

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING COMMITTEE		AGENDA ITEM
Date:	8 th November 2022	NON-EXEMPT

Application number	P2021/3656/FUL and P2021/3677/LBC
Application type	Full Planning Application – Major; and Listed Building Consent
Ward	Bunhill
Listed building	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Conservation area	Within 50 metres of St Luke’s Conservation Area; and Within 50 metres of Chiswell Street Conservation Area
Development Plan Context	Site Allocation: BC31; Central Activities Zone (CAZ); City Fringe Opportunity (Finsbury Policy BC8); Bunhill & Clerkenwell Core Strategy Key Area; Employment Priority Area 18 (General) (Old Street / Whitecross Street); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough);
Licensing Implications	n/a
Site Address	Car Park and Basement Vaults East of Shire House Lambs Passage & Sutton Way London EC1Y 8TE
Proposal	Construction of a 2 to 7 storey building (above ground level) together with the change of use of the Grade II listed underground vaults within the basement to 2,539sqm (GIA) of office floorspace (Class E(g)(i)) along with associated landscaping and public realm improvements (in association with Listed Building Consent ref: P2021/3677/LBC).

Case Officer	Simon Roberts
Applicant	c/o Agent
Agent	Rinsler & Co

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and Listed Building Consent:

The planning permission (ref: P2021/3656/FUL) to be:

1. Subject to Conditions set out in **Appendix 1 (Recommendation B)**; and
2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in **Appendix 1 (Recommendation A)**.

The Listed Building Consent (ref: P2021/3677/LBC) to be:

1. Subject to Conditions set out in **Appendix 1 (Recommendation C)**; and

2. SITE LOCATION

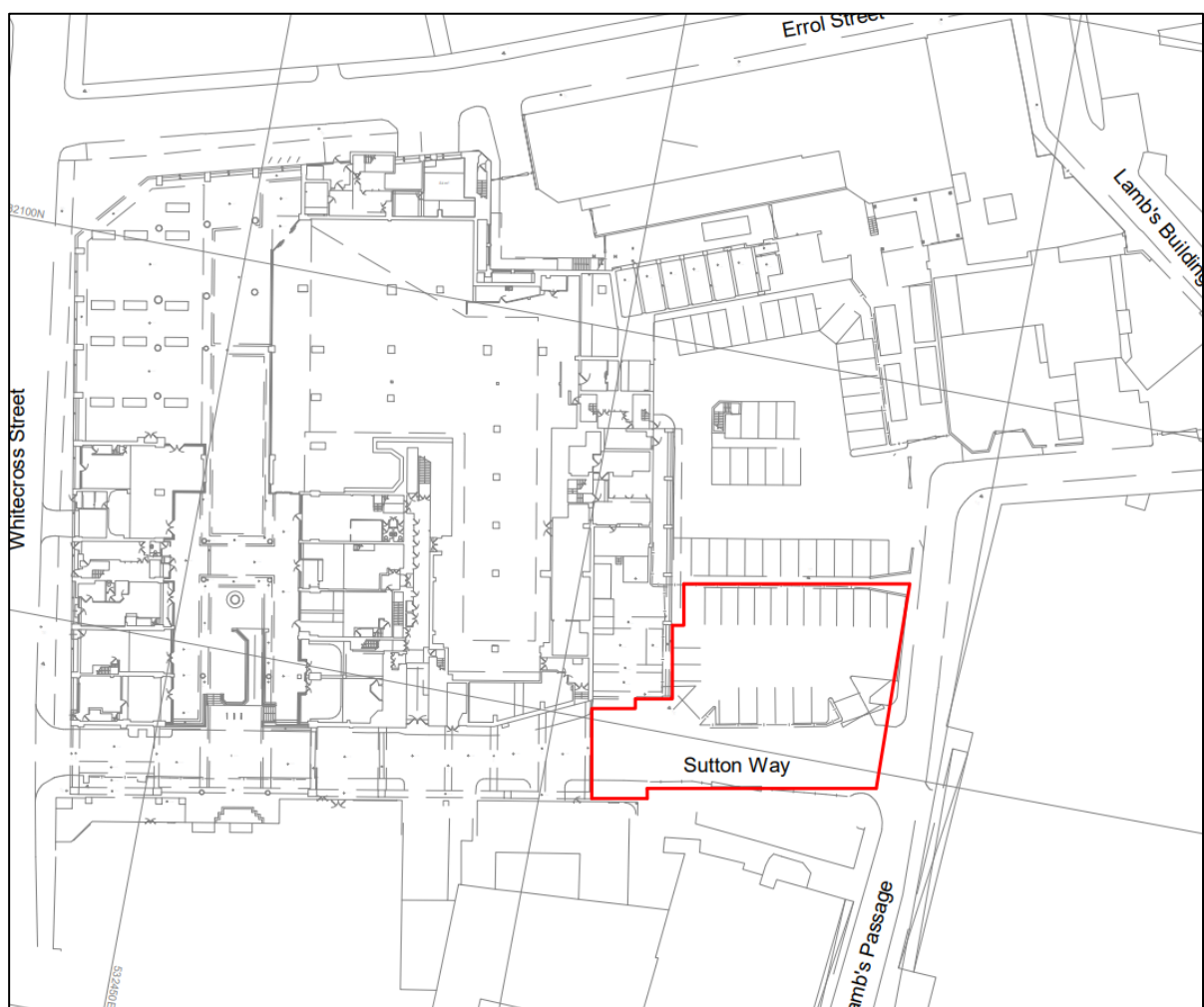


Figure 1: Site Location Plan



Figure 2: Aerial view of site (in red) from the north looking south

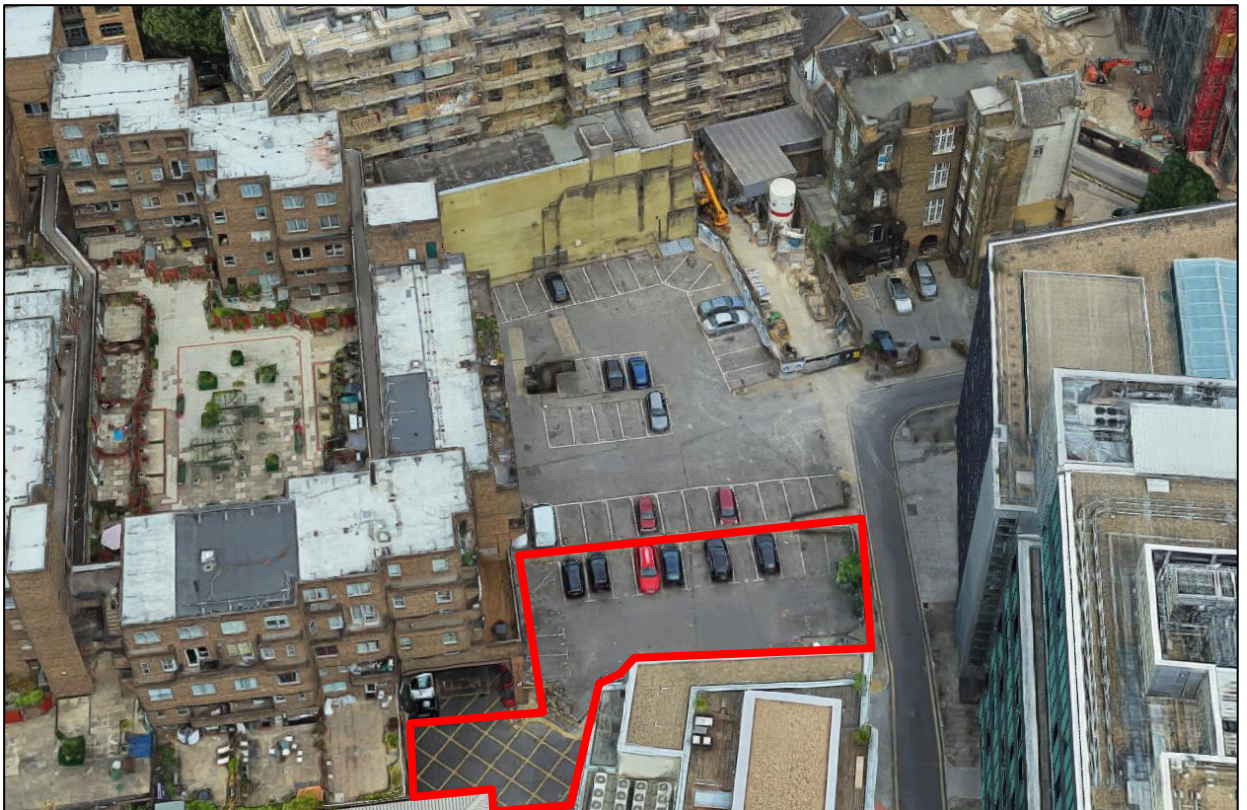


Figure 3: Figure 2: Aerial view of site (in red) from the south looking north



Figure 4: View of the existing car park on site (to the left) and Shire House in the background



Figure 5: View of car park on site and 1 Lambs Passage in the background



Figure 6: View of the car park on site (foreground) with the recently completed City YMCA in the background



Figure 7: View of within the listed arched vaults at basement level



Figure 8: View of the later basement with white tiled walls constructed circa 1930s

3. SUMMARY

- 3.1 The application site is a ground level car park. The proposal seeks to construct a 7-storey building, which drops to 5-storeys and 2-storeys to the western part of the building. The development would provide 2,539sqm (GIA) of office floorspace (Use Class E(g)(i)).
- 3.2 This application seeks a similar massing and has similar impacts to neighbouring properties as those of a previous scheme at the site, which was allowed at appeal in November 2017. However, the most recent appeal scheme consolidated the full site allocation area inclusive of the adjoining car park and building immediately to the north of the site.
- 3.3 The scale, height, design and appearance of the proposal is considered acceptable within its setting and would not cause detriment to the heritage assets (listed buildings and conservation areas) within the site context.
- 3.4 The proposed development would lead to the reduction of daylight to neighbouring residential properties at Shire House and 1 Lambs Passage. It is noted that the most impacted residential units are located at lower levels and there would be less impact to the units above. It has been demonstrated in the submission that the close proximity of Shire House to the site boundary and architectural features (overhangs and balconies) of this building are such that this building could be considered as unneighbourly/prejudicial to the development of the application site in daylight and sunlight terms.
- 3.5 The submitted daylight and sunlight report highlights transgressions to neighbouring properties and details the extent of a BRE Guidance compliant scheme. It should be noted that while these transgressions weigh against the scheme, the benefits (which include the provision of affordable workspace in excess of policy requirements and the development of the Site Allocation for Office development within the CAZ) outweigh the impact in the planning balance and consideration should be given to the previous appeal decision. Overall, the impact to neighbour amenity is not considered to be such as to recommend refusal of the application.

- 3.6 The site has excellent an public transport accessibility level (PTAL) due to its proximity to Old Street and Barbican railway and underground stations. The proposal would be car-free development. Due to the site constraints, servicing and deliveries will take place safely on-street, whilst there would be sufficient cycle parking facilities on-site. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.7 The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, which are to be secured via conditions and planning obligations.
- 3.8 The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.9 The proposal would deliver high quality office accommodation in an area of high demand. As such, the proposal is considered to be a sustainable form of development on brownfield land and in accordance with the land use thrust for the Central Activities Zone. All other matters relevant to planning are considered to be acceptable. As such, the proposal is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1 The site is located on the junction between the western side of Lamb's Passage and northern side of Sutton Way. It comprises a pay-and-display car park connected to the Whitbread Centre. The car park is accessed from Sutton Way. The site also includes a basement below the car-park site and neighbouring part of Sutton Way.
- 4.2 The upper basement level historically formed part of the Grade II listed Whitbread Brewery building located to the south of the application site and remains intact. Given their attachment to and location within the historic curtilage of Whitbread Brewery, these vaults are statutorily listed as Grade II.
- 4.3 The application site is not located within a designated conservation area but is close to two conservations areas: the St Luke's Conservation Area to the north/northeast of the site and Chiswell Street Conservation Area to the south.
- 4.4 There are a variety of building designs in the immediate locality with the modern CASS college building, modern 1 Lamb's Passage and more traditional yet visually distinctive finishes to St Joseph's RC Church Building and Shire House itself. St Joseph's RC Church is located within the nearby St Luke's Conservation Area.
- 4.5 To the west of the site, is the rear of Shire House, which forms part of the Whitbread Centre and is a dark brick 1960s building between 4-5 storeys in height. The building comprises a brick façade on stilts (i.e. plus the equivalent of two storeys below), with retail uses on the ground floor and residential properties above. The residential flats on the rear (east facing elevation) of Shire House benefit from balconies, windows and verandas that overlook the application site.
- 4.6 The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Excellent) due to its proximity to Old Street, Barbican and Moorgate stations. The site is within a resident only Controlled Parking Zone ('Zone C') with restricted parking operating 24 hours a day on weekdays and Saturdays, and between 0000 and 0600 on Sundays.

