there is no firefighting shaft. The stairs and lobbies are unventilated, however, due to the marginal additional height of 0.6m and the design of the building as a single stair with a supporting accommodation stair.</p>
<p>3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans</p>	<p>The cycle storage and reception will have a fire and smoke curtain to protect the stair extension from potential risk rooms.</p> <p>Due to having a balcony escape being within the atrium space, the atrium is to be enclosed with glazing equal to 30 minutes fire resistance across all upper floor levels or fire and smoke curtains as an alternative engineered solution.</p> <p>The basement floor area is greater than 200m<sup>2</sup> and less than 3m depth, measured from ground access level, therefore basement smoke control is required to allow smoke and heat to escape. The required ventilation is 2.5% of the floor area, with 50% split on two opposing sides and the rest around the perimeter at high level.</p>
<p>4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and</p>	<p>Existing vehicle access to the site is achieved from Blundell Street only. The proposal does not include off-street access. Fire and rescue service access is achieved from Blundell Street. These parking positions will be within</p>

smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these	18m of the dry fire main inlets, which will be provided adjacent to the entrance, and the dry riser to the main core.
5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building	Internally firefighting is to be facilitated through the provision of dry risers. As the commercial building's 'topmost storey height' is 11.6m, a firefighting lift is not required.
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.	This fire statement documents the main fire safety design principles for the purpose of the planning submission. The proposals herein will be subject to further specification and changes as the design progresses. As the design progresses, a detailed RIBA Stage 4 Fire Strategy will be produced with a level of information suitable for Building Regulations approval. At the relevant stage, the detailed Fire Strategy will also form part of the information pack handed over to the building operator(s) under Regulation 38 to assist the responsible person to carry out the necessary fire safety risk assessment(s) and implement other relevant duties in accordance with the Regulatory Reform (Fire Safety) Order 2005.

- 9.169 The submitted information is specific and relevant to the proposal and the Fire Statement references compliance with relevant British Standards, such as BS9999. It is noted that the author of the submitted Fire Statement is a qualified person with expertise in fire safety and engineered solutions, and as such, the applicant has considered the fire safety of the development as part of the overall scheme. Condition 22 is recommended requiring an updated Fire Statement to be submitted in the event that there are any changes to the details.

### **Basement works**

- 9.170 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 (MStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 9.171 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.
- 9.172 Emerging Islington 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.
- 9.173 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.
- 9.174 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.

- 9.175 The site currently does not benefit from existing basement levels and the proposal seeks the inclusion of one level of basement. The basement level would have a Gross External Area of 531 sqm), the majority of the site area of 544sqm.
- 9.176 A Structural Method Statement ('SMS') dated April 2022 prepared by ADS Consultancy, 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.
- 9.177 The SMS concludes that the proposed works and basement development will not likely detrimentally affect the surface or sub 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 is to be secured through condition 19.

### **Planning Balance**

- 9.178 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".
- 9.179 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 are 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.
- 9.180 The proposed land uses on site are acceptable in principle and the scheme is considered compliant with policies DM5.1 and DM5.4 which sets out requirements for new commercial floor space and development in the LSIS, overcoming reason for refusal on the previous scheme.
- 9.181 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.
- 9.182 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 summarised as follows:
- Uplift in industrial floorspace within the LSIS;
  - Uplift in employment floorspace (office, light industrial or research and development) within the LSIS; and
  - Redevelopment and intensification of an underutilised brownfield site;
- 9.183 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**

- 9.184 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.

9.185 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 towards tree planting of: **£7,500**;
- b. Contribution towards 2x bays or other accessible transport initiatives of: **£4,000**;
- c. 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;
- d. 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**;
- e. A contribution of **£18,712.80** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently (£920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. 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;
- h. Compliance with the Code of Local Procurement;
- i. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,909** 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;
- j. Compliance with the Code of Employment and Training;
- k. Payment towards employment and training for local residents of a commuted sum of: **£8,609**; and
- l. 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.

9.186 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 deliver high quality light industrial units contributing to the stock of industrial use floorspace within the Borough, and the Vale Royal/Brewery Road Local Industrial Site ( areas which are of high demand as outlined by the Local Plan framework. The proposal is therefore supported regarding land use principle.
- 10.2 The proposed development is well-designed, responding successfully to its immediate and surrounding context and maintaining the setting of the streetscene. No heritage assets are considered to be harmed.
- 10.3 While there would be a degree of conflict with Policy DM2.1 in terms of daylight and sunlight impacts to neighbouring windows and rooms, the impacts are not considered unduly or unacceptably harmful when alternative targets are explored. Officers consider that the proposal complies with the Development Plan when considered as a whole.
- 10.4 As such, 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

- 10.5 It is recommended that planning permission be granted subject to conditions and legal obligations 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 towards tree planting of: **£7,500**;
- b. Contribution towards 2x bays or other accessible transport initiatives of: **£4,000**;
- c. 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;
- d. 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**;
- e. A contribution of **£18,712.80** towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. 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;
- h. Compliance with the Code of Local Procurement;
- i. Compliance with the Code of Construction Practice, including a monitoring fee of: **£1,909** 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;
- j. Compliance with the Code of Employment and Training;
- k. Payment towards employment and training for local residents of a commuted sum of: **£8,609**; and
- l. 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.

