
Appeal Decisions

Hearing held on 13 January 2015

Site visit made on 13 January 2015

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 July 2015

Appeal A: APP/V5570/A/14/2226258

Land to the East of Shire House, Lamb's Passage, London EC1Y 8TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London City Shopping Centre Ltd and Lamb's Passage Real Estate Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref.P2013/3257/FUL, dated 13 September 2013, was refused by notice dated 31 July 2014.
 - The development proposed is the demolition of an existing works building and development of the existing surface car park with a mixed use scheme that would utilise a building up to 8 storeys in height and convert the existing historic underground vaults into a new development comprising 38 residential apartments (24 market units and 14 affordable) (Class C3), a 61 bedroom hotel (Class C1), as well as office (Class B1), restaurant (Class A3), retail (Class A1) and gym (Class D2) uses, along with the creation of a new area of public realm, associated landscaping, and alterations to existing access.
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Appeal B: APP/V5570/E/14/2226261

Land to the East of Shire House, Lamb's Passage, London EC1Y 8TE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by London City Shopping Centre Ltd and Lamb's Passage Real Estate Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref.P2013/3297/LBC, dated 13 September 2013, was refused by notice dated 31 July 2014.
 - The works proposed are conversion and alterations to underground vaults to enable use as a restaurant, ancillary areas, gym, plant and machinery spaces.
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Preliminary Matters

1. In the lead up to the Hearing, the main parties helpfully agreed a Statement of Common Ground¹. At paragraph 1.3, the SoCG includes an agreed description of development associated with the appeals. I have repeated this in the header above in respect of Appeal A.
2. The extensive vaults below, and beyond, the appeal site are part of the former Whitbread's Brewery, a Grade II listed building. Works are proposed to these vaults as part of the proposal. To describe those works, for the purposes of dealing with Appeal B, I have used a modified version of the description of the works discussed at the Hearing, and reflected that in the header above.

¹ Referred to hereafter as SoCG

3. During the course of the applications, the plans were amended several times, and further, relatively minor, changes were made as part of the appeal process. Given that no prejudice would be caused by my so doing, and as agreed at the Hearing, I have dealt with the appeals on the basis of the latest iterations of the plans, as set out in the SoCG.
4. There was some discussion at the Hearing about the Obligation under s.106. I allowed a period after the Hearing closed for a completed version of the Unilateral Undertaking² to be submitted, and for the Council and the appellant to comment upon it. Subsequently, I had to revert to the parties to canvass views on the implications of the ending of the transitional period under CIL Regulation 123(3)³, on 6 April 2015, after which obligations under s.106 designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from CIL. Post-hearing correspondence was also necessary to deal with any implications of the adoption of Further Alterations to the London Plan⁴ on 1 March 2015.

Appeal A

5. The appeal is dismissed.

Appeal B

6. The appeal is dismissed.

Main Issues

7. The Council refused planning permission on the basis that the proposal would undermine the living conditions of existing residents in the vicinity of the appeal site through loss of daylight and visual impact. This is the main issue to be considered, therefore. The relevant decision notice goes on to say that the benefits of the scheme are not considered to outweigh that harm. The benefits that the scheme would bring forward need to be considered too, obviously.
8. In terms of Appeal B, listed building consent was refused because of the lack of an acceptable scheme. The impact of the scheme on the listed building needs to be analysed along with the general impact on the character and appearance of the area.

Reasons

Living Conditions

9. LP Policy 7.6 Architecture, referred to by the Council, says that buildings and structures should, amongst other things, not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
10. For a development to be acceptable, Policy DM2.1 of Islington's Local Plan: Development Management Policies⁵ requires it to provide a good level of amenity including consideration of a range of factors including daylight, over-dominance, the sense of enclosure, and outlook.

² Referred to hereafter as the UU

³ The Community Infrastructure Levy Regulation 2010 (as amended)

⁴ Referred to hereafter as LP

⁵ Referred to hereafter as DMP

11. All that chimes with the exhortation in the Framework⁶ to always seek a good standard of amenity for all existing and future occupiers of land and buildings.
12. The appellant and the Council have considered the impact of the proposal on a range of residential properties around the appeal site. Having carefully considered the technical information put forward, and visited the site, including individual flats within Shire House, it seems to me that the only impacts on living conditions that could be considered sufficient to bear on the planning balance, are those that would affect some residents of No.1 Lamb's Passage, and Shire House.
13. No.1 Lamb's Passage is a recently constructed, 7-storey, residential building, which lies to the south of the appeal site. It has full height windows to what appear to be habitable rooms facing the proposed development. Shire House is a 4-storey residential building to the west of the appeal site that sits above a 5 metre high loading and servicing bay. The flats within the complex have windows serving habitable rooms, facing the appeal site.
14. As the technical analyses show, the building proposed on the appeal site would reduce the amount of daylight reaching windows in No.1 Lamb's Passage and flats in Shire House, with the residential units on the lower levels being affected most. Similarly, the proposal would radically close off the outlook from windows facing the appeal site, and the resulting visual impact would be significant. On that basis, there would be something of a detrimental impact on the living conditions of affected residents in No.1 Lamb's Passage and Shire House through loss of daylight, and visual impact.
15. However, that is not the end of the matter, for two reasons. First, the fact that living conditions of some residents would be undermined, to a degree, does not necessarily mean that the proposal would conflict with LP Policy 7.6 Architecture which refers to *unacceptable* harm (my emphasis), or DMP Policy DM2.1 which requires a good standard of amenity to be maintained. In my view, the harmful effect on living conditions would not be so great that there would be conflict with either policy. Nevertheless, the harmful impact is still something that needs to be weighed in the planning balance.
16. Secondly, the appeal site is clearly under-used in its current guise as a car park. It will almost certainly be developed in some shape or form, as borne out by the fact that is allocated for 'redevelopment to provide a mixed use development including small scale business uses and residential uses alongside open space' in FLP⁷ Site BC 31.
17. While reference is made in the allocation to the need to respect the surrounding residential area, it is axiomatic that the need to improve the delivery of housing and job creation in the capital in order to meet substantial levels of unmet need and stimulate the economy, highlighted by the LP in particular, means that best use must be made of the site.
18. In that context, some harm to living conditions through loss of daylight and visual impact will be inevitable if the site is to be developed. The central question in Appeal A is whether the harm caused would be outweighed by the benefits that the proposal would bring forward.