Land Ownership

- 4.7 It should be noted that the wider site allocation is not within single land ownership, with three separate landowners identified making up the site allocation boundary, as shown below in *Figure 9* below taken from the Applicant's submitted 'Design and Access Statement'.
- 4.8 The application site, (the southern car park), is owned by Lamb's Passage Real Estate Ltd as shown in blue in the plan below, whilst the northern car park (as shown in green) is under separate ownership. The northern car park has been leased to the London Borough of Islington and provides car parking for existing residents of the adjacent residential building (Shire House) and the Whitbread Centre. A separate 3rd party owns the site identified in pink.

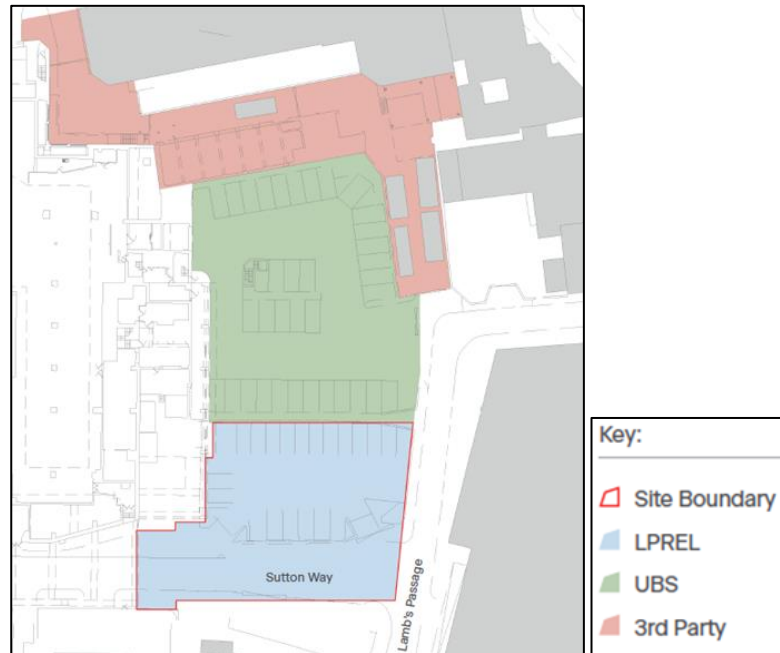


Figure 9: Site ownership map

- 4.9 The site at ground floor level measures an area of 863sqm, whilst at basement level, 656sqm is within the Applicant's ownership. As shown in *Figure 10* below, the listed vaults adjoin an extensive basement area, however this is not within the Applicant's demise.



Figure 10: Site boundary (in red) below ground at basement.
The area in pink is circa 1800-1860, whilst the purple area is circa 1930s.

5. PROPOSAL (IN DETAIL)

- 5.1 The above ground development seeks a part 2, part 5, part 7 storey building for use as office (Use Class E(g)(i)). The existing basement level is to be renovated.
- 5.2 Fenestration and active frontage are proposed to the southern and eastern elevations, the western elevation would be built up to neighbouring Shire House and Whitbread Centre, whilst the northern elevation would have no fenestration and would be finished completely in brick so as not to prejudice development coming forward at the neighbouring northern car park site, which forms part of the site allocation.
- 5.3 Below ground, the basement within the Applicant's ownership is to be renovated and refurbished. It is intended to preserve the integrity of the vaults and as much historic fabric as possible, including retention of the visible brickwork and ceramic tiling, subject to suitable waterproofing, ventilation and thermal insulation (whilst historically dampened fabric will need to be removed). Excavation of the existing flooring to the basement level in order to create further floor to ceiling heights is not envisaged given the arched vaults are to be used for cycle storage. A total of 259sqm of the basement area is to be demolished to provide direct access to the proposed building above (stair core and lifts), and as confirmed by officers on site, demolition is focused on areas of the lowest quality heritage value and/or areas already subject to modern intervention.
- 5.4 It should be acknowledged that the proposal, with regards to height and scale, would be within the 'building envelope' of that allowed at Appeal under planning application reference: P2016/0488/FUL (see paragraph 6.3 below).



Figure 11: CGI of the proposed building's southern and western elevations



Figure 12: Proposed southern elevation along Sutton Way



Figure 13: Proposed eastern elevation along Lamb's Passage

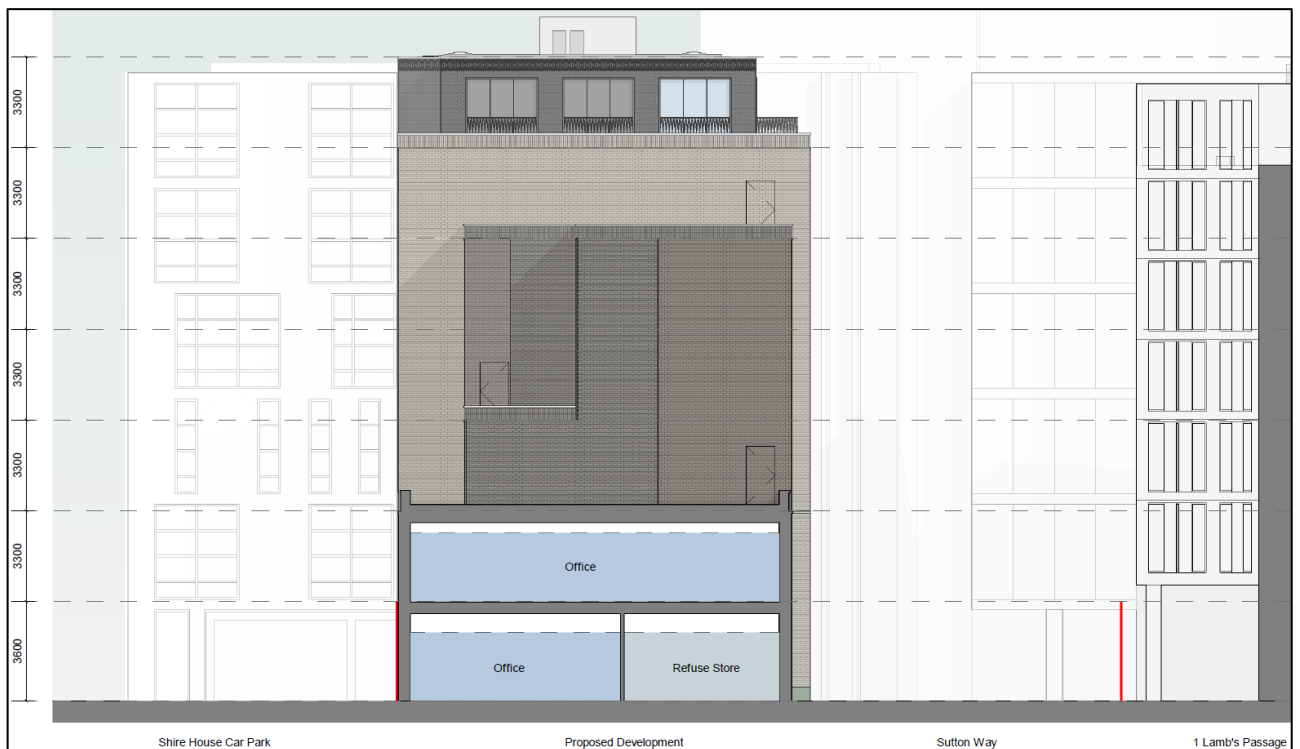


Figure 14: Proposed western elevation

Revisions and further detail

5.5 A number of minor revisions have been made during the application stage. Given the amendments are minor in nature, formal public re-consultation was not undertaken. The amendments include:

- Façade treatment to the northern elevation;
- Fenestration alignment and elevation treatment to the plant enclosure to the sixth floor;
- Affordable Workspace Statement;
- Heritage Technical Summary Note dated 3 August 2022 prepared by HCUK Group;

- Daylight and Sunlight Addendum letter dated 04/08/2022 prepared by GIA – additional assessments outlining the results to neighbouring dwellings if - 1. Remove one floor from the proposed massing. 2. Remove two floors from the proposed massing. 3. Cutback to demonstrate the BRE compliant position and 4. Cutback to try and decrease the effect on one window within one flat in Shire House that experiences the largest VSC reduction.

6. RELEVANT PLANNING HISTORY

Planning Applications:

- 6.1 The site has been subject to several applications. The following list are considered relevant to the current proposal:
- 6.2 **P2013/3257/FUL:** Construction of a 61-bedroom hotel, 38 residential units in two distinct blocks, a gym, office floorspace, a gallery (retail use), and a proposed restaurant use within the existing vaults of the site. **Refused** on 31 July 2014.
- 6.3 The Council refused the application on one ground due to impact on living conditions on nearby residents.
- 6.4 The **Appeal** was **Dismissed** by the Planning Inspectorate on 23/07/2015 following a Hearing. The Inspector concluded that although the scheme would have undermined the living conditions of residents of No.1 Lamb's Passage and Shire House through loss of daylight and visual impact, it would have however brought 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. Further, the scheme failed to bring forward the amount of affordable housing it could, or indeed should have, and therefore was contrary to the Local Plan. The Inspector therefore determined that the benefits of the scheme failed to be sufficient to outweigh the harm (insufficient affordable housing provision) in the planning balance.
- 6.5 **P2016/0488/FUL:** Development of a 61 bedroom hotel, 35 residential units, 1,954sqm office (B1) floorspace, 80sqm retail (A1) floorspace, 1,536sqm restaurant (A3) floorspace and 263sqm leisure (D2) floorspace. **Refused** on 20 October 2016.
- 6.6 The Council refused the application on two grounds, as follows:
- 1 *REASON: The proposed below ground office space by virtue of the absence of natural light and any outlook would fail to provide an adequate form of office accommodation, unattractive to future office occupiers and therefore vulnerable to conversion to a non-office use at a later date. As such the application would provide the maximum amount of business floor space reasonably possible for the site, failing to enhance and promote the functions of the CAZ. The application is therefore contrary to London Plan (2015) policies 2.9 and 2.10, Islington's Finsbury Local Plan (2013) policy BC8, Islington's Development Management Policies (2013) policy DM5.4, the City Fringe Opportunity Area Planning Framework (2015) and the CAZ SPG (2016).*
 - 2 *REASON: The proposed hotel would result in an over-concentration of hotels and similar uses in the surrounding area and as such would be detrimental to the balance and mix of uses in the immediate locality, contrary to London Plan policy 4.5 and Islington's Development Management Policies (2013) policy DM4.11.*
- 6.7 The **Appeal** was **Allowed** by the Planning Inspectorate on 28/11/2017 following a Hearing. The Appeal decision is appended to this report (**Appendix 3**).
- 6.8 The Inspector considered the main issues to be:
- the proposed underground office space would provide an adequate form and amount of Class B1a (*office*) accommodation including in terms of its vulnerability to conversion to a non-office use in the future; and

- 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.