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

<b>1</b>	<b>Commencement of Development</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>4906-PA-20 Proposed BF &amp; GF plans. Rev.D;  4906-PA-21 Proposed 1F &amp; 2F plans. Rev.C;  4906-PA-22 Proposed 3F &amp; 4F plans. Rev.B;  4906-PA-23 Proposed roof plan. Rev.A;  4906-PA-30 Proposed Elevations 1. Rev.C;  4906-PA-31 Proposed Elevations 2. Rev.B;  4906-PA-32 Proposed Sections 1. Rev.A;  4906-PA-33 Proposed Sections 2 Rev.A;  4906-PA-34 Proposed materials. Rev.A;  4906-PA-43 Typical unit internal layouts. Rev.A;  4906-PA-44 Inclusive Design Plans. Rev.A;</p> <p>Air Quality Assessment prepared by eb7 dated 21 March 2022; Fire Statement prepared by Fire Marshall dated 19 May 2022; Plant Noise Assessment prepared by CSG Acoustics dated 25/03/2021; Structural Method Statement ref: :20096/SMS_R01/RS revision P3 (21100-RP-S-01-001) dated April 2022; Surface Water Drainage Strategy prepared by Ambiental Environmental Assessment dated 26/04/2022; Sustainable Design and Construction (SDCS) V2 prepared by EB7 dated 17/08/22; Transport Statement prepared by entran environmental and transportation dated April 2022; Ventilation And Extraction Report prepared by Seneca dated 25 March 2022;</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>
<b>3</b>	<b>Materials (Detail and Samples)</b>
	<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> <p>a) façade cladding;  b) any 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> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the 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 &amp; 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>
<b>5</b>	<p><b>Refuse and Recycling (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans (4906-PA-20 Proposed BF &amp; GF plans. Rev.D;) 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>
<b>6</b>	<p><b>Cycle Storage (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) shown on the approved plans (4906-PA-20 Proposed BF &amp; GF plans. Rev.D) 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>
<b>7</b>	<p><b>Flat Roofs and Terraces (Compliance)</b></p> <p>CONDITION: The flat roofs to the of the development hereby approved (unless outlined in the approved plans), including identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>The roof terrace to the front of the building at fourth floor level is not to be used by occupiers between the hours of 2000 and 0800.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
<b>8</b>	<p><b>Internal Lighting and Roller Blinds (Details and Compliance)</b></p> <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation 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"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The 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>
<b>9</b>	<b>External Lighting (Details)</b>
	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing on site.</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>
<b>10</b>	<b>Delivery and Servicing Plan (Details and Compliance)</b>
	<p>CONDITION: Notwithstanding the draft Delivery &amp; Servicing Plan within the approved Transport Statement, a finalised Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times (no deliveries shall take place between the hours of 2300 and 0700) and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
<b>11</b>	<b>Demolition, Construction and Environmental Management Plan (Details)</b>
	<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"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>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;</li> <li>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;</li> <li>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.)</li> </ol>

	<p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>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;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <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 <a href="https://nrmm.london/usernrmm/register">https://nrmm.london/usernrmm/register</a> 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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
12	<b>BREEAM (Compliance)</b>
	<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>
13	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the hereby approved Sustainable Design and Construction (SDCS) V2 prepared by EB7 dated 17/08/22 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</p>

	<p>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>
<b>14</b>	<b>Green Roofs (Details and Compliance)</b>
	<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> <ul style="list-style-type: none"> <li>a) substrate base depth;</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>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).</li> </ul> <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>
<b>15</b>	<b>Urban Greening Factor (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of at least 0.18. Alternatively, a report shall be submitted to and 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>
<b>16</b>	<b>Bird and Bat Boxes (Details and Compliance)</b>
	<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.</p> <p>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>
<b>16</b>	<b>Inclusive Design</b>
	<p>CONDITION: The Inclusive Design and Accessibility details outlined in the approved plans shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>