⁶ The National Planning Policy Framework

⁷ Finsbury Local Plan Area Action Plan for Bunhill & Clerkenwell of June 2013

Benefits

19. As set out, the appeal site is currently used as a car park and given the tightly-packed urban grain around the appeal site, its open detracts from the character and appearance of the area. That is particularly apparent in views along Lamb's Passage towards the appeal site from the south, and the east.
20. The proposal would bring a sense of enclosure to Lamb's Passage, and the eastern part of Sutton Way and it would provide closure to the views along Lamb's Passage from the south and east referred to. In design terms, the building proposed would have a scale and appearance that would respond well to the form of other buildings in the area. On top of that, the provision of a pedestrian route across the appeal site would improve permeability.
21. All that would be a clear benefit to the immediate area and furthermore, enhance the settings of the listed buildings in the vicinity and the St Luke's and Chiswell Conservation Areas. The extensive vaults below, and beyond, the appeal site are part of a listed building and, like the appeal site, under-used. Finding a new use for these spaces, as part of the scheme, would be to the benefit of the listed building. It appears to me that subject to appropriately worded conditions, the works involved need cause no harm to its special interest. Bearing in mind the requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the approach to designated heritage assets set out in paragraph 132 of the Framework, these factors carry considerable importance and weight.
22. As I have touched on above, the proposal would bring forward much-needed employment generating uses and open-market housing. Again, bearing in mind local policy and the Framework, these weigh in favour of the proposal. However, the pressing need for the delivery of housing is not limited to open-market housing; the need for affordable housing in Islington, and London more widely, is acute.
23. It is not necessary to rehearse all the viability dealings between the Council and the appellant with regard to affordable housing. Suffice to say that, as set out in the SoCG, the adoption of the Borough CIL Charging Schedule on 1 September 2014, after the Council made its decision on Appeal A, meant that the appellant had to reassess the viability of the scheme. This affected the extent of affordable housing that could be provided. The parties have agreed, on the basis of an updated Financial Viability Assessment dated 7 January 2015, that the scheme can only provide 10 social rented and 4 shared ownership units of affordable housing.
24. This means that the proposal does not comply with CS⁸ Policy CS 12 which requires that 50% of additional housing built in the Borough over the plan period should be affordable. The policy seeks the maximum reasonable amount of affordable housing, especially social rented housing, from private residential and mixed-use schemes, taking account of the overall strategic target.
25. Given the viability issues, referred to above, that the proposal does not meet the requirements of CS Policy CS 12 target is not necessarily determinative. Nevertheless, the manner in which the provision of affordable housing is approached is important. Assuming relatively prompt implementation of the

⁸ Islington's Core Strategy of February 2011

scheme, the 14 units of affordable housing would be secured by the UU. However, the UU also makes provision for the submission of an 'Updated Viability Assessment' in the event that the proposal is not implemented after 18 months from any grant of planning permission. If this assessment shows up a 'surplus' that could be used to justify the provision of additional units of affordable housing, up to the 50% that CS Policy CS 12 would require, the UU appears to give the appellant the option of giving half of that surplus to the Council, and retaining the rest.

26. To my mind, if the 'Updated Viability Assessment' shows up such a 'surplus', then that additional leeway should be used to provide additional units of affordable housing, in order to meet, or get closer to, the requirements of CS Policy CS 12. In the context of what CS Policy CS 12 says about maximising the delivery of affordable housing, reflective of the acute shortage of such housing in Islington, and London, sharing any such 'surplus' between the Council and developer, is, in my view, an unacceptable contrivance.

Final Conclusion

27. The proposal the subject of Appeal A would undermine the living conditions of residents of No.1 Lamb's Passage and Shire House through loss of daylight and visual impact. It would however bring forward significant environmental improvements in townscape terms, provide a new use for an under-used part of a listed building and bring forward much-needed open-market housing and employment generating uses. However, the approach to the provision of affordable housing fails to accord with the requirements of CS Policy CS 12 in that in certain circumstances, the proposal would not bring forward the amount of affordable housing it could, or indeed should.
28. Bringing all these points together, I find that the benefits of the proposal, in the form it is presented, are not sufficient to outweigh the harmful impacts identified. I reach that conclusion because much the same benefit could be secured by a proposal that addressed the issue of affordable housing in a way that better reflected the objectives of CS Policy CS 12.
29. In the light of that conclusion on Appeal A, there is no larger scheme to underpin a grant of consent for the works proposed to the listed building that form part of it. It would not be correct to grant consent for those works in that overall context.
30. For the reasons given above I conclude that the appeals should be dismissed.

Paul Griffiths

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gary Stevens	Barton Willmore LLP
Justin Kenworthy	Barton Willmore LLP
Jerome Webb	GIA
Elizabeth Houghton	GIA
Karen Cooksley	Winckworth Sherwood
Jo Hannah	Winckworth Sherwood
Sanja Tiedemann	Collado Collins Architects
Richard Ashdown	Upside London
James Liebefrau	Winckworth Sherwood
Lloyd Simon	Western Ridge
Paul Bolton	Developer/Shareholder
Adam Hall	Falconer Chester Hall
Richard Dickson	RD Property
Simon Matthews-Williams	Sanguine Hospitality Ltd
Paul Bartrop	Sanguine Hospitality Ltd

FOR THE LOCAL PLANNING AUTHORITY:

John Kaimakamis	Principal Planning Officer, LB Islington
Ed Telepneff	Legal Team, LB Islington
Ricky Ching	CIL & Development Viability Officer, LB Islington
Eloise Lobsey	LB Islington

INTERESTED PERSONS:

Dennis Kleinberg	Chairman, Whitbread TRA
Jonathan Lang	Assistant to Chairman, Whitbread TRA
Peter Newby	Parish Priest of St Joseph's Church
Brian Holberry ⁹	Resident of Shire House
Alice Jackson ¹⁰	Resident of Shire House

HEARING DOCUMENTS

- 1 Statement of Common Ground (Final – January 2015)
- 2 Suggested description of works for Appeal B
- 3 Letter of objection dated 12 January 2015 from Richard Keczkas, Senior Planning Solicitor, LB Islington
- 4 Bundle of material submitted by GIA including updated daylight distribution contours, window maps and daylight analyses relating to 1 Lamb's Passage, Shire House, Sundial Court, St Joseph's Church, and YMCA
- 5 VSC material relating to APP/V5570/A/13/2195285
- 6 Copy of decision notice Ref.P2014/3384/LBC dated 17 November 2014 relating to Flats 15 & 19 Sundial Court and 38-42 Chiswell Street.
- 7 Copy of Draft SPD: Preventing Wasted Housing Supply
- 8 Updated Schedule of Areas
- 9 Copy of completed UU dated 2 February 2015
- 10 Revised copy of completed UU dated 2 February 2015 (plans corrected)

⁹ Took part in the site visit

¹⁰ Took part in the site visit

- 11 Bundle of representations relating to the completed UU
- 12 Bundle of correspondence relating to the involvement of UBS Triton with the Council
- 13 Bundle of correspondence dealing with the implications of CIL Regulation 123(3) as amended
- 14 Correspondence about adoption of Further Alterations to the London Plan