Officer Summary of the Appeal Decision

Quality of office floorspace in basement

- 6.9 The Inspector stated that it was clear to them that modern LED lighting is capable of properly lighting such office floorspace. The Inspector was convinced that office floorspace within the basement and lower basement levels would provide a good standard of amenity for prospective occupiers in perpetuity and that it would therefore not be vulnerable to a future change of use. The Inspector concluded that the proposed offices comprised a good working environment regardless of lacking natural daylight and outlook.

Overconcentration of hotels

- 6.10 The Inspector considered that there would not be an overconcentration of hotels or similar uses in the immediate locality, in which a radius of 500 metres around the site was used.

Other Matters

- 6.11 Regarding other matters, the Inspector highlighted those objections received relating to 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 was acceptable or could be satisfactorily be addressed through condition.
- 6.12 The appeal was allowed by the Inspector subject to conditions and the completion of the section 106 legal agreement.

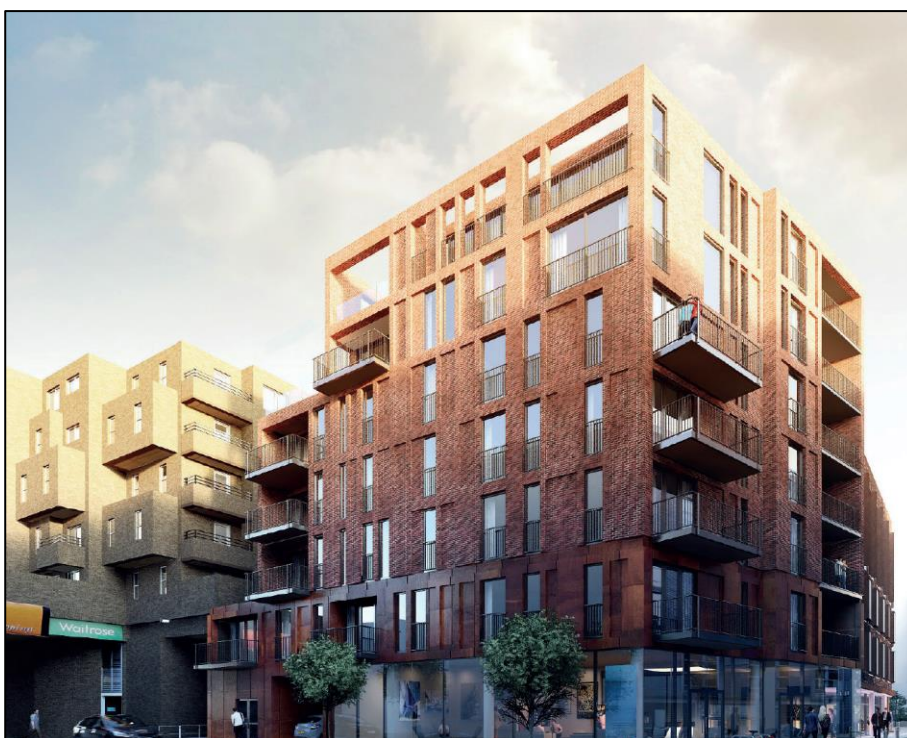


Figure 15: CGI of the Appeal scheme Allowed, as viewed from the corner of Lambs Passage and Sutton Way

Relevant Neighbouring Sites:

City YMCA, 8 Errol Street

- 6.13 **P2012/0637/FUL:** Demolition of the existing building and erection of a new, improved hostel facility (146 rooms) with ancillary office, gym training and communal facilities along with two commercial units (76 sqm) to be used within use classes A1 [shops], A2 [financial and professional services], A3 [restaurants and cafes], B1 [business] and/or D1 [non-residential institutions], all within a seven storey building (with upper two floors set back). Approved with conditions and legal agreement on 07/05/2019 following resolution at Planning Committee on 07/01/2013.

Pre-Application Advice:

- 6.14 Pre-Application engagement between the Applicant and the Council was undertaken prior to the submission of the planning application under reference: Q2020/0083/MJR. It was advised that the intensification of employment floorspace, and specifically office development, within the CAZ and Bunhill and Clerkenwell Area Action Plan could be supported in land use terms.
- 6.15 Officers encouraged a comprehensive, wholesale redevelopment of the full wider site allocation rather than the incremental development of parts of it, however it was acknowledged that this was proving difficult due to landownership. It was highlighted that the design of the northern elevation would be problematic in order to not prejudice the adjoining carpark to the north and the rest of the site allocation. It was advised that a blank wall of either render or brickwork would not be supported.
- 6.16 Officers acknowledged that the proposal would be within the envelope of the previous comprehensive appeal scheme, however concerns were raised with regard to neighbouring amenity. It was highlighted that the benefits of the pre-application proposal, would not be sufficient to outweigh the harmful impacts identified. The benefits of the pre-application proposal simply would not equate to the level of benefits brought forward by the comprehensive appeal decision. The pre-application proposal offered, in officers view, less benefits than the comprehensive appeal scheme which was permitted. Although the proposal maximises priority use for office, the pre-application proposal did not provide for on-site affordable housing provision, significant affordable workspace provision and wholesale renovation of the listed basement vaults.
- 6.17 The standalone pre-application proposal in isolation of bringing forward the whole site allocation was considered significantly different to the extant planning permission in regard to the planning balance. Transgressions to neighbouring daylight caused harm to neighbouring amenity, whilst several benefits which were secured through the extant permission have fallen away as part of this current proposal. For instance, the pre-application proposal did not highlight the proportion of affordable workspace offer.

7. CONSULTATION

Public Consultation:

- 7.1 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 622 adjoining and nearby properties (including Lambs Passage, Errol Street and Shire House) on 20 January 2022. The public consultation of the application therefore expired on 13 February 2022; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing this report, **8** representations had been received on the application. The points raised within the representation are summarised below [*with the case officer response and reference to which sections of this report address those particular concerns indicated in brackets*]:

Land use

- Oppose the idea of building more offices in this area, a 22-storey office building has been built next door. More green space is needed in Islington. Islington is the least green Borough in the whole UK.

- Welcome the regeneration of the two car parks but an office block would not benefit locals. What is needed is to plant trees and landscape the area for adults and Children to relax and socialise, not office spaces.
- The proposal is contrary to the Lambs Passage Planning Brief November 2006 which envisaged a building no higher than 4 storeys (12 metres), 0 live-work units and 8 residencies, as well as a substantial "new area of open space available for the public".
- The nightclub, film/tv studio, restaurants, new dwellings and hotel would introduce noise and disturbance within an area which is currently peaceful at night.
- Loss of "public space".

[Officer Response: See paragraphs 9.2 – 9.29. The proposal is for an office use and does not include nightclub, hotel or residential uses.]

Quality of office space

- Proposed office floorspace in the basement would be of poor condition for office workers, daylight is a basic human right and the lack of natural light would be of detriment to their health.
- [See paragraphs 9.30 – 9.39.]*

Highways and Transport

- The proposal will lead to increased traffic in the tiny roads impacting local residents with more pollution.
- The loss of a car park would impact upon disabled parking for shopping and church, meaning no access.

[See paragraphs 9.156 – 9.176]

Impact on neighbouring amenity

- Loss of privacy because of overlooking;
- [See paragraphs 9.99 – 9.102]*
- Increased sense of enclosure and intrusion leading to loss of outlook;
- [See paragraphs 9.103 – 9.104]*
- Loss of daylight and sunlight to neighbouring properties and restrict light to the rear of Shire House;
 - Concerns that light will be restricted to nearby St Joseph's Catholic Church at 15 Lambs Passage, specifically to the first floor Parish Hall and lower ground level Church Space;
- [See paragraphs 9.109 – 9.155]*
- Construction would bring noise and disturbance just like the construction of nearby YMCA building and Finsbury Tower;

[Condition 12 seeks submission of a construction management plan]

Heritage Impacts

- The local Grade II listed building being changed will take away the last vestiges of this residential community;
- [See paragraphs 9.69 – 9.90. It should be noted that the Listed building was associated with a Brewery, and not/has never been within residential use]*

Access

- The development will lead to restricted access for occupiers of Shire House.
- [Officer Response: The subject site and proposal does not include the pedestrian access to the eastern side of Shire House]*

External Consultees:

7.3 **Historic England (Planning and Listed Buildings)** – No comment to make, the Council's own Heritage Officer should assess the impact upon the Listing.

7.4 **Historic England (GLAAS)** – The application lies in an area of archaeological interest, a tier 2 Archaeological Priority Area (APA). The Moorfields APA covers an historic urban area with late medieval origins including sites such as St Luke's Hospital, Bunhill Fields and other historic burial grounds, and has also demonstrated potential for prehistoric and Roman finds.

The submitted desk-based assessment states there is a low-medium potential for medieval or earlier remains indicated by previous finds in the vicinity but also reflecting disturbance from the extensive post-medieval cellars which cover the site.

Having reviewed the proposal and submitted desk-based assessment, it is advised that the development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed via planning conditions recommended.

[Officer Response: Condition 27 and 28 seeks the submission of further investigations relating to archaeology, as requested by Historic England]

7.5 **London Fire & Emergency Planning Authority** – No response received.

Transport for London (Spatial Planning) – The proposed number of cycle parking spaces is in line with London Plan policy T5 and the London Cycling Design Standards. Details of a finalised construction management plan should be provided to TfL to confirm the impacts upon the surrounding road networks. A Travel Plan should be secured.

[Officer Response: Condition 20 seeks further details requested by Thames Water in relation to submission of a piling method statement, to be agreed with Thames Water prior to commencement.]

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

[Officer Response: Condition 12 seeks the submission of a Demolition, Construction and Environmental Management Plan, to be agreed with Transport for London prior to commencement. Further, a travel plan is to be secured through planning obligation as part of a section 106 legal agreement.]

Internal Consultees:

7.7 **Access Officer** – The general arrangement of the building with regards to providing step free access to all floors via lifts, accessible WC provision and emergency refuges, is supported. Accessible cycle storage is provided (quality and quantum) in accordance with London Plan standards, whilst end of trip facilities are acceptable.

Safe drop off for taxis has been identified on Sutton Way and existing Lambs Passage, the public realm area on Sutton Way should allow for level access.

It is accepted that a lift dedicated to cyclists is unfeasible due to minimising intervention to the listed vaults. Accessible cycle storage is provided at ground floor level, whilst although not ideal, cycle channels to the staircase is accepted.

Details to be confirmed through details condition:

- Entrance: Door frames should feature a differing contrast to the surround; details on entrance door widths and weight to be defined; entry phone system linked to reception required to allow for wheelchair assistance;
- WCs: A mixture of right and left transfer accessible WCs to be installed on alternating floors;
- Transport: The feasibility of storage and mobility scooter charging points to be explored; Widths of the door leaf to the cycle entrances to be clarified at 2000mm;
- Spiral staircase: Usually these are resisted as not usually inclusive for all, however, could be acceptable subject to detailed dimension drawings showing BR part K compliance;

- Public realm: Benches to be a variety of heights to cater for people with different statures with alternating arm/backrests, and to allow wheelchair users to comfortably sit alongside companions; Glass reveal to be treated with non-slip, non-reflective coatings, and clear route options to avoid standing so not difficult the visually impaired; Short stay cycles and furniture to contrast adequately with their surroundings and feature a tapping bar.

[Officer Response: Inclusive design and accessibility measures will be secured through condition 18.]

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

[Officer Response: See 9.209 – 9.211 for Fire Safety measures and mitigation proposed,]

7.9 Design & Conservation Officer – *Above Ground Building:* The height and massing have been kept broadly to the appeal scheme southern building and it is not thought that it would be visible above Sun Dial court when viewed from the south although no verified views have been provided.

The height is contextually appropriate to the buildings immediately surrounding the site and has been stepped back in stages from the adjacent Shire House. The building line reflects the line of Shire House at ground floor on Sutton Way and is placed on Lamb's Passage to hold the pavement line and provide enclosure.