<b>17</b>	<b>Sustainable Urban Drainage (Compliance)</b>
	<p>CONDITION: The development shall be carried out strictly in accordance with the details so approved within the Surface Water Drainage Strategy prepared by Ambient Environmental Assessment dated 26/04/2022 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>
<b>18</b>	<b>Piling Method Statement – Thames Water (Details)</b>
	<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>
<b>19</b>	<b>Basement Excavation (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement ref: :20096/SMS_R01/RS revision P3 (21100-RP-S-01-001) dated April 2022, 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 (MStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>20</b>	<b>Removal of Permitted Development Rights – Office Use (Compliance)</b>
	<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, at least 1,286 sqm (GIA) of Use Class E(g)(iii) floorspace shall be provided and no change of use 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, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The remaining 948sqm (GIA) flexible floorspace shall be strictly limited to Use Class E(g) only, and no change 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, 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 preserve the economic function of the Locally Significant Industrial Site.</p>
<b>21</b>	<b>Contaminated Land (Details)</b>
	<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>

	<p>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:</p> <p>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.</p> <p>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> <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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
<b>22</b>	<p><b>Fire Safety Strategy (Details and Compliance)</b></p> <p>CONDITION: The development must be carried out in accordance with the provisions of the Fire Statement prepared by Fire Marshall dated 19 May 2022 unless otherwise approved in writing by the Local Planning Authority.</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>
<b>23</b>	<p><b>Sustainable Urban Drainage (Compliance)</b></p> <p>CONDITION: The development shall be constructed in accordance with the approved Surface Water Drainage Strategy prepared by Ambiental Environmental Assessment dated 26/04/2022.</p>

	<p>The drainage system shall be installed/operational 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: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
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**List of Informatives:**

<b>1</b>	<b>S106</b>
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Definition of 'Superstructure' and 'Practical Completion'</b>
	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>3</b>	<b>Car-Free Development</b>
	All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
<b>4</b>	<b>Rooftop Plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
<b>5</b>	<b>Construction Works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>6</b>	<b>Highway Requirements</b>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p>

	<p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p>
<b>7</b>	<p><b>Highways Requirements (2)</b></p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing. Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>
<b>8</b>	<p><b>Highways Requirement (3)</b></p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site.</p> <p>Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a> Any damage or blockages to drainage will be repaired at the cost of the developer.</p> <p>Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage</p>
<b>9</b>	<p><b>Community Infrastructure Levy (CIL)</b></p> <p>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).</p>

	<p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>10</b>	<b>Thames Water</b>
	<p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p> <p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-ourpipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-ourpipes</a>.</p> <p>Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a></p> <p>Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our 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. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a> Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></p> <p>As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the</p>

developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

#### Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### 11 Fire Safety

It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings.

Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on Building [Control@islington.gov.uk](mailto:Control@islington.gov.uk).

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

The National Planning Policy Framework 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:

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

<b>Policy CS9</b> Protecting and Enhancing Islington's Built and Historic Environment <b>Policy CS10</b> Sustainable Design	
<b>C) Development Management Policies June 2013</b>	
<b>2. Design and Heritage</b> <b>Policy DM2.1</b> Design <b>Policy DM2.2</b> Inclusive Design <b>Policy DM2.3</b> Heritage <b>Policy DM2.4</b> Protected views  <b>5. Employment</b> <b>Policy DM5.1</b> New business floorspace <b>Policy DM5.2</b> Loss of existing business floorspace <b>Policy DM5.4</b> Size and affordability of workspace  <b>6. Health and open space</b> <b>Policy DM6.1</b> Healthy development <b>Policy DM6.5</b> Landscaping, trees and biodiversity <b>Policy DM6.6</b> Flood prevention	<b>7. Energy and Environmental Standards</b> <b>Policy DM7.1</b> Sustainable design and construction statements <b>Policy DM7.2</b> Energy efficiency and carbon reduction in minor schemes <b>Policy DM7.3</b> Decentralised Energy Networks <b>Policy DM7.4</b> Sustainable design standards <b>Policy DM7.5</b> Heating and cooling  <b>8. Transport</b> <b>Policy DM8.1</b> Movement hierarchy <b>Policy DM8.2</b> Managing transport impacts <b>Policy DM8.3</b> Public transport <b>Policy DM8.4</b> Walking and cycling <b>Policy DM8.5</b> Vehicle parking <b>Policy DM8.6</b> Delivery and servicing for new developments <b>9. Infrastructure</b> <b>Policy DM9.1</b> Infrastructure <b>Policy DM9.2</b> Planning obligations <b>Policy DM9.3</b> Implementation

## **Designations**

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

- Kings Cross and Pentonville Road Core Strategy Key Area;
- Vale Royal/Brewery Road Local Industrial Site (LSIS);
- Article 4 Direction B1c to C3 (CAZ); and
- Article 4 Direction A1-A2 (Rest of Borough);
- Local View from Archway Bridge (View 5);

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

Basement Development (2016)  
Environmental Design  
Planning Obligations and S106 (2016)  
Urban Design Guide (2017)

### **London Plan**

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)