PLANS

- A Li56-183-02-01-001 Revision A: Proposed Location Plan
- B Li56-183-02-02-001 Revision D: Proposed Site Plan
- C Li56-183-02-03-001 Revision G: Proposed Lower Basement Floor Plan
- D Li56-183-02-03-002 Revision G: Proposed Upper Basement Floor Plan
- E Li56-183-02-03-003 Revision J: Proposed Ground Floor Plan
- F Li56-183-02-03-004 Revision G: Proposed First Floor Plan
- G Li56-183-02-03-005 Revision G: Proposed Second Floor Plan
- H Li56-183-02-03-006 Revision G: Proposed Third Floor Plan
- I Li56-183-02-03-007 Revision F: Proposed Fourth Floor Plan
- J Li56-183-02-03-008 Revision H: Proposed Fifth Floor Plan
- K Li56-183-02-03-009 Revision F: Proposed Sixth Floor Plan
- L Li56-183-02-03-010 Revision F: Proposed Seventh Floor Plan
- M Li56-183-02-03-011 Revision F: Proposed Roof Plan
- N Li56-183-02-03-012 Revision A: Proposed Upper Basement Demolitions
- O Li56-183-02-04-001 Revision C: Proposed Section 01
- P Li56-183-02-04-002 Revision C: Proposed Section 02
- Q Li56-183-02-05-001 Revision E: Proposed East Elevation
- R Li56-183-02-05-002 Revision E: Proposed West Elevation
- S Li56-183-02-05-003 Revision D: Proposed South Elevation
- T Li56-183-02-05-004 Revision G: Proposed North Elevation
- U Li56-183-02-05-005 Revision D: Proposed Sutton Way Elevation
- V Li56-183-02-91-001: Existing Lower Basement Plan
- W Li56-183-02-91-002: Existing Upper Basement Plan
- X Li56-183-02-91-003: Existing Ground Plan
- Y Li56-183-02-91-004: Existing Elevations Survey Rooms 1 + 2
- Z Li56-183-02-91-005: Existing Elevations Survey Rooms 3 + 4
- AA Li56-183-02-91-006: Existing Elevations Survey Rooms 5 + 6
- AB Li56-183-02-91-007: Existing Elevations Survey Room 7
- AC Li56-183-02-91-008: Existing Elevations Survey Rooms 8
- AD Li56-183-02-91-009: Existing Elevations Survey Rooms 10 + 11
- AE Li56-183-02-91-010: Existing Basement Sections



Appeal Decisions

Hearing Held on 8 & 9 November 2017

Site visit made on 7 & 9 November 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2017

Appeal A Ref: APP/V5570/W/17/3171908

Land to the east of Shire House, Lamb's Passage, London EC1Y 8TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London City Shopping Centre Ltd and Lamb's Passage Real Estate Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0488/FUL, dated 15 June 2016, was refused by notice dated 20 October 2016.
 - The development proposed is demolition of existing works building and redevelopment of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults, to provide a mixed use development comprising of a 4 to 7 storey building providing 35 residential units (15 affordable and 20 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class C3), retail (Class A1) and gym (Class D2), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.
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Appeal B Ref: APP/V5570/Y/17/3171911

Land to the east of Shire House, Lamb's Passage, London EC1Y 8TE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by London City Shopping Centre Ltd and Lamb's Passage Real Estate Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/0536/LBC, dated 15 June 2016, was refused by notice dated 20 October 2016.
 - The works proposed are conversion and alterations to the existing Grade II listed underground vaults to enable use as a restaurant, ancillary areas, gym, plant room and machinery spaces.
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Decisions

1. Both appeals are allowed.

Procedural Issue

2. A draft S106 agreement (the S106) between the Council, the appellants and other owners was discussed at the Hearing. Subsequent to the hearing a signed and dated certified copy of the agreement was sent to me. I address the details of this below.

Main Issues

3. The main issues are whether:

- (a) the proposed underground office space would provide an adequate form and amount of Class B1a accommodation including in terms of its vulnerability to conversion to a non-office use in the future; and
- (b) the proposed hotel would result in an over-concentration of hotels and other serviced accommodation detrimental to the balance and mix of uses in the immediate locality.

Reasons

Background

4. The site comprises a surface level car park and extensive underground vaults on two basement levels situated directly below and beyond the surface level site boundary including under the adjacent shopping centre below Shire House, measuring 0.51 hectares. The upper basement level historically formed the cellars of the adjacent Whitbread Brewery and is subject to its Grade II listed status. There is no dispute that the historic vaults can be converted into A3 use without harming the significance of the listed building subject to appropriate conditions.
5. The proposal is essentially a resubmission of the scheme previously dismissed at appeal¹ on the grounds that the overage provisions in the contemporary S106 Unilateral Undertaking regarding the proportion of affordable housing would not have complied with the requirements of Policy CS 12 of Islington's Core Strategy (CS).
6. That scheme was slightly bigger in that it proposed 38 flats (24 market and 14 affordable). The current scheme comprises a storey less in height at its southern end and has a slightly increased proportion of business floorspace (19% as opposed to 13% in the previous scheme), including affordable workspace and space suitable for small and micro sized enterprises (SMEs) secured through the S106. As originally, the scheme also includes landscaped open space between the new building and Shire House and a pedestrian link through to Errol Street adjacent to the new YMCA building currently under construction.
7. Although development plan policy itself has not changed since the last appeal decisions new policy guidance has been adopted, including the Mayor of London's *City Fringe Opportunity Area Planning Framework* in December 2015 (CFOAPF) and *Central Activities Zone Supplementary Planning Guidance* in March 2016 (CAZ SPG). I refer to guidance in these documents where relevant below, and of course to relevant extant policy.
8. The Council also adopted its *Basement SPD* in January 2016. It acknowledges that the applicant has undertaken the necessary engineering studies to ensure that the development would not undermine the structural stability of nearby buildings as required by the SPD.
9. It also adopted its *Development Viability SPD* the same month. This requires any uplift in value identified between the grant of permission and its

¹ APP/V5570/A/14/2226258 & E/14/2226262 dated 23 July 2015

implementation to be assessed through a financial viability review mechanism on the basis of a 60% to 40% split in favour of the Council. The S106 provides for such a split, so the proposal would comply with the Viability SPD.

Adequacy of the Proposed Office Floorspace

Amenity

10. The Council is concerned that the office floorspace would be of poor quality because it would be mainly at the lower basement level without natural light and as such would comprise a poor environment for those working there. Only 230m² of the lettable floorspace of 1,954m² would be at ground floor level with natural light. The 334m² affordable workspace area, that it is to be let on a head lease to the Council on favourable terms at the lower basement level would to some degree be lit via borrowed light from the proposed lightwell, but I agree with the Council that this could not be compared to the natural daylight and outlook from the windows of conventional above ground office floorspace.
11. I also agree with the Council that much of the floorspace that I saw during my mini-tour of City offices after the Hearing was not floorspace without any natural light. But some of it undoubtedly was and was fitted out to a Category A standard, as the proposed offices would be. It is clear to me from the site visit that modern LED lighting is capable of properly lighting such office floorspace. I was also able to see during my visit to the lower basement level that this space would have high floor to ceiling heights and would not feel cramped or claustrophobic. The appellant has also indicated a range of office floorspace that has recently been acquired with no natural light².
12. As such I am convinced that the office floorspace at this level would provide a good standard of amenity for prospective occupiers in perpetuity. There is no reason to suggest that such floorspace would therefore be vulnerable to a future change of use. The fact that Regus, a leading company in the provision of short-term office workspace, have signed a head lease for the whole of the lower basement area that lacks any natural daylight also indicates to me that the market does not share the Local Planning Authority's concerns in this regard. Regus are also taking on the lease of at least some of the ground floor office space, where there would be breakout space with natural light that would be available to users of the lower basement floorspace.
13. It is noteworthy that the Council are willing to take on the lease of the affordable workspace area for 20 years, which is only partially lit by borrowed light from the proposed lightwell. It is also the case that planning permission would be required for any future change of use of the office floorspace to other uses because of the site's location within the CAZ, and so the Council would in any case have control over any future use of this floorspace.
14. No specific policy objections were raised by the Council in respect of this matter in their written appeal submissions. At the Hearing the Council suggested that the office space would breach Policy DM2.1 of the Development Management Policies (DMP), in particular subsection x) which requires development to

² In Appendix 13 of the appellant's Statement of Case – A Report Considering the Viability of Office Accommodation at the site, Lambert Smith Hampton, January 2016

provide a good level of amenity including in terms of sense of enclosure and outlook. It also maintained that the proposed office space would conflict with paragraphs 4.15 and 5.20 of the *Urban Design Guide Supplementary Planning Document*, which state that buildings should have sufficient daylight and be well ventilated.