The large part of the north elevation has been designed to allow the future redevelopment of the adjacent northern site and so the application building principally addresses the south to Sutton Way and east to Lamb's Passage. The western elevation is also largely without openings, but there are green roofs on the setbacks and the application has referred to the structural requirements of the wall which makes openings problematic, given that the ownership below ground is not co-terminus with the site above ground. The entrance would be located on the south-eastern corner and would lend animation on this key corner. The use of brick for the building is contextually appropriate. Three colours of brickwork are proposed and different bonds with textured finishes providing a richness of expression that helps with modulating the mass while also potentially deterring damage from graffiti.

The additional information regarding the roof top and the narrative that has been provided about the rhythm and positioning of the windows at the set-back top floor is welcome and with this, no objections are raised.

Whilst the building may be visible in places from the surrounding conservation areas, it would be of comparable scale to surrounding built form and brickwork would be a contextual material and it is considered that the character or appearance of the conservation areas would be preserved or enhanced.

The southern landscaping is considered to be acceptable, given the constraints, with a proposal to light and expose the crown of some of the vaults below, soft landscaping in planters, and street furniture.

Heritage implications: In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

Overall, the proposed works would cause less than substantial harm to the vaults and would adversely affect the special architectural or historic interest of the listed building. There is public benefit in providing access to the vaults and in providing a use and maintenance. The full range of public benefits will need to be assessed. In the event of a recommendation for approval, conditions are recommended.

[Officer Response: Noted and further commentary on the scale, height, massing and detailed design of the proposal is provided within the 'Design' section of the below assessment. Condition 3 within Recommendation B seeks the submission of further details relating to all facing materials to be approved prior to commencement of the development. Conditions 3, 4, 5 and 6 of Recommendation C relate to protection of the Listed Building fabric].

- 7.10 **Highways and Transport Officer** – Lambs Passage is a narrow, single lane, one-way street and all loading/unloading for servicing and deliveries associated with any development would not be permitted to take place from the public highway of Lambs Passage.

Pedestrian and vehicular movement would need to be maintained at all times during any works associated with construction.

[Officer Response: See paragraphs 9.156 – 9.176.]

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

[Officer Response: See paragraphs 9.177 – 9.197.]

- 7.12 **Environmental Health (Air Quality)** – The site has no CHP/boiler emissions with an ASHP proposed to be used. The AQ assessment effectively only looks at the AQ/dust impacts from the construction of the development. With the scale of the development, underlying basements, constrained access and proximity of office and residential space it is advised that there is a Construction Management Plan response document to be conditioned or a S106 obligation.

- 7.13 **Environmental Health (Acoustic and Lighting)** – The proposal includes new plant (ASHP) to be installed on the main roof and within the basement. The submitted Noise Report includes an existing background noise survey, however does not include plant equipment or standby generated specified, and therefore an assessment of potential noise impacts and proposed noise limits. As such, a condition should be attached in order to minimise noise impacts, with control on overall noise levels and a subsequent verification report.

[Officer Response: Noted, Condition 4 requires the relevant detail of noise mitigation measures to be submitted and approved, as recommended.]

An external lighting statement has been submitted. This references the Institution of Lighting Professional ('ILP') Guidance with regards to potential impacts from external lighting. The 7-storey building has large windows to both the southern and eastern elevations. As such, a condition requiring details of internal light to be submitted and approved, is recommended.

[Officer Response: Noted, Conditions 8 and 9 seek further details relating to internal light mitigation and an external lighting plan to be submitted and approved.]

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

[Officer Response: Noted, regarding the impacts of contamination, condition 24 relates to securing investigation and any required remediation works as recommended.]

- 7.15 **Inclusive Economy Team (Affordable Workspace)** – The proposed provision for an Affordable Workspace unit at ground floor level is 157sqm, which equates to 11.3% in NIA of the building. The Applicant has agreed that this space would be let to the Council for a 20-year period at peppercorn rate and as such, meets emerging policy B4.

The unit's location has sufficient natural light, outlook, dedicated entranceway and access to ground floor WCs (including accessible WC) and cycle storage at basement level. The unit would achieve CAT A office floorspace and includes a kitchenette. Although the ceiling would include exposed services (in line with the rest of the building's office floorspace), this is accepted by the Inclusive Economy Team.

Further, following clarification by the applicant, the service charge will not be more than 50% of a fair proportion of the costs associated with the space, including shared space – the discount is passed onto the operator to ensure the space is truly affordable and to allow them to deliver their social value objectives.

[Officer Response: Noted, the further details relating to service charge is to be secured through planning obligation with the legal agreement.]

Sustainability Officer – Due to the constraints of the site with existing listed basement, provision of attenuation tanks would be difficult. The Applicant has outlined that it would not be possible to achieve rainwater runoff rates required by policy DM6.6.

[Officer Response: Noted, Condition 19 seeks to secure the sustainable urban drainage statement.]

Turning to Urban Greening Factor, the proposal only achieves a score of 0.163, and not the recommended 0.3. Again, due to the constraints of the site, namely the existing basements, it is acknowledged that there is limited scope to increase soft landscaping, and balancing the design of the building with regards to vertical greening. The UGF score should be secured via condition whilst further detail on maximising greening.

The use of green roofs is welcomed. It is possible to extend the area of wildflower planting below/around plant and equipment (such as solar panels).

[Case Officer Response: Noted, Condition 16 secures the Applicant's outlined Urban Greening Factor and submission of further details.]

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

[Case Officer Response: Noted, Condition 17 seeks further details relating to quantum and location of suitable bird/bat boxes/bricks to be approved.]

Design Review Panel:

Pre-Application Stage

- 7.16 At pre-application stage, the proposal was presented to the Design Review Panel (DRP) in March 2021. The Panel's pre-application stage written comments are appended as **Appendix 4** to this report.
- 7.17 In summary, the Chair felt that the proposal was an encouraging response to the site and that it dealt responsibly with the adjacent site to the north. The panel was supportive of the ambition of the scheme on this difficult site and considered that the height and massing of the proposed building seemed to be within the allowances of the extant permission. The panel were unconvinced by the purported contextual approach and advised that the driver for the design should be the existing context and environmental quality. Concern was raised with the disjuncture of the grid and the unresolved structure of the building and the two-dimensional effect of a façade wrapped around a frame. Attention was drawn to the brickwork on Sutton Way appearing as a veneer when approached from the west. Whether the decorative spandrels were fussy or fundamental would become clearer once functionality and structure were dealt with.
- 7.18 In conclusion, the Chair recommended the Applicant to review the context and reconsider how that is expressed with an open mind on the architectural direction of the project. The amendments to the proposal since the DRP have been outlined further below in paragraph 9.64.

8. RELEVANT POLICIES

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

- 8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11(c) states: “*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*”
- 8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: “*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*”
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

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

Emerging Policies

Draft Islington Local Plan

8.10 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021, with consultation on Main Modifications running from 24 June to 30 October.

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

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

Given the advanced stage of the draft local plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

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

- SP1 Bunhill and Clerkenwell
- B1 Delivering a range of affordable business floorspace
- B2 New business floorspace
- B3 Existing business floorspace
- B4 Affordable workspace
- B5 Jobs and training opportunities
- R8 Location and concentration of uses
- G4 Biodiversity, landscape design and trees
- G5 Green roofs and vertical greening
- S1 Delivering sustainable design
- S2 Sustainable design and construction
- S3 Sustainable design standards
- S4 Minimising greenhouse gas emissions
- S5 Energy infrastructure
- S6 Managing heat risk
- S7 Improving air quality
- S8 Flood risk management
- S9 Integrated water management and sustainable design
- S10 Circular Economy and Adaptive Design
- T1 Enhancing the public realm and sustainable transport
- T2 Sustainable transport choices
- T3 Car-free development
- T4 Public realm
- T5 Delivery, servicing and construction
- DH1 Fostering innovation while protecting heritage
- DH2 Heritage assets
- DH3 Building heights
- DH4 Basement development

Draft Site Allocations

8.13 Within the draft Bunhill and Clerkenwell Area Action Plan, the subject site has been allocated as **Site Allocation BC13**. The Site Allocation highlights the previous appeal decision and now expired planning permission and states that the Council will seek redevelopment to provide a mixed-use development with residential and a significant amount of office development. An element of hotel use is acceptable in principle. Furthermore, under 'development considerations', any development is encouraged to respect, and if possible, make use of the vaults underneath the southern part of the site.

Designations

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

- Central Activities Zone ('CAZ');
- City Fringe Opportunity (Finsbury Policy BC8);
- Bunhill & Clerkenwell Core Strategy Key Area;
- Finsbury Plan: Site Allocation - BC31;
- Employment Priority Area 18 (General) (Old Street/Whitecross Street);
- Article 4 Direction B1c to C3 (CAZ);
- Article 4 Direction A1-A2 (Rest of Borough);

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment (EIA)

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

9. OFFICER ASSESSMENT

9.1 The main material considerations arising from this proposal are as follows:

- Land use in principle;
- Design and appearance
- Accessibility and inclusive design;
- Neighbouring amenity;
- Transport and highways;
- Energy and sustainability; and
- Overall planning balance;

Land Use

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

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

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

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

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

- 9.7 The site is located in the 'Bunhill & Clerkenwell Key Area' as defined within Islington Core Strategy ('ICS') 2011 policies CS7 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3.
- 9.8 Islington's Core Strategy ('ICS') policy CS7 'Bunhill and Clerkenwell' is the spatial strategy that highlights the specific spatial policies for managing growth and change for this key area within the Borough. The Bunhill and Clerkenwell area is considered as Islington's most important employment location within the Core Strategy, with the area expected to accommodate an addition of 14,000 business use jobs by 2025. Creative industries Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged.
- 9.9 ICS policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises (SMEs). Part B of policy CS13 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.
- 9.10 The definitions of "business" and "employment" floorspace/buildings/development/uses provided in the glossary of the adopted Core Strategy. Business floorspace accommodates activities or uses that previously fell within the "B" use class (i.e. offices, industry, or warehousing), and now fall within Use Class E.
- 9.11 Islington's Development Management Policies ('DM') policy DM5.1 'New business floorspace' encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units.
- 9.12 DM policy DM5.4 'Size and affordability of workspace' seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.
- 9.13 Policy B2 of the Draft Islington Local Plan states that new business floorspace is a priority in the CAZ. Moreover, proposals which are not considered to maximise business floorspace will not be permitted. Proposals involving existing business floorspace must prioritise the intensification, renewal and modernisation of this business floorspace. Consistent with the CAZ/CAZ fringe location, business use is a priority land use in Angel Town Centre, in line with Draft Local Plan Policy SP4. Existing office use will be protected and proposals for new business floorspace must maximise the provision of business floorspace.
- 9.14 Policy BC1 of the emerging Bunhill and Clerkenwell Area Action Plan states that due to the significant evidenced need to provide office floorspace to cater for projected jobs increases and secure inclusive economic growth, office floorspace is the priority land use across the entire Bunhill and Clerkenwell AAP area. It goes on to further state that all developments providing over 500sqm or more of net increase in floorspace (within any class) must comprise of at least 90% office floorspace (as a proportion of the total net additional floorspace proposed) in the City Fringe Opportunity Area; or 80% office floorspace (as a proportion of the total net additional floorspace proposed) in any other part of the Bunhill and Clerkenwell AAP area.
- 9.15 Finsbury Local Plan policy BC8 'Achieving a balanced mix of uses' designates areas for Employment Priority Areas ('EPA') for General or Office employment. Within an EPA, no net loss business floorspace is to be permitted and proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

- 9.16 The site is located within the 'Old Street/Whitecross Street' EPA (General). Part B of policy BC8 states that development should not be unfettered commercial office use, but where appropriate, must include retail or leisure uses at ground floor alongside i) a proportion of non-office business floorspace or business related floorspace (e.g. light industrial workshops, galleries and exhibition space) and/or; ii) office or retail floorspace suitable for micro and small enterprises ('SME') and/or; iii) affordable workspace, to be managed for the occupant whose needs are not met by the market.
- 9.17 The City Fringe Opportunity Area is defined as being approximately 901 hectares of land covering parts of the London boroughs of Islington, Tower Hamlets and Hackney. The application site is identified as being a key site within the City Fringe Opportunity Area.
- 9.18 The City Fringe Opportunity Area Planning Framework ('CFOAPF') document notes that the City Fringe has a significant role in addressing London's housing need, and as such a key aim of the CFOAPF is to achieve a balanced, spatially nuanced approach to determining planning applications. Residential development should be encouraged without compromising the opportunity for economic growth. The CFOAPF is clear that residential development should not be at the expense of the employment land and the commercial floorspace the City Fringe needs to support growth.
- 9.19 The Central Activities Zone SPG provides guidance on the implementation of policies in the now superseded London Plan (2015) related to London's Central Activities Zone (CAZ). As Supplementary Planning Guidance, the CAZ SPG does not set new policy, but rather explains how policies in the London Plan should be carried through into action. It is not a manual prescribing a universal format for development in the CAZ, but rather aims to give local authorities matters to consider in determining planning applications.
- 9.20 Neither the CFOAPF nor the CAZ SPG form part of the Development Plan, however they are material planning considerations when determining the current planning application. Set out below is an assessment of the current proposal, taking account of the guidance set out in the CFOAPF and CAZ SPG.

Assessment

- 9.21 The site is currently in 'Sui Generis' use as a pay-and-display car park with circa 23 parking bays. The basement is currently in a dilapidated state and has had no active use for decades.
- 9.22 Policy T3 (part I) of the Draft Local Plan states that the redevelopment of existing car parks is strongly encouraged and proposals for a different use shall be subject to the car-free restriction within policy T3 (part A).
- 9.23 The proposal would result in an uplift in business floorspace (GIA) of 2,539sqm. Office use is proposed to all levels whilst no other use is proposed on the site.
- 9.24 It is noted that London Plan Policy SD5 states that, within the CAZ, increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan. Further, DM Policy DM5.1, part E, sets out that major development that would result in a net increase in office floorspace should also incorporate housing. However, developments should optimise the amount of office space that can be accommodated on site. The two limbs of this policy must be considered in the wider context of other relevant Development Plan policies, both local and London wide. When assessed in consideration of current adopted London Plan (2021) policies and Islington's Core Strategy (2011) policies, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas, such as the CAZ.
- 9.25 Officers consider that due to the context and constraints of the site, a mixed-use development consisting of both office and residential would require separate cores (stairs and lifts etc.) which would not optimise the site sufficiently, reducing net internal floorspace.
- 9.26 Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, office floorspace would support higher employment

densities and thus create additional employment opportunities within the borough and in particular the CAZ and EPA.

- 9.27 Policy BC8 (part B) of the Finsbury Local Plan (2013) states that the employment component of a development proposal should not be unfettered commercial office use, but where appropriate, must also include retail or leisure at ground floor alongside either i) a proportion of non-office/business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or ii. Office or retail floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.
- 9.28 As outlined further below, an affordable workspace unit is to be secured at ground floor level and leased to the council at a peppercorn rent. Given the constraints of the site, specifically the need to allow for suitable access from ground floor level to the listed vaults at basement level, sufficient cycle parking and refuse/recycling provision (to each individual use) and the provision of the affordable workspace unit, officers consider it would not be appropriate in this instance to provide retail or leisure at ground floor level.
- 9.29 The emerging Site Allocation seeks redevelopment to provide a mixed-use of residential and a significant amount of office development. An element of hotel use would be acceptable in principle. Furthermore, under 'development considerations', any development is encouraged to respect, and if possible, make use of the vaults underneath the southern part of the site. The proposal is considered to meet the aim and objectives of the site allocation as office floorspace has been maximised to the southernmost part of the site allocation incorporating and bring back into use the listed vaults within the Applicant's ownership. Officers consider that the proposal would not prejudice the neighbouring car park to the north of the site (which is part of the same Site Allocation), given any further independent proposal to develop the northern part of the site allocation could provide a further mix of uses, such as a hotel and/or residential units, and could be designed to connect to the northern elevation of the current proposal.

Quality of the proposed office space

- 9.30 The proposed office floorspace to the above ground building would be of Category A quality with sufficient natural light, outlook, and minimum floor to ceiling heights of 2.90 metres to the ground floor and above. Although this is short of the recommended adequate floor to ceiling height of 3.00m quoted in the supporting text of DM policy DM5.1 and draft Local Plan Policy B12, Officers consider that the shortfall of 0.10 metres is balanced by the benefit of reducing the impact of the building upon neighbouring daylight and sunlight without the reduction of GIA floorspace, in order to maximise office floorspace on the site.
- 9.31 It is noted that there was no objection to the use of the basement space for offices in the previous application schemes (reference: P2013/3257/FUL that was refused and P2016/0488/FUL allowed at appeal). The basement office area (with an area of approximately 170sqm NIA) would have some natural light from internal lightwells at ground floor level, to the southern elevation of the building. Furthermore, the basement level office floorspace would achieve a generous floor to ceiling height approximately 3.5 metres, whilst also ensuring a wider use for the listed vaults.
- 9.32 It is accepted by officers that the basement space would not benefit from exceptional levels of natural light or external outlook, however, the floor to ceiling heights are generous (approximately 3.00m) and the office spaces would be easily accessible via lifts. It is considered that the office floorspace is of good quality throughout the proposal.

Affordable Workspace

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

will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).

- 9.34 The London Plan (2021) policy E3 states that in defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.
- 9.35 Draft Islington Local Plan policy B4 states that within the CAZ and Priority Employment Locations, major development proposals involving office development must incorporate at least 10% affordable workspace (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years.
- 9.36 The applicant proposes a dedicated Affordable Workspace ('AW') unit at ground floor level with an area of 157sqm (NIA). This would equate to 10.1% of the proposals total GIA of 2,539sqm. The Affordable Workspace is to be leased to the Council at a peppercorn rent period of at least 20 years.
- 9.37 The Affordable Workspace unit would be accessed from a dedicated entrance onto Sutton Way, whilst there is also access from the main reception of the building and to the rear close to the WCs. The unit is of high-quality accommodation (Category A fit out), with good floor to ceiling heights and windows to both the front and back elevations providing natural light and outlook.
- 9.38 The dedicated Affordable Workspace unit, which is to be leased to the Council, exceeds the current and Draft Local Plan policy requirements (both in regard to GIA and NIA). The unit is to be secured through a planning obligation within the section 106 legal agreement, outlined at paragraphs 9.226 – 9.229 below.
- 9.39 It is considered that the provision of affordable workspace, which is in excess of both the adopted and emerging policy requirements, is a benefit which weighs in favour of the proposal.

Land use summary

- 9.40 The proposal is considered to comply with the overarching land use policy directives, as it would maximise business use floorspace (office) following development of a car-park site, including provision for affordable workspace, within an Employment Priority Area and the Central Activities Zone, in accordance with London Plan (2021) policies SD4, SD5 and E3, Islington Core Strategy (2011) policies CS7 and CS13, Finsbury Local Plan Policy BC8 and Islington Development Management policies (2013) DM5.1 and DM5.4. The proposed land use is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.
- 9.41 It should be noted that 'Condition 22 and 23 are recommended to ensure that the floorspace of the new building can only be used for 'office' purposes within Use Class E(g)(i) and should not be changed to other uses within Use Class E (e.g., light industrial or retail etc.) or another use via permitted development rights.

Design, appearance, and heritage

Policy Context

- 9.42 Paragraph 126 of the NPPF 2021 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.43 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the

community should be looked on more favourably than those that cannot. Paragraph 133 goes on further to state that in assessing application, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.

- 9.44 Paragraph 134 states that permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 9.45 Planning policies relevant to design are set out in chapter 3 of the newly adopted London Plan (2021), Policy CS9 of Islington's Core Strategy (2012) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.46 The London Plan Policy D3 (Optimising site capacity through the design-led approach) states developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 9.47 London Plan Policy D4 (Delivering good design) expects the design of development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.
- 9.48 London Plan Policy HC1 (Heritage conservation and growth) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Further, development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.
- 9.49 ICS policy CS9 sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity preserving the historic urban fabric. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.
- 9.50 DM policy DM2.1 (Design) requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.51 DM policy DM2.3 (Heritage) requires that development make a positive contribution to Islington's local character and distinctiveness and that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building or within a conservation area which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted. The policy also encourages the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 9.52 Policy DH1 (Fostering innovation while protecting heritage) of the Draft Islington Local Plan states that all development must be designed to be contextual, connected, sustainable and inclusive. Site

potential for development and site density levels must be optimised, in order to make the best use of the scarce land resource in the borough. High density does not automatically mean buildings need to be tall and as such the design of development should create a liveable, human scale and massing. With regards to heritage assets, the Council will preserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including conservation areas, listed buildings, archaeological priority areas, scheduled monuments, registered historic parks and gardens, London Squares and other heritage landscapes, and locally listed heritage assets and shopfronts.

- 9.53 Policy DH2 (Heritage assets) of the Draft Islington Local Plan outlines that Development within conservation areas and their settings must conserve and enhance the significance of the area, and should be of a high quality. Proposals that harm the significance of a conservation area must provide a clear and convincing justification for the harm, commensurate to the level of harm proposed. Substantial harm to the significance of a conservation area will be strongly resisted. The significance of Islington's listed buildings and non-designated heritage assets (including locally listed buildings and shopfronts) and their settings should be conserved or enhanced. Proposals that harm the significance of a listed building or non-designated heritage asset (which includes development proposed within their settings) must provide a clear and convincing justification for the harm, commensurate to the level of harm proposed. Substantial harm to, or loss of, a listed building or non-designated heritage asset will be strongly resisted.
- 9.54 Policy DH3 (Building heights) of the Draft Islington Local Plan outlines buildings of 30 metres or more in height are considered to be tall buildings. Buildings which are not taller than 30 metres in height, but are considered prominent in their surrounding context, for example twice the contextual reference height, must respond appropriately to local contextual building heights and be compatible to their surroundings and the character of the area.
- 9.55 The above policy makes it clear that the relationship between the height of buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street.

Height, scale and massing

- 9.56 The site has no current built form as existing. The proposal seeks a building of between two and seven storeys, with heights measuring between 7.6 metres to 23.9 metres.
- 9.57 The surrounding buildings vary in height and, as such, the proposal would be shorter in height than some, but taller than others. The overall height (omitting plant) of the proposed building would be taller than neighbouring Shire House by approximately 1.8 metres, whilst 1 Lambs Passage overall height is 2 metres taller than the proposed building (albeit the upper most storey of 1 Lambs Passage is set back from the building shoulder).
- 9.58 The height and massing have been kept broadly consistent to the most recent appeal scheme (the southern element of that scheme which covered the subject site). The proposed building is unlikely to be visible above Sun Dial Court, when viewed from the south. The height is considered to be contextually appropriate to the neighbouring buildings surrounding the site, whilst the stepping back of the building from Shire House at second and fifth floors is considered successful.
- 9.59 The building line along Sutton Way is a continuation of that adjoining Shire House/Whitbread Centre. The building line to Lambs Passage follows and holds the pavement line providing relevant enclosure.
- 9.60 In summary, the proposal is considered acceptable with regard to height and scale as it would broadly correspond to the appeal scheme that was allowed on this part of the site. It would not be visible in longer views and is contextually appropriate to the surrounding urban context. As such, the Council's Design and Conservation Area raises no objection to the proposed height, scale and massing.