15. Whilst office workers may well look out of the window where there are windows, the main purpose of offices is to enable workers to concentrate on the work in front of them on their desks and computer screens. Obviously basements have to be artificially ventilated since they lack windows but modern offices, both above and below ground, are often satisfactorily ventilated by such means and have been for decades. So whilst the basement office space would lack natural daylight and outlook, and to that extent fail to match the requirements of Policy DM2.1 and the Design Guide, for the above reasons I consider that the proposed offices would comprise a good working environment.

Proportion/Quantity

16. The Council also objects to the scheme on the basis that the proportion of office space is insufficient compared to the other uses. The offices would comprise 19% of the floorspace compared to the C3 residential of 35% and the C1 hotel of 27%.
17. Policy 2.9 of the London Plan 2016 (LP) states that boroughs and other stakeholders should work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth. LP Policy 2.10 states they should maintain the strategic priorities of the Central Activities Zone (CAZ) including for office provision as well as bring forward development frameworks for CAZ opportunity and intensification areas. The site lies within the CAZ and the City Fringe Opportunity Area (Finsbury)/ Farringdon Smithfield Intensification Area³.
18. Policy BC 8 of the Finsbury Local Plan (FLP) provides guidance on the type of development sought from Employment Priority Areas to achieve a balanced mix of uses within the CAZ. Part A ii of BC 8 states that proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
19. Part B states that within the Employment Priority Area (General) the employment floorspace of a development should not be unfettered B1a use, but, where appropriate, must also include retail or leisure uses at ground floor, alongside
- i. A proportion of non B1a business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space) and/or
 - ii. B1a or A1 floorspace that may be suitable for accommodation by SMEs by virtue of its design, size or management, and/or

³ Figure 16, page 86 of the Finsbury Local Plan – the map that defines land use priorities and policy designations in the CAZ

- iii. Affordable workspace, to be managed for the benefit of occupants whose needs cannot be met by the market
20. Part D states that major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with LP Policy 4.3. It also states that housing should equate to at least 20% of the total proposed floorspace; there is no maximum percentage figure given and no suggestion that 20% is a ceiling as such.
 21. The site is within the Employment Priority Area (EPA) (General) as opposed to the EPA (Offices), to which Part C of Policy BC 8 applies and which states that the proportion of B1a floorspace within a development should be optimised. The Council argue that this requirement is no different to the requirement in Part A ii to incorporate the maximum amount of business floorspace possible on the site. However, in my view this argument is unconvincing because the Council has designated the General and Office EPAs as separate and this must be for a reason, as the two separate set of requirements for these areas in Parts B and C of the Policy respectively suggest. I also note from FLP Figure 16 that the areas within the Office EPA are those parts of the City Fringe within the Borough closest to the Square Mile and Moorgate, Barbican and Farringdon stations.
 22. These designations are site specific and although the site abuts the Office EPA to the south it is itself in the General EPA. It is also notable that the new block of residential flats to the south at 1 Lamb's Passage appears to nonetheless be within the Office EPA, which suggests that residential uses are also acceptable there to some degree.
 23. The main point is that the majority of the office floorspace in the proposed scheme would be available for SMEs, affordable workspace would be provided, a proportion of the space would be for retail and leisure uses (the gallery space at ground floor level and the gym at upper basement level) all as required by Part B; and residential use would be included as required by Part D. Consequently I judge that the proposed development would comply with Policy BC 8.
 24. Moreover the FLP allocates the site (Site BC 31, page 177 of the FLP) for mixed use redevelopment including small scale business uses and residential uses, alongside open space. The allocation goes onto explain that this is an accessible site close to the City boundary, with the opportunity to improve the frontage to Lamb's Passage, support the retail offer of the area and increase access to small-scale business floorspace in this important CAZ location. It states that if possible proposals for the site should make use of the underground vaults. The proposed development clearly complies with the requirements of allocation site BC 31.
 25. Policy DM5.4 of the DMP (Size and affordability of workspace) states that major development proposals for employment floorspace proposals must incorporate an appropriate amount of affordable workspace and/or workspace suitable for SMEs' needs through its design, management and/or potential lease terms. The proposed scheme would do both. The SME floorspace would be managed by Regus in a way that facilitates the provision of micro and small workspaces,

which would be secured through obligations in the S106 (see below for detailed assessment of this obligation). The Council has agreed to take on the head lease of the affordable workspace. The proposal would consequently comply with Policy DM5.4.

26. As the Council says in its appeal statement⁴, the CFOAPF notes that the City Fringe has a significant role in addressing London's housing need, and as such one of its key aims is to achieve a balanced, spatially nuanced approach to determining applications that allows for residential development without compromising the opportunity for economic growth. The appellants highlight⁵ paragraph 4.5 of the CFOAPF which states: "*...Policy and development proposals should support the provision of high-density, mixed use schemes across the City Fringe and such schemes should seek to provide a well-balanced mix of retail, cultural and leisure uses to support development.*" I consider that the proposed scheme would achieve all these aims.
27. The Council acknowledges⁶ that the CAZ SPG does not set new policy but simply explains how policies in the LP should be carried through into action. The CAZ SPG is guidance supporting LP Policies 2.10 and 2.11 which seek to sustain and enhance the CAZ's varied strategic functions and makes clear that offices, hotels, leisure and retail functions are all 'strategic functions'. The CAZ SPG confirms that housing, although not a strategic function, plays an important role in the character and function of the Zone as a vibrant mixed use area, albeit that a large part of it focuses on preventing change of use from offices to residential use. It also states (in paragraph 2.3.1) that a supply of an adequate supply of visitor accommodation is of critical importance to London's future success as a global visitor destination.
28. There is of course no current office use on the site – the scheme is proposing 1,954m of new B1a floorspace. The mixed use nature of the scheme, including the hotel use, chimes well with CAZ SPG, which is guidance explaining the relevant policies in the LP. Consequently the proposed development would comply with LP Policies 2.9 and 2.10. It would also comply with the other relevant development plan Policies mentioned above and with the CFOAPF in terms of its mixed use nature and the proportion of B1a floorspace compared to other uses within the scheme.

Hotel Concentration and the Balance and Mix of Uses in the Immediate Locality

29. As with offices, there is a cascade of policy related to the provision of hotel floorspace. LP Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2036 in the capital. The appellant has provided extensive uncontested evidence that there is a need for 3* and 4* hotels in this location, especially boutique hotels like the Indigo Hotel proposed here, which would cater primarily to business customers during the working week and tourists at the weekend given the site's proximity to the Barbican arts centre and other tourist attractions in the City.