Figure 16: Comparison of the southern (Sutton Way) elevation between the recent Appeal scheme (P2016/0488/FUL) (top) and the current proposal (bottom)

Detailed design, appearance, and materiality

- 9.61 Owing to this elevation facing onto and being largely screened by Shire House, the western elevation of the building from second floor to sixth floor levels are largely free of openings and fenestration, however the flat roofs of the western set-backs are to be green roofs.
- 9.62 The main entrance of the building is located at ground floor level onto the Sutton Way (south) elevation, close to the corner with Lambs Passage, allowing access to all floors of the building from the central lift core. The location of the main entrance lends animation to this key corner.
- 9.63 The northern elevation has been designed to allow the future development of the adjacent car park site to the north. The main staircase to the building and WCs are located along this north elevation of the building, ensuring no openings and fenestration. The proposed finish of this elevation includes stepped brick detailing to add depth and layering to create visual interest.
- 9.64 At pre-application stage, the Design Review Panel ('DRP') reviewed the scheme, and a number of comments and suggestions were made to the applicant. An overview of the Panel's comments/suggestions, with regards to design and appearance, and how the applicant responded follows:

DRP comment	Applicant response
Encouragement was given to considering the interaction of the building with the public amenity space, allowing the ground floor, including the reception, to open into the area.	Incorporated large portions of glazing, in part openable, connect the ground floor accommodation with the landscape
The panel noted the context as being modern buildings from the 1980s onwards and that the proposed design made the building look semi period with unexplained detailing. The chiselled and hewn massing of this building undermined the warehouse as a typology, since Victorian warehouses were considered to be robust regular buildings.	The design was amended to integrate modern elements (such as green coloured glass reinforced concrete ('GRC') and green window frames) to the more regular and classic language of brick and GRC above.
The 'zipper' of glass on the south façade was noted not to be related to the building's programme and it would be more convincing if related to the core.	The zipper was removed as requested and does not form part of the proposal.
Attention was drawn to the brickwork on Sutton Way appearing as a veneer when approached from the west. Whether the decorative spandrels were fussy or fundamental would become clearer once functionality and structure were dealt with.	The brickwork detailing and façade articulation was revised for the submission of the application, to ensure that façade depth is perceived.

- 9.65 The series of changes, while relatively subtle, are, taken together, considered to improve the overall design of the proposal and to sufficiently address the comments and recommendations made by the final Design Review Panel on the 22 March 2021.



Figure 17: Indicative CGI of the northern elevation detailing



Figure 18: Indicative CGI of the southern elevation to the corner of Lambs Passage and Sutton Way

- 9.66 The use of brick for the building is considered contextually appropriate for the site and locality. Three different colours of brickwork are proposed, whilst differing bonds with textured finishes provide a richness of expression that helps modulate the mass of the building, with regards to identifying the base, middle and top.
- 9.67 To the main body of the building up to the fifth floor, a light buff brick is proposed. To the two storey and five storey elements to the west of the building, a light brown brick is proposed. To the sixth floor, which is slightly stepped back from the building envelope below, a darker grey brick clearly differentiates this top floor from the rest of the building. Pre-cast concrete elements to the parapets of the soldier courses and parapets are also proposed.
- 9.68 Further detailing includes metalwork balustrades, Juliet balconies and a parapet detail to the upper most floor. The detailed design, appearance and materiality of the proposed building is considered to be of high-quality architecture. The Council's Design and Conservation Officer raises no objection to the detailed appearance and material of the proposal subject to Condition 3 requiring samples of materials.

Heritage Considerations

- 9.69 The site is not located within a Conservation Area; however, the St Luke's Conservation Area (CA16) is located less than 50 metres away from the site to the north, whilst the Chiswell Street Conservation Area (CA20) is located less than 50 metres from the site to the south.
- 9.70 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.71 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that "preserving" in both s.66 and s.72 means "doing no harm".
- 9.72 The NPPF defines a "heritage asset" as: "A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".
- 9.73 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing).
- 9.74 "Significance" is defined within the NPPF as being: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset's physical presence, but also from its "setting".
- 9.75 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 9.76 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 9.77 In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been undertaken by the Council's Design and Conservation Officer, who has identified that less than substantial harm would be caused by the proposal, due to its impact of interventions (such as partial demolition) to the listed vault basement.
- 9.78 Where the decision-maker concludes that there would be some harm to a heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 9.79 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 9.80 Where more than one heritage asset would be harmed by the proposed development, (for example the impact upon a listed building and the character and appearance of a Conservation Area) the decision-maker also needs to ensure that when the balancing exercise is undertaken, the 'cumulative effect' of those harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.
- 9.81 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the applicant as part of its submission.

Listed Building

- 9.82 The proposed demolition and alterations would cause harm to the significance of the listed building, and it is considered that this would be, in the terms of the NPPF, less than substantial harm, as outlined further below.
- 9.83 It is considered there is a less than substantial harm due to minimal loss of historic fabric and form to the listed basement in order to facilitate access down into the basement from ground floor level and the necessary structure for the proposed building above. The following interventions are proposed:
- i. Demolition of walls and some jack arches in north-east corner to provide new staircase and lightwell into cellars to create access from the ground floor. The fabric of this area has been altered historically and is less sensitive to change. The lightwell and stairs have been orientated in respect of the existing basement footprint. Internal finishes are proposed to demonstrate the transition between new and historic. Downstands and nibs will be retained to indicate where the walls would have been. Tiled jack arches will be preserved to the south of the staircase.
 - ii. Demolition of parts of walls to provide access from east side to the west side of cellar. This will enable the full area of the basement to be used. This level of intervention has been kept to a minimum and the majority of the spaces are to be retained and enhanced through a new use.
 - iii. Insertion of foundations/piles through the existing structure to support the proposed building above. Just as the foundations of the Shire House development have been inserted into the historic fabric so too are the proposed buildings foundations to be located within the walls of the cellars. The ground floor layout and structural design for the buildings has been

specifically redesigned to account for the layout of the basement so that the piles do not fall within the centre of the spaces but retain the character and proportions of the long vaults.

- iv. Relaying and lowering of the floor level to provide adequate headroom and relaying of some of the metal tracks. In order to use the vaulted spaces for the proposed cycle storage and office floorspace.
- v. Removal of infill bricks around piles to create views through the area. This will enhance the appearance of the spaces and provide a better understanding of the interaction between and scale of the vaulted areas, enhancing heritage significance.
- vi. Damp proofing to the lower half of the walls with the upper parts being left as exposed brick where possible. Damp proofing the lower part of the walls will enable the spaces to be usable without compromising the experience of being in a brick vault.
- vii. Removal of later modern fabric (20th century additions) within the basement area (see figure 19 below) which is not of heritage value.



Figure 19: Example of a later enclosure to be demolished within the listed vaults

- 9.84 The vaults are currently in a poor state of repair, and work is needed to secure their long-term preservation, and there is an associated cost involved in undertaking the work. The proposed development, although seeing demolition to an area within the basement necessary for access and foundations for the above building, would facilitate the refurbishment of the heritage asset in the long term (which is considered a benefit). It is noted that the subterranean nature of the vaults limits the way in which the space can be successfully used, whilst the vaults cannot be seen by the public at street level. At ground floor level, the roof of the arched vaults is to be exposed for public viewing at street level, albeit to be protected by glazing.
- 9.85 Where there is less than substantial harm to significance, public benefits including optimum viable use are weighed against the harm. In this case, the vaults are currently redundant, as they are not easily accessible. The proposed scheme would ensure that the basement would be incorporated, with part used as an office space and part as a cycle store which would allow access to and appreciation of the retained listed vaults from those attending the site. The refurbishment, use of this space and access by those attending the site is therefore considered to be a public benefit.
- 9.86 It is considered that there are public benefits which would accrue because of the proposed works to the vaults, which would outweigh any detrimental impact to the special interest of the heritage asset. This consideration is consistent with the previous schemes considered at appeal, specifically the

2015 Appeal, in which the Planning Inspector considered that “*finding a new use for these spaces [the listed vaults], as part of the scheme, would be to the benefit of the listed building*”. Further, it was considered that subject to appropriate conditions, the works involved (to the listed building) need cause no harm to its special interest.



Figure 20: Indicative CGI outlining glazing to ground floor surface within the public realm to reveal the brickwork of the listed vaults below.

Conservation Area(s)

- 9.87 While the proposed building may be visible in places from the surrounding conservation areas, it would be of comparable scale to surrounding built form and the brickwork would be a contextual material. Given this and the high-quality design, it is considered that the character and appearance of the conservation areas would be preserved.

Archaeology

- 9.88 The application site is located within a designated Archaeological Priority Area (APA). Historic England - Greater London Archaeology Advisory Service (GLASS) were consulted on the application and have raised no objections to the proposed redevelopment, consistent with their consultation responses on the previous applications, subject to condition for further details. See conditions 27 and 28.

Design and Heritage summary

- 9.89 The proposed building is of a height, mass and scale appropriate to the immediate surrounding context and does not cause harm to the wider streetscape. Although a large part of the northern elevation does not have openings/fenestration, this is to account for the adjoining site allocation and to avoid prejudicing development of the adjoining car-park site to the north, at request of the DRP and officers. The Applicant has successfully balanced the need to ensure that the seven-storey

northern elevation is successful whilst not prejudicing future development to the neighbouring car-park site and rest of the designated Site Allocation.

- 9.90 The proposal has been considered against the relevant legislation, including the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF 2021. It is considered that the benefits of the proposal, which include bringing the listed vaults back into use where it would be appreciated by occupiers of the building and the public, outweigh the identified less than substantial harm.

Accessibility and Inclusive Design

- 9.91 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies 2013, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime.
- 9.92 Policy DH1 (part C) of the emerging Local Plan outlines that all developments must be designed to be inclusive, which should ensure 'ease of use' and versatility.
- 9.93 The proposal would see modern accessibility and inclusive design features. Level access across the site to all entrances at ground floor level is secured. There are several lifts allowing for level access to all floors of the proposed building, including the basement.
- 9.94 Policy D5 of the London Plan requires a minimum of at least one lift per core to be a suitably sized fire safety lift so that all people can evacuate in the event of a fire. The proposal includes 2x lifts to the main core of the building, with suitable refuges for wheelchair users in the event of an emergency.
- 9.95 When assessing an uplift in employees on site, for every 33 additional employees, an accessible car parking bay is required. The proposal would see the introduction of 195 employees to the site and as such six accessible parking bays are required. The development is to be car-free with no on-site parking proposed. Where provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £12,000 would be secured through a section 106 agreement.
- 9.96 The Council's Access Officer has outlined that (in paragraph 7.7) that the proposal is generally acceptable with regard to accessibility and inclusivity, subject to further details to be secured by condition 18. As such, subject to condition, the proposal is considered to be in accordance with policy D5 of the London Plan (2021) and policy DM2.2 of the Islington Development Management Policies (2013)

Neighbouring Amenity

- 9.97 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise, and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy D4, as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Policy DH5 of the draft Islington Local Plan outlines that any potential adverse impacts which may arise due to new development being located close to sensitive uses must be fully prevented via the design/layout of a scheme and/or the incorporation of other appropriate measures to limit the impact.
- 9.98 There are immediate and adjoining residential occupiers to the subject site. Shire House is a 7-storey building adjoining the western boundary of the site, whilst 1 Lambs Passage is a 7-storey (plus set

back eighth storey) building located opposite the site, to the south of Sutton Way and west of Lambs Passage.

Overlooking and Privacy

- 9.99 The subtext to Policy DM2.1 states at paragraph 2.14 that “to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy”. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.
- 9.100 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. Nevertheless, there is potential for windows which serve the proposed commercial building to adversely affect the privacy of neighbouring residential buildings.
- 9.101 The western elevation to the proposed building, which faces Shire House, does not include fenestration below the top floor, where this is set back from Shire House. As such, the occupiers at Shire House would not be overlooked from the office. Although there would be flat roofs to the building at second and third floor levels, these are not proposed to be used as external amenity roof terraces. These flat roofs will be green roofs and would not allow for external space for occupiers. Condition 7 secures the restriction of these roofs for green roofs only and not to be used for external amenity.
- 9.102 The proposal is considered to bring forward the same relationship (with regard to fenestration locations and separation distances) as existed in the now expired planning permission allowed at appeal, to which no objection was raised by officers or the Inspector(s) on these matters.

Outlook and Sense of Enclosure

- 9.103 The proposal is not considered to give rise to an unduly harmful loss of outlook or unacceptably harmful increased sense of enclosure when viewed from neighbouring residential properties given the context of the urban location and the separation distances from windows.
- 9.104 The height and mass of the proposed building will be in keeping with the rest of the buildings surrounding the site, whilst sufficient separation distance is achieved. As previously assessed, officers consider the proposal is of similar relationship to neighbouring properties of the expired planning permission (2016) allowed at appeal, to which no objection was raised by officers or the Inspector(s).

Noise and Disturbance

- 9.105 It is acknowledged that the site is located within a Central London location given its designation within the CAZ. The Council's Environmental Health Officer raises no objection subject to plant and equipment noise output to be restricted as per condition 4.
- 9.106 The proposed office element of the development would be unlikely to result in an unduly harmful impact relating to noise and disturbance affecting neighbouring occupiers given that offices do not typically generate significant noise and are compatible with residential uses.
- 9.107 It is acknowledged that deliveries and servicing will need to be controlled and undertaken in a manner which does not cause unacceptable impacts. However, subject to conditions being imposed when granting permission to control impacts (for example the timing of deliveries) the concerns can adequately be managed and mitigated.

9.108 Given the proposed number and proximity of new glazing to the above ground building, facing towards 1 Lambs Passage, the amount of light emanating from the proposed development could have the potential to harm neighbour amenity. For instance, there is a possibility of late-night light spill should office staff need to work outside normal office hours. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds. Condition 8 requires details to be submitted in relation to internal lighting measures, such as automatic blinds and lighting strategies.

Daylight, Sunlight and Overshadowing

- 9.109 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration should be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 9.110 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in '*Rainbird vs Tower Hamlets [2018]*'.
- 9.111 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.112 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.
- 9.113 Whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight.

Daylight Guidance

- 9.114 The BRE Guidelines (2022) stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
 - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution)."*
- 9.115 At paragraph 2.2.7 of the BRE Guidelines it states: "*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building... Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.*"
- 9.116 At paragraph 2.2.10 the BRE Guidelines state: "*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside*".

9.117 Paragraph 2.2.13 states: “Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.” The BRE Guidance goes on to recommend the testing of VSC with and without the balconies in place to test if the development or the balcony itself is causing the most significant impact.

9.118 The BRE Guidelines at Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location.

Sunlight Guidance

9.119 The BRE Guidelines (2022) state in relation to sunlight at paragraph 3.2.11: “If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

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

9.120 The BRE Guidelines state at paragraph 3.1.6 in relation to orientation: “A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

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

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

Overshadowing Guidance

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

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

Assessment of Daylight, Sunlight and Overshadowing

- 9.125 The proposed development has been revised through lowering the heights of the upper most floor since the original submission and the Applicant has submitted a 'Daylight and Sunlight' report dated 2nd December 2021. The report and annexes consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines, and although the BRE guidance has been updated, the testing methodology remains the same (as the 2011 version) when testing proposed developments against existing neighbouring buildings. Further testing was undertaken by the Applicant (outlined in Daylight and Sunlight Addendum letter dated 04/08/2022 prepared by GIA) in which additional assessments outlining the results to neighbouring dwellings if one or two storeys were removed. These updated assessments acknowledged the latest BRE Guidance (2022).
- 9.126 In modelling the assessment, 'Gordon Ingram Associates' have attempted to obtain the floor plans of the nearest neighbouring properties identified, outlining various online resources which have been searched, including Local Planning Authority planning records, online real estate agencies, and council tax/valuation office agency records.
- 9.127 The report concludes that a number of neighbouring properties relevant for assessment fail the relevant BRE daylight, sunlight and overshadowing guidance tests.

Impacts to Daylight

- 9.128 The submitted report indicates that transgressions are reported to neighbouring 1 Lambs Passage, Shire House and St Joseph's Church. These are outlined further below.

1 Lambs Passage

- 9.129 1 Lambs Passage is located to the south of the site, to the southern side of Sutton Way. It comprises a seven-storey building. The building contains 12 residential dwellings which have window/rooms which face the site at first floor and above (the ground floor contains commercial floorspace and refuse/recycling facilities). 120 windows and 29 rooms were tested. 18 (15%) windows and 13 (31%) of rooms would not meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 1 below:

<u>Table 1: 1 Lambs Passage</u>		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
First Floor								
R1 / W1	Living	4.7	4.7	0	35.1	33.8	20.8	38.4%
R1 / W2		23.6	11.9	49.6%				
R1 / W3		23.9	11.3	52.7%				
R2 / W4	Bedroom	24	11.8	50.8%	14.5	13.2	5	62.1%
R3 / W5	Bedroom	23.7	12.8	46%	14.5	14.3	7	51%
R4 / W6	Living	23.4	13.1	44%	25.9	24	21.6	10.1%
R4 / W7		20.2	19.9	1.5%				
R4 / W8		20.1	19.9	1%				
Second Floor								
R1 / W1	Living	5.9	5.9	0	35.1	33.9	22.9	32.5%
R1 / W2		25.2	14.4	42.9%				
R1 / W3		25.7	14	45.5%				
R2 / W4	Bedroom	25.9	14.7	43.2%	14.5	13.6	6.4	52.8%
R3 / W5	Bedroom	25.8	16.1	37.6%	14.5	14.3	8.9	37.8%
R4 / W6	Living	25.5	16.5	35.3%	25.9	25	23	7.8%
R4 / W7		23.2	23	0.9%				
R4 / W8		23.5	23.3	0.9%				
Third Floor								

R1 / W1	Living	7.4	7.4	0	35.1	34	25.9	24%
R1 / W2		26.9	17.6	34.6%				
R1 / W3		27.5	17.5	36.4%				
R2 / W4	Bedroom	27.8	18.4	33.8%	14.5	13.9	8.1	41.6%
R3 / W5	Bedroom	27.9	20.1	28%	14.5	14.3	12.6	11.9%
R4 / W6	Living	27.7	20.6	25.6%	25.9	25.2	24.7	1.9%
R4 / W7		26.3	26.2	0.4%				
R4 / W8		26.6	26.5	0.4%				
Fourth Floor								
R1 / W1	Living	9.6	9.6	0	35.1	34.1	28.7	15.9%
R1 / W2		28.7	21.4	25.4%				
R1 / W3		29.4	21.6	26.5%				
R2 / W4	Bedroom	29.8	22.7	23.8%	14.5	14.1	10.5	25.7%

9.130 As shown in the above table, the largest reductions are located to the first floor, and the level of reduction is lessened to the levels above. When comparing against the Appeal scheme(s), the proposal would result in less reduction to daylight amounting to marginal improvements over the latest Appeal scheme to some windows, and a minimal worsening to others.

9.131 Where a building such as 1 Lambs Passage has been built close to the boundary of a development site, an alternative baseline assessment using a 'Mirror Massing' exercise can be undertaken to outline the development site being built out to the same mass as the neighbouring building (1 Lambs Passage in this instance). The submitted report highlights that there would be no material change, and in some instances, the application proposal would demonstrate improvements to the VSC of windows at 1 Lambs Passage against a mirrored mass proposal.

9.132 As such, although it has been highlighted that the development would lead to reductions to windows and rooms at 1 Lambs Passage beyond BRE Guidance in regard to both VSC and NSL, the proposal is considered comparable, or in some instances, an improvement over the Appeal schemes and with regard to alternative testing.

Shire House

9.133 Shire House is located to the east of the site. It comprises a part 6, part 7 storey building. The ground and first floors of the building are in use as retail units and servicing areas to neighbouring Whitbread Centre. Residential units are located at second floor level and above. 73 windows and 42 rooms were assessed. 22 (30%) windows and 5 (12%) rooms would not meet BRE guidance. The transgressions are reported for reference in Table 2 below:

Table 2: Shire House		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Second Floor								
R1 / W1	Bedroom	7.9	7.9	0	9.5	8.5	7.6	10.3%
R1 / W2		1.9	0.1	94.7%				
R2 / W3	LKD	18.3	10.6	42.1%	22	21.1	8.9	57.8%
R2 / W4		15.3	7.6	50.3%				
R2 / W5		10.8	4	63%				
R3 / W6	Bedroom	3.5	1.7	51.4%	12	10	7.8	22.5%
R4 / W7	Bedroom	11.6	6.3	45.7%	13.3	12.5	10.7	14.5%
R5 / W8	Bedroom	11.5	6.7	41.7%	12	11.5	10.2	11.4%
Third Floor								
R1 / W2	Bedroom	26.1	26.1	0	12.3	11.6	11.6	0
R1 / W3		3.3	0.5	84.8%				

R2 / W4	LKD	3.6	3.4	5.6%	24.5	24.1	14.2	41%
R2 / W5		23.2	17	26.7%				
R2 / W6		18.2	12.8	29.7%				
R3 / W7	Living	6.8	2	70.6%	12.9	12.7	8.4	33.6%
R3 / W8		11.5	3.6	68.7%				
R4 / W9	Bedroom	2.4	0.1	95.8%	14.8	14.8	12.9	12.5%
R4 / W10		22.6	14.9	34.1%				
R4 / W11		22.9	16.6	27.5%				
R5 / W12	Bedroom	23.1	17.8	22.9%	14.5	14.5	14.5	0
R5 / W13		23.1	18.7	19%				
R5 / W14		3.4	3.4	0				
R6 / W15	Living	12.8	9.4	26.6%	12.6	12.5	12.1	3.3%
R6 / W16		7.5	5.8	22.7%				
R8 / W19	Bedroom	2.8	1.2	57.1%	14.7	14.7	14.7	0
R8 / W20		23.7	21.7	8.4%				
R8 / W21		23.9	22.3	6.7%				
Fourth Floor								
R1 / W2	Bedroom	10.8	10.8	0	9.5	9.1	9.1	0
R1 / W3		4.6	1.6	65.2%				
R3 / W7	Bedroom	28.5	21.1	26%	12	12	9.3	22.4%
Fifth Floor								
R1 / W2	Bedroom	29.9	29.9	0	12.3	12.1	12.1	0
R1 / W3		5.9	3.9	33.9%				

9.134 As shown in the table above, the most impacted windows and rooms are located at second and third floor levels. The window which sees the largest reduction (95.8%) at third floor level is located below an overhanging balcony, although the room would not see a reduction beyond BRE Guidance for daylight distribution.



Figure 21: Eastern elevation of Shire House facing the site

9.135 As shown in the image above, there are a number of architectural features to Shire House, such as overhangs and balconies, which reduce the light into the windows and rooms of Shire House. Paragraph 2.2.13 of the BRE Guidance (2022) states that “Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place. For example, if the proposed VSC with the balcony was

under 0.80 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light”.

9.136 The Applicant’s daylight and sunlight consultant has therefore undertaken a ‘without balconies/overhangs’ exercise, in which additional calculations of the VSC for both the existing and proposed situations without the overhangs in place (so that the elevation is vertically flat throughout), within Appendix 4 of the GIA Daylight & Sunlight report.