⁴ Paragraph 6.6

⁵ In their Statement of Case (SoC) paragraph 6.37

⁶ In its Statement of Case (SoC), paragraph 6.7

30. LP Policy 4.5 states that within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good public transport, such as that proposed here. Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land uses. There is no suggestion by the Council that the proposed hotel would compromise local amenity and the previous Inspector did not find that to be the case.
31. CS Policy CS 7 states that tourism-related development, including hotels, will be encouraged in the Bunhill and Clerkenwell areas where consistent with CS 14. CS 14 states that hotels and visitor accommodation will help to support the retail and service economy and that town centres are the most appropriate location for them.
32. Visitor accommodation may be appropriate within the City Fringe Opportunity Area (CFOA), as stated in Part H of FLP Policy BC 8 subject to criteria in DMP policy. DMP Policy DM4.11 Part A states that hotels are generally appropriate in Town Centres and the CFOA of the CAZ. Part B states that new hotels will only be supported where they contribute to the balance and mix of uses in the immediate locality and support the area's primary retail/business/cultural role and do not compromise economic function/growth.
33. Paragraph 4.55 of the DMP, which immediately follows Policy DM4.11, states that it is important that hotels do not limit the achievement of other priorities (including economic and housing growth), secure a balance of uses, protect residential amenity, and address any local impacts. It states that proposals will be resisted where they would result in an over-concentration of hotels and similar uses (such as other visitor accommodation, hostels and student accommodation) in the surrounding area – this is defined as generally a 500m radius of the site.
34. I see no reason in this case why I should consider any other area as the 'immediate locality' or the 'surrounding area', particularly as the appellant specifically addressed itself to the concentration levels of hotels in such a radius in its two CBRE Reports⁷ following criticisms by Council members that its initial report on concentration levels dealt with a wider area of ½mile in the Lambert Smith Hampton Report⁸.
35. CBRE's latest assessment of the supply of hotels and similar serviced accommodation uses within a 500m radius of the site⁹ provides clear evidence that the concentration of such uses in the immediate locality would be generally less than that in the City and City Fringe including the South Bank. It is also clear from the Council's submissions¹⁰ that, since the last appeal decision at which it did not raise the issue of hotel over-concentration, only 32 additional hotel rooms have been added to the supply of 2,557 rooms existing or under construction. This represents only a 1.2% increase, which is

⁷ Appellant's SoC, Appendices 21-23

⁸ Ibid, Appendix 10

⁹ Appendix 23 to its SoC, dated 18 January 2017

¹⁰ Council's SoC paragraph 6.38 confirmed at the Hearing

- insignificant. For these reasons there would not be an over-concentration of hotels or similar uses in the immediate locality.
36. There is a broad spectrum of uses within a 500m radius of the site including office, residential, hotel and assembly and leisure uses, which is typical of the City Fringe¹¹. I see no reason why the proposed hotel would not contribute to the balance and mix of such uses in the immediate locality and support the broader City Fringe area's primary retail/business/cultural role nor why it would compromise its economic function/growth. On the contrary the mixed use proposal would beneficially contribute to the mixed use of the area by delivering not only offices but a hotel that would serve the strategic employment function as well as the tourist function of the area and also provide much needed market and affordable housing to help meet the Borough's housing land supply.
37. I also agree with the appellants that the hotel and office uses would have a synergistic relationship and note that the Council did not challenge the appellant's assertion that a 61 bedroom hotel was the smallest size necessary to deliver the beneficial conversion of the underground vaults, a key aim of the site's allocation. As such it would fully comply with DMP Policy DM4.11, the most relevant policy in this regard, as well as the higher level Policies set out above: LP Policy 4.5, CS Policies 7 and 15 and FLP Policy BC 8.
38. It is also apposite that the Council itself proposed to change the site allocation (BC 31) at the FLP Examination by broadening the range of uses by referring to development "including" rather than "comprising" employment and residential uses. The FLP Examining Inspector noted that the Council accepted that small scale retail or hotel use may be appropriate on the site. Whilst the appellant argued that the change should include hotel use as a priority the Inspector considered that this was unnecessary because the modification proposed by the Council introduced sufficient flexibility for redevelopment to include hotel and other uses. To my mind this adds to the case for approving the proposed hotel, notwithstanding that it would in any case comply with the development plan as a whole, as explained above.

Other Matters

39. Residential neighbours have raised objections on a number of other grounds, including loss of light, privacy and outlook, disturbance during construction, loss of car parking, overdevelopment, noise, access for emergency vehicles and increased congestion as a result of the development. There is nothing in any of these representations that leads me to conclude that all of the issues raised could not be satisfactorily addressed by condition or would not be taken into account in the construction of the development, especially given the beneficial changes to the scheme since the last appeal refusal indicated above.
40. The S106 sets out a number of planning obligations, all of which are necessary to bring forward several of the scheme's benefits and in order to comply with development plan policy. These are: financial contributions to carbon offsetting, Code of Construction Practice (CCP) monitoring fee, and for

¹¹ Appellant's SoC, Appendix 9

employment and training; on-site employment and training for 9 construction trade apprentices from the Borough; compliance with the CCP; compliance with the Council's Code of Local Procurement; necessary highway reinstatement via a Highway Agreement; compliance with energy statement and connection to District Heating Provider; compliance with Travel Plan and Green Performance Plan; provision of 8 accessible parking bays; provision of 43% of the dwellings as affordable housing (including 73% social rented); dwellings to be car free; development viability overage requirements; dwellings not be left vacant for more than 3 consecutive months; provision of affordable workspace for 20 years; provision of SME workspace; Category A fit-out for offices; and public access to open space areas.

41. I agree that all these requirements are necessary to comply with development plan policy and all of them would satisfy the legal tests in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*.
42. The SME obligation is the subject of dispute between the main parties concerning its definition. The 1,242m² of SME workspace is defined as office floorspace comprising individual units no larger than 90m², which conforms to the definition of SME workspace in paragraph 11.1.5 on page 87 of the FLP. Paragraphs 17.6-17.12 require that all the SME workspace (the subject of the Regus head lease) is provided accordingly. However, the appellants would prefer that this space be occupied predominantly (my underlining) by SMEs in accordance with a Flexible Workspace Scheme, which itself would need prior written approval by the Council (paragraph 17.13).
43. I understand the Council's reasons for seeking to provide SME workspace since the area around Old Street station is acknowledged as a 'tech hub' for SME start-up businesses, many of which comprise small companies or individual entrepreneurs. However, I do not see the need for the Council to micro-manage the office market to the extent that every bit of floorspace within the offices must comprise units of no more than 90m².
44. The appellant described at the Hearing that they may, for example, wish to sublet space of more than 90m² to CASS Business School, which occupies the premises on the opposite side of Lamb's Passage and the tight criteria in paragraphs 17.6-17.12 would prevent them from doing so. I fail to see how such criteria would contribute to the strategic employment function of the area. I also consider that such restrictions would unnecessarily constrain the range of office tenants who could occupy the underground office space, making it more likely that the Council's fears that it would go unlet would be realised, a situation that would be rather perverse. In my opinion it is in the interests of both the appellant and the Council that the office floorspace is all occupied as soon as it is available. In any case, the Council has the final say on the Flexible Workspace Scheme to be agreed. For these reasons I favour the obligation as set out in paragraph 17.13 of the S106.

Conditions

45. The Council has suggested comprehensive lists of conditions for both the planning and listed building applications, with accompanying reasons. I agree that these conditions meet the policy tests in the NPPF and Planning Practice

Guidance and are justified by the reasons set out below. The only condition I have changed is Condition 24 relating to the hours of use of the A3 restaurant use, to make the hours more practical in terms of its use by the hotel; amending the hours of operation would not compromise the living conditions of nearby residents. I have also deleted the condition stating that the SME workspace must be let in units of 90m² or less, for the reasons set out above.

Conclusion

46. For the reasons given above I conclude that the appeals should be allowed, subject to the conditions below.

Nick Fagan

INSPECTOR

Appeal A (Planning Permission) Conditions

1 Commencement

The development hereby permitted shall begin no later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

2 Approved plans list

The development hereby approved shall be carried out in accordance with the following approved drawings and information:

Updated Planning and Regeneration Statement ref: 25777/A5/Reports (15 June 2016), Financial Appraisal Amended Scheme (8 June 2016), Agent email 3/8/2016 and Barton Willmore Note Rev A – 030816, Planning Policy Response Note, Design and Access Statement and Design and Access Statement Addendum Rev A (August 2016), GIA Daylight and Sunlight ref: 4749 (14 June 2016), Sustainability Statement XCO2 Energy ref: 8319 issue 02, Energy Statement XCO2 Energy ref: 8319 (13 June 2016), Proposed Hotel Indigo, Barbican, London, Market and Viability Study, London City Shopping Centre Ltd & Lamb's Passage Real Estate Ltd (June 2016), Lambs Passage Li56:183 Area Schedule Rev M (13 June 2016), Hotel & Office Management Document (June 2016), Structural Method Statement ref: 061620 Rev: 01 (1 July 2016), Email from Hyde Housing (29 April 2016), Architectural and Built Heritage Assessment Heritage Collective ref: L\Jen's HC documents\Lambs Passage\2016 Application\2016.01.29 Lambs Passage Heritage and DBA report1.docx (February 2016), Noise and Vibration Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Air Quality Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Transport Assessment and Travel Plan Template SCP REF: JRB/13814/TA/01 (February 2016), Structural Strategy Report LO1403-REP-001 Lamb's Passage, Statement of Community Involvement (February 2016), Geotechnical and Geo- Environmental Desk Study ref: GE15288-DSR-JAN16 Ver 1.0, Drainage Strategy Report, Curtins Ref: LO1403-REP-002 Rev

02 (29 January 2016), Public Realm Strategy BMD REF: BMD197.PRS.001 Rev 9 (February 2016), Over Heating Analysis XCO2 Energy February 2016, 02-01-001 A, 02-02-001 I, 02-03-001 J, 02-03-002 L, 02-03-003 O, 02-03-004 I, 02-03-005 I, 02-03-006 I, 02-03-007 H, 02-03-008 J, 02-03-09 I, 02-03-010 J, 02-03-012 B, 02-04-001 D, 02-04-002 E, 02-05-001 F, 02-05-002 F, 02-05-003 E, 02-05-004 H, 02-05-005 E, 02-91-001 A, 02-91-002 C, 02-91-003 A, 02-91-004, 02-91-005, 02-91-006, 02-91-007, 02-91-008, 02-91-009, 02-91-010.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

3 Materials and Samples (Details)

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 the relevant buildings as hereby approved. The details and samples shall include:

- a) solid brickwork (including brick panels and mortar courses);
- b) corten steel
- d) window treatments (including frame sections and reveals);
- e) roofing materials;
- f) balustrading treatment (including sections);
- g) any other materials to be used.

The development shall be carried out strictly in accordance with the details and samples 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.

REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

4 Air Quality (Details)

Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:

- a) the area within the boundary of the site, which may exceed relevant national air quality objectives.
- b) specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.
- c) identify areas of potential exposure.
- d) detail how the development will reduce its impact on local air pollution.

Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.

REASON: In the interest of protecting the safety of future occupiers of the building.

5 Sound Insulation (Details)

A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):

Mixed sources:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour

Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour

Plant and delivery noise sources:

Bedrooms (23.00-07.00 hrs) 25dB LAeq,8 hour and 40 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 30 dB LAeq, 16 hour

Dining rooms (07.00 –23.00 hrs) 35 dB LAeq, 16 hour

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In the interest of protecting the future occupiers of the building from unacceptable noise and disturbance.

6 Additional elevational details (Details)

Full details of the design and treatment (including colour schemes and finishes) of all ground floor (and first floor where appropriate) elevations shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing.

Details shall all be shown in context and to a scale of 1:50 with 1:10 details or larger where necessary and include the following (but not be limited to):

- a) window and door frames;
- b) fascias;
- c) glazing types;
- d) elevational and threshold treatments;
- e) balcony details;

f) louvers.

g) brickwork pillar at entrance to new pedestrian route off Lamb's Passage.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.

7 Obscure glazing and restricted opening (Details)

Notwithstanding the plans hereby the approved western elevation windows and west facing terraces on the southern residential block and the facing windows in the northern elevation shall, prior to the first occupation of those dwelling(s), be treated (to include obscure glazing and restricted opening methods) to prevent the overlooking of habitable room windows in neighbouring dwellings. The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.

The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

8 Roof Level Structures (Details)

Notwithstanding the drawings hereby approved, updated details of the proposed roof-top structures/enclosures demonstrating a reduction in their prominence shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:

- a) roof-top plant;
- b) ancillary enclosures/structure; and
- c) lift overrun

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

9 Public art details (Details)

Further details of the proposed 'art' shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the development hereby approved. The details shall confirm the size, design, materials, colour scheme and means of attachment.

The 'art' shall be installed in accordance with the details so approved and maintained as such permanently thereafter.

If at any point the 'art wall' is considered to form an advertisement as defined under section 336 of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Control of Advertisements) Regulations 2007 you are advised that a separate application of Advertisement Consent will be required.

REASON: To ensure that the Authority may be satisfied with the external appearance of the building.

10 No obscure glazing at ground level (Compliance)

The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level shall be placed within 2.0m of the inside of the window glass.

REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.

11 Accessible dwellings (Compliance)

Notwithstanding the Design and Access Statement and plans hereby approved, 31 of the residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 4 units (3 X 1b, 1 x 2b) shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3) Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site.

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure the provision of visitable, adaptable and wheelchair accessible homes appropriate to meet diverse and changing needs, in accordance with London Plan (2015) policy 3.8.

12 Security and General Lighting (Details)

Details of any external general or security lighting (including full specification of all luminaires, lamps and support structures), and the location and design of any CCTV camera equipment shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.

The CCTV and lighting shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.

REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.

13 Energy Reduction (Compliance)

The energy efficiency measures/features and renewable energy technology(s)

- a) Connection to Citigen Heating Network;
- b) 118.8 m² of photovoltaic panels on the developments main roofs;
- c) Beyond green measures as outlined within the approved energy strategy.

shall provide for no less than 38.1% reduction in total emissions against the 2013 Building Regulations as detailed within the Energy Statement XCO₂ Energy June 2016 shall be installed and operational prior to the first occupation of the development.

Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The revised energy strategy shall provide for no less than a 38.1% on-site total CO₂ reduction in comparison with total emissions from a building which complies with Building Regulations 2013.

REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.

14 Vehicular Facilities & Servicing and Delivery Management Plan (Details)

Detailed design of the proposed servicing area, including the provision of an on-street taxi/drop off bay, and the associated changes to the public highway along Lamb's Passage, shall be submitted to and approved by the Local Planning Authority prior to superstructure works commencing on site.

A Delivery and Servicing Management Plan shall be submitted to and agreed in writing by the Council prior to the first use of the respective part of the approved development.

Details confirming the following shall be submitted:

- a) Taxi/Drop-off bay: all vehicles must reverse out of the servicing area into the drop-off bay. Vehicles should not directly reverse into the carriageway nor should they reverse into the pedestrian footway that would run alongside the drop-off bay.
- b) Banksman: a qualified banksman must be in place at all times during a reversing service vehicle manoeuvre. The banksman will supervise the reversing of all vehicles out of the servicing area into the drop off bay.

The development shall not be occupied unless and until the servicing area for loading/unloading, turning, parking and vehicular access have been constructed, made available for their intended use and appropriately line-marked and/or signed.

REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.

15 Green Procurement (Details)

No development shall take place unless and until a Green Procurement Plan has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development would promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.

The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.

REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.

16 BREEAM (Compliance)

The Hotel, restaurant, ground floor office and retail spaces hereby approved shall achieve a BREEAM New Construction 2014 rating of no less than 'Excellent'. The office space refurbishment shall achieve a BREEAM Office 2008 rating of no less than 'Excellent'. The retail space refurbishment shall achieve a BREEAM Retail 2008 rating of no less than 'Excellent'

REASON: In the interest of addressing climate change and to secure sustainable development.

17 Green and Brown Roofs (Compliance)

The biodiversity (green/brown) roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plan 3326/P13 Rev A hereby approved; and
- c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

18 Sustainable Urban Drainage System (SUDS)

Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an

assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits.

The submitted details shall include maintenance information, the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/operational prior to the first occupation of the development.

No infiltration based sustainable drainage systems are to be constructed on land affected by contamination as contaminants.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure that sustainable management of water.

19 Rainwater and Greywater Recycling (Details)

Details of the rainwater and greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.

The details shall demonstrate the maximum level of recycled water that can feasibly be provided to the development.

The rainwater and greywater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form and shall be maintained as such thereafter.

REASON: To ensure the sustainable management and use of water, and to minimise impacts on water infrastructure, potential for surface level flooding.

20 Bird and Bat Boxes (Details)

Details of no less than 4 (total) bird and bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats.

The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

21 Plant Noise and Fixed Plant (Compliance)

The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq,Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive

premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90,T.

The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.

REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.

22 Noise Level from Premises (Compliance)

Noise emitted from any part of the premises through the operation of the use shall not increase the current background levels, measured as an LA90,1hour day and LA90,5minute night at one metre from the nearest noise sensitive facade.

REASON: In order to protect residential amenity.

23 Lifts (Compliance)

All lifts serving the development hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.

REASON: To ensure that inclusive and accessible routes are provided throughout the development to ensure no one is excluded from full use and enjoyment of the site.

24 Hours of use (Compliance)

The lower and upper basement floor restaurant (A3 use class) hereby approved shall not operate except between the hours of:

Monday to Thursday 06:00 and 23:00

Fridays and Saturdays 06:00 and 24:00

Sundays and Public Holidays 06:00 and 23:00

REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.

25 Demolition, Construction Management Plan and Construction Logistics Plan (Details)

No development shall take place unless and until a Demolition and Construction Management Plan (DCMP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.

The DCMP and CLP shall set out the measures proposed to ensure demolition and construction will be undertaken in a manner which does not cause harm to the amenity of nearby occupiers, pedestrian or highway safety and shall include:

- a) identification of construction vehicle routes;
- b) how construction related traffic would turn into and exit the site
- c) details of banksmen to be used during construction works

- d) the parking of vehicles of site operatives and visitors;
- e) loading and unloading of plant and materials;
- f) storage of plant and materials used in constructing the development;
- g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) wheel washing facilities;
- i) measures to control the emission of dust and dirt during demolition and construction;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- k) Condition surveys of Shire House and the St Joseph's School building
- l) Measures to prevent construction vehicles driving onto footpaths at any time.

The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.

REASON: In order to secure highway safety and free flow of traffic and protect amenity of nearby occupiers.

26 Construction Environment Plan (Details)

A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration Wifi and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to safeguard the amenity levels of adjoining occupiers.

27 No External Piping (Compliance)

Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.

Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.

REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.

28 Written Scheme of Investigation (Details)

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b) Details of a watching brief be maintained on groundworks and interventions to historic fabric within the cellars
- c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

29 Historic building written scheme of investigation (Details)

No demolition shall take place until a written scheme of historic building investigation (WSHBI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSHBI, no demolition or development shall take place other than in accordance with the agreed WSHBI, which shall include the statement of significance and research objectives, and

- a) The programme and methodology of historic building (historic cellars) investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSHBI.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

30 Details of Flues (Details)

Details of proposed flues / extraction systems for the restaurant/retail units at ground floor level hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.

The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.

The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.

REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).

31 Contaminated Land (Details)

Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority

a) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.

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:

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.

b) Following completion of any necessary 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 a).

The remediation shall ensure piling or any other foundation designs using penetrative methods do not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The development shall be carried out strictly in accordance with the land contamination investigation and any resulting scheme of remedial land contamination works so approved, any necessary remediation shall be carried out prior to the first occupation of the development, and shall be maintained as such thereafter.

REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.

32 Cycle Parking (Details)

Details of the bicycle storage area, which shall be covered and secure and provide for no less than 65 cycle spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved storage shall be provided/erected prior to the first occupation of the buildings hereby approved.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

33 Landscaping (Details)

A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a. an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways);
- b. a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
- c. detailed calculations setting out the substrate depth necessary to accommodate the planting proposed within the courtyard; including provision for storage of water for irrigation purposes;
- d. existing and proposed underground services and their relationship to both hard and soft landscaping;
- e. proposed trees: their location, species and size;
- f. soft plantings: including grass and turf areas, shrub and herbaceous areas;
- g. topographical survey: including proposed earthworks, proposed ground finishes, proposed top soiling with both conserved and imported topsoil(s), levels, proposed drainage and fall in drain types;
- h. enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
- i. hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and
- j. any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.

The landscaping and planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are

removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

34 Water usage and reduction targets (Compliance)

The residential development shall strive to reach a 105 litre / person / day of water use rate.

REASON: In the interests of securing developments that minimise their impact on water resources.

35 Reuse materials target (Compliance)

In accordance with the approved plans 10% of materials used in the construction of the development are to be derived from re-used or recycled content.

REASON: In the interests of environmental sustainability and sustainable development.

36 Delivery and Servicing Management Plan and Waste Management Plan (Details)

A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

The DSMP shall include details of all servicing and delivery requirements for the various use within the development, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.

The development shall be carried out strictly in accordance with the DSMP so approved.

REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.

37 Servicing Arrangements (Compliance)

All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of:

Monday – Saturday 08:00 to 19:00; and Not at all on Sundays and Public Holidays:

REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.

38 Micro and small enterprises (Compliance)

The business accommodation suitable for occupation by micro and small enterprises in the lower basement floor shall be provided strictly in accordance with the submitted Office Floorspace Information Document (June 2016) hereby approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.

39 Micro and small enterprises (Compliance)

The small/micro workspace located on the ground and lower ground floor shall not be amalgamated with the remainder of the office floorspace in the building

REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).

40 Micro and small enterprises (Compliance)

The breakout space on the ground and lower ground floor is to be used for the small/micro businesses on these floors only and not for use by the occupants of the other floors of the building.

REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).

41 Window and door reveals (Compliance)

Windows and doors shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations.

40 Recycling/refuse storage provision and management (Details)

Full details of refuse/recycling storage locations, dimensions, collection arrangements and management for both the commercial and residential elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.

The details shall incorporate facilities for the recycling of food/compostable waste. The approved details shall be installed prior to the first occupation of the development and collection and management practices be carried out in accordance with the details so approved permanently thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

42 Removal of Permitted Development rights (Compliance)

Notwithstanding the provisions of Class I, O or T of Part 3 or Class E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the office floorspace (including the small/micro workspace) shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

REASON: To protect the office floorspace hereby approved in accordance with the requirements of policies CS 7 and CS 13, of the Islington Core Strategy (2011), policies DM5.1, DM5.2 and DM5.4 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)

43 Removal of Permitted Development rights (Compliance)

Notwithstanding the provisions of Classes A, C, D, G, J or M of Part 3 or Class D, E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the basement level restaurant floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)

44 Visitor Cycle Parking Provision

Details of the visitor's cycle parking, which shall comprise no less than 50 spaces shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development hereby approved.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure adequate visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport.

Appeal B (Listed Building Consent) Conditions

1 Commencement

The works hereby permitted shall be begun not later than three years from the date of this consent.

REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

2 Approved plans list

The development hereby approved shall be carried out in accordance with the following approved drawings and information:

Updated Planning and Regeneration Statement ref: 25777/A5/Reports (15 June 2016), Financial Appraisal Amended Scheme (8 June 2016), Design and Access Statement and Design and Access Statement Addendum Rev A (August 2016), GIA Daylight and Sunlight ref: 4749 (14 June 2016), Sustainability Statement XCO2 Energy ref: 8319 issue 02, Energy Statement XCO2 Energy ref: 8319 (13 June 2016), Proposed Hotel Indigo, Barbican, London, Market and Viability Study, London City Shopping Centre Ltd & Lamb's Passage Real Estate Ltd (June 2016), Lambs Passage Li56:183 Area Schedule Rev M (13 June 2016), Hotel & Office Management Document (June 2016), Structural Method Statement ref: 061620 Rev: 01 (1 July 2016), Email from Hyde Housing (29 April 2016), Architectural and Built Heritage Assessment Heritage Collective ref: L\Jen's HC documents\Lambs Passage\2016 Application\2016.01.29 Lambs Passage Heritage and DBA report1.docx (February 2016), Noise and Vibration Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Air Quality Assessment WSP, Parsons Brinkerhoff Rev 1 (February 2016), Transport Assessment and Travel Plan Template SCP REF: JRB/13814/TA/01 (February 2016), Structural Strategy Report LO1403-REP-001 Lamb's Passage, Statement of Community Involvement (February 2016), Geotechnical and Geo-Environmental Desk Study ref: GE15288-DSR-JAN16 Ver 1.0, Drainage Strategy Report, Curtins Ref: LO1403-REP-002 Rev 02 (29 January 2016), Public Realm Strategy BMD REF: BMD197.PRS.001 Rev 9 (February 2016), Over Heating Analysis XCO2 Energy February 2016, 02-01-001 A, 02-02-001 I, 02-03-001J, 02-03-002 L, 02-03-003 O, 02-03-004 I, 02-03-005 I, 02-03-006 I, 02-03-007 H, 02-03-008 J, 02-03-09 I, 02-03-010 J, 02-03-012 B, 02-04-001 D, 02-04-002 E, 02-05-001 F, 02-05-002 F, 02-05-003 E, 02-05-004 H, 02-05-005 E, 02-91-001 A, 02-91-002C, 02-91-003 A, 02-91-004, 02-91-005, 02-91-006, 02-91-007, 02-91-008, 02-91-009,02-91-010.

REASON: For the avoidance of doubt and in the interests of proper planning.

3 Details to match-Listed buildings

All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

4 Details of vaults excavation

Notwithstanding the plans hereby approved, full details of the excavation proposed within the vaults in relation to increasing floor to ceiling heights shall be submitted to and approved in writing by the LPA prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

5 No removal of historic fabric

Notwithstanding the plans hereby approved, no historic fabric including wall posters, historic machinery or tracks or any other historic artefact shall be removed or repaired prior to full details detailing their protection, repair or relocation have been submitted and approved by the Council.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

6 Details of final fixtures and fittings

Notwithstanding the plans hereby approved, full details and detailed drawings of the proposed treatment of all historic fabric, fixtures and fittings including damp proofing measures, within the vaults shall be submitted to the LPA, prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).

These shall include, but are not limited to:

- a) Any staircases at below ground level
- b) Light fittings (including cabling)
- c) Ductwork (including trunking locations)
- d) Flooring

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

7 Details of kitchen ventilation/extraction

Details of kitchen ventilation/extraction and intake and related plant for any A3 and gym uses within the listed vaults shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure that the resulting appearance and construction of the development is of a high standard and to ensure the significance of the listed building is not harmed.

End of Conditions

APPEARANCES

FOR THE APPELLANT

Christopher Katkowski QC, Landmark Chambers *instructed by* Justin Kenworthy
Simon Mathews-Williams, Sanguine Hoospitality, Appellant
Lloyd Simon, Matterhorn Capital, Appellant
Justin Kenworthy MTRPI etc, Barton Willmore LLP – Planning
Adam Hall, Falconer Chester House Architects – Architecture
John Campbell MRICS, Lambert Smith Hampton – Office Floorspace
Benjamin White, CBRE - Hotel Supply & Demand
Mark Cooper, Kubico Group – Office quality, fit out & branding
Richard Ashdown, ULL Poperty – Scheme Viability
Joanne Hannah LLB, Winkworth Sherwood Solicitors – Legal/S106

FOR THE COUNCIL

John Kaimakamis
Ben Johnson

INTERESTED PARTY

Dennis Kleinberg, Vice Chair of Whitbread Tenants Association

End of Appearances

DOCUMENTS SUBMITTED AT AND AFTER* THE HEARING

- 1 Appellants' Key Points
- 2 DMP Policy DM2.1
- 3 Islington's Urban Design Guide SPD
- 4 Heads of Terms for head lease of SME floorspace between Regus and appellant
- 5 Copy of email of 19 May 2017 from Mr Kenworthy to PINS and attachments re. EasyHotel
- 6 Letter from Islington Property team dated 6 November 2017 objecting to loss of its interest part of the site
- 7 Hotel in Islington, report by Ramidus dated 18 January 2016
- 8 A Guide to Legal Rights to Light provided by Mr Kleinberg
- 9 Letter from Islington Service Director of Planning dated 9 November 2017 regarding appellant's legal representation at the Hearing
- 10 *Signed and dated S106 agreement

End of Documents