Table 3 – Without overhangs/balconies		Vertical Sky Component			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) without balconies	Reduction (%)
Second Floor					
R1 / W1	Bedroom	7.9	7.9	0	0
R1 / W2		18.9	13.7	27.5%	94.7%
R2 / W3	LKD	22.7	14.7	35.2%	42.1%
R2 / W4		22.6	14.5	35.8%	50.3%
R2 / W5		18.8	10.8	42.6%	63%
R3 / W6	Bedroom	25.3	15.3	39.5%	51.4%
R4 / W7	Bedroom	25.8	18.6	27.9%	45.7%
R5 / W8	Bedroom	26.2	20.6	21.4%	41.7%
Third Floor					
R1 / W2	Bedroom	26.1	26.1	0	0
R1 / W3		20.7	16.5	20.3%	84.8%
R2 / W4	LKD	14.4	14.2	1.4%	5.6%
R2 / W5		25.3	19.1	24.5%	26.7%
R2 / W6		20.8	14.5	30.3%	29.7%
R3 / W7	Living	26.8	19	29.1%	70.6%
R3 / W8		24.6	17	30.9%	68.7%
R4 / W9	Bedroom	15.4	12.6	18.2%	95.8%
R4 / W10		27.4	20.5	25.2%	34.1%
R4 / W11		27.5	21.8	20.7%	27.5%
R5 / W12	Bedroom	27.7	22.8	17.7%	22.9%
R5 / W13		27.9	23.8	14.7%	19%
R5 / W14		15.4	15.4	0	0
R6 / W15	Living	26.1	22.9	12.3%	26.6%
R6 / W16		28.1	25.1	10.7%	22.7%
R8 / W19	Bedroom	15.2	13.5	11.2%	57.1%
R8 / W20		28.5	26.6	6.7%	8.4%
R8 / W21		28.5	27	1.5%	6.7%
Fourth Floor					
R1 / W2	Bedroom	10.8	10.8	0	0
R1 / W3		22.5	19.4	13.8%	65.2%
R3 / W7	Bedroom	28.9	23.7	18%	26%
Fifth Floor					
R1 / W2	Bedroom	29.9	29.9	0	0
R1 / W3		24	22	8.3%	33.9%

9.137 As shown in Table 3 above, of particular note is Window 9 to Room 4 at third floor level, which sees a 95.8% reduction in VSC with the overhang in place. However, with the ‘without balconies’ assessment undertaken, the VSC would meet the BRE Guidance with only an 18.2% reduction. The reductions to the fourth and fifth floors would meet BRE Guidance without the overhanging balconies in place. There would still be reductions beyond BRE Guidance to 14 windows at second and third floor levels, however, given the central London urban context, officers consider that in order to

develop the site, this is inevitable, whilst the reductions in most instances would not transgress beyond a 30% reduction.

9.138 It is acknowledged by officers that balconies and overhangs cannot be removed from neighbouring sites, and while the testing shows that the existing levels of light to these windows is low as a result of the overhangs, light would be reduced, and this impact weighs against the development in the planning balance.

9.139 It should also be noted that the proposal would not give rise to reductions beyond the most recent appeal decision and now expired permission. The Inspector, in their view, concluded that *“the harmful effect of the proposal on living conditions would not be so great that there would conflict with policy”*. Further, the Inspector highlighted that *“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 Finsbury Local Plan Site BC 31”*.

9.140 The Applicant has submitted a study which shows a BRE Guidance compliant scheme and an option with a number of floors removed. The study shows that if the top two floors of the proposal were removed, there would still be a 95% reduction in daylight to the window at third floor level of Shire House. This indicates how perceptible to reduction this window and other windows at Shire House are due to their location along and proximity to the boundary of the subject site and the overhanging features.

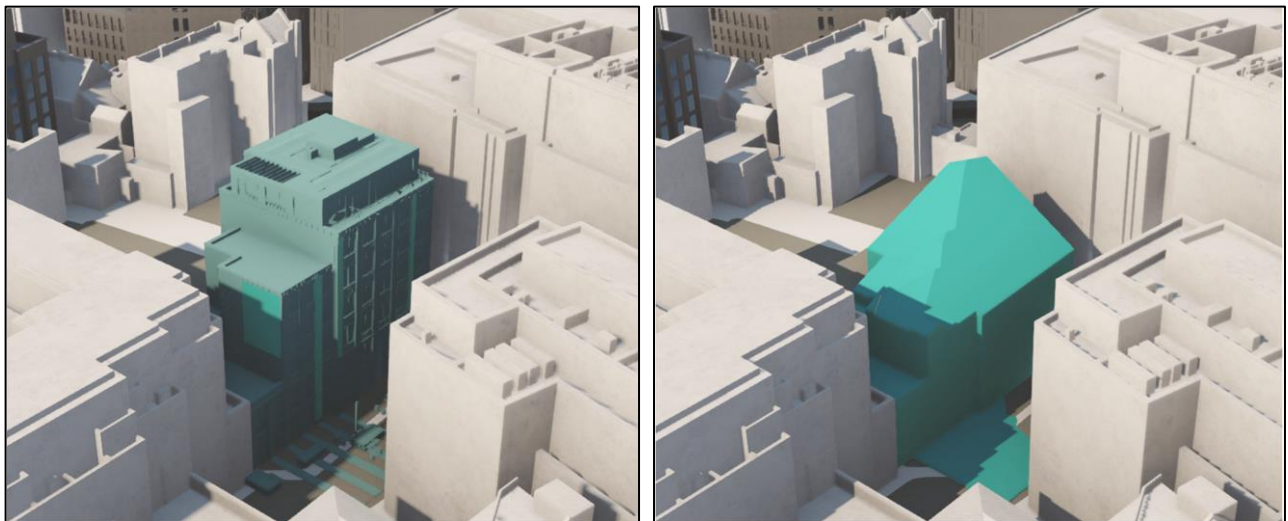


Figure 22: CGI of the proposed scheme (left) and a BRE Compliant scheme (right)

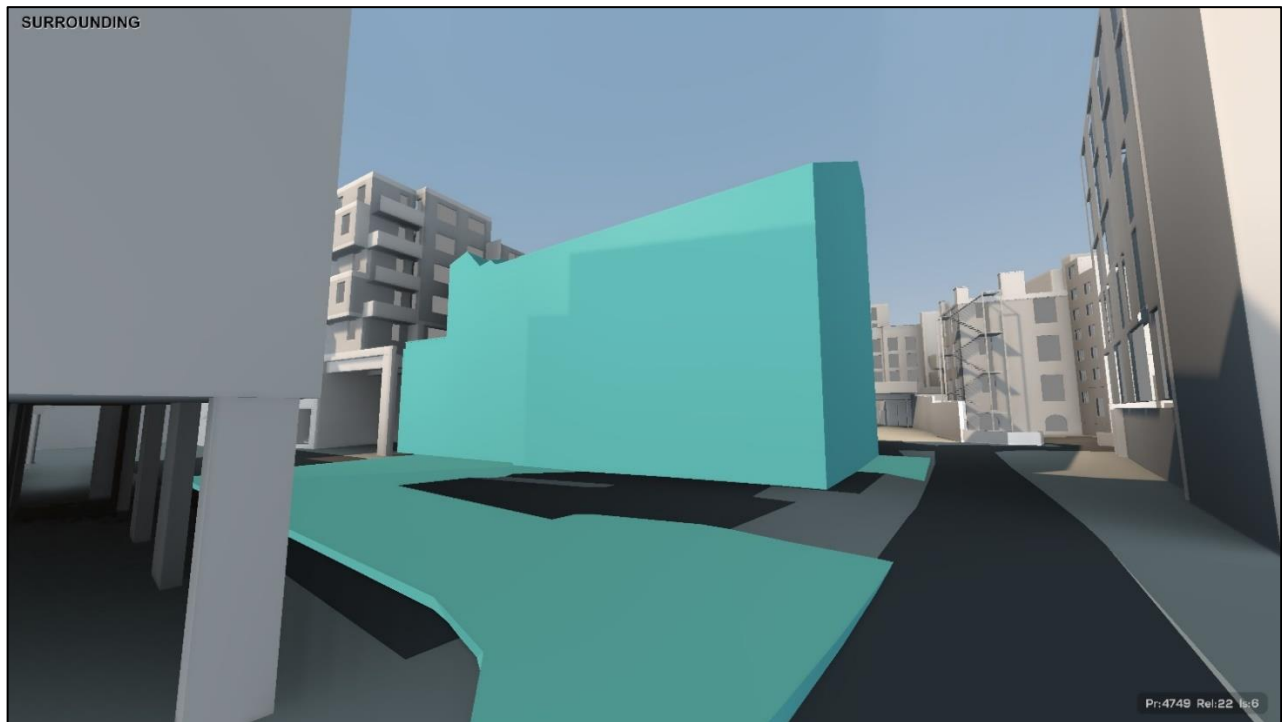


Figure 23: Indicative image of BRE compliant scheme on site as seen at street level on Lambs Passage

St Joseph's Church – Rectory

- 9.141 St Joseph's Church (Roman Catholic Parish of Bunhill Row) is located to north-east of the site. Officers highlight that whilst BRE guidelines are intended for use in adjoining residential dwellings where daylight is required, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight. Officers consider that a church would have such an expectation.
- 9.142 The proposal would lead to a reduction in VSC to two windows at St Joseph's Church. Firstly, the window at basement level, would see a reduction in VSC of 42.5%, however, the reduction in NSL to this room would meet BRE Guidance. To the floor above, one window would see a reduction of 23.8%, a minor transgression beyond BRE Guidance, whilst the rest of the windows to this room would meet BRE Guidance. The corresponding NSL to this room would also meet BRE Guidance given there is no reduction at all.
- 9.143 The Church, as a whole would continue to be well lit, in both daylight and sunlight, with any changes to natural light unlikely to be perceptible. As such, officers are satisfied that there would be no harm in relation to material reduction in daylight to this place of worship and its ancillary spaces.

City YMCA

- 9.144 To the north of the site, officers are aware of the recently completed seven-storey City YMCA at 8 Errol Street (planning permission: P2012/0637/FUL) providing 146 hostel bedrooms within Use Class Sui Generis. Given this building provides sheltered temporary accommodation, it is considered that the south facing windows and rooms have a reasonable expectation of daylight. The submitted report shows that the development would not give rise to a reduction in daylight or sunlight beyond BRE Guidance.

Summary of Daylight Impacts

- 9.145 The proposed development is considered to be comparable, with improvements over the previous Appeal scheme, although officers acknowledge that the proposal is for only the southern part of the site allocation and previous application.

The alternative target testing in relation to ‘without overhangs/balconies’ shows that the architectural features of neighbouring Shire House cause harm to light received to windows and rooms to this building. With the overhangs in situ, the windows have lower values and are perceptible to reductions beyond BRE guidance. Further, the ‘mirror massing’ exercise undertaken to 1 Lamb Passage indicates that there would be low material change, and in some instances, marginal improvements to the VSC of windows at 1 Lambs Passage.

9.146 It should be noted that the current scheme would see some improvements over the transgressions reported in the consideration of the previous schemes, especially the most recently allowed Appeal scheme. Whilst transgression beyond BRE Guidance would still occur, the reductions are considered at the lower end of the spectrum when the context of neighbouring buildings (closeness to the site boundary and overhangs) and the wider area are taken into consideration.

Impacts to Sunlight

9.147 The submitted report indicates that only those buildings identified by application of the BRE guide’s preliminary 25° line test and orientation test, as explained above, have been tested. As such, there is no requirement for windows at 1 Lambs Passage to be tested. There are transgressions to 2 windows to Shire House as follows:

<u>Table 4: Sunlight Transgressions</u>		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
Shire House								
<i>Third Floor</i>								
R4/W9	Bedroom	13	0	13	100%	2	0	100%
R4/W10		26	9	17	65.4%	4	2	50%
R4/W11		27	13	14	51.9%	4	2	50%
R8/W19	Bedroom	15	9	6	40%	3	0	100%
R8/W20		28	23	5	17.9%	5	3	60%
R8/W21		31	26	5	16.1%	5	2	60%

9.148 The identified reductions to Shire House are to both APSH and WPSH, when assessing the existing vs proposed scenario. As shown in the table above however, the affected windows form part of a room with other windows. Both rooms 4 and 8 have 3 windows, with only windows 9 and 19 facing due south and therefore only these two windows are subject to consideration.

9.149 It should be noted that the ‘without overhang’ alternative testing shows that these windows would be fully BRE Guidance compliant, and it is the overhanging features of Shire House which leads to perceptible change to sunlight testing to these windows.

Overshadowing (sunlight on ground)

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

9.151 It is considered that there are no immediate neighbouring external amenity spaces which require to be tested in accordance with BRE guidance in this instance.

Daylight, Sunlight and Overshadowing Summary

- 9.152 A comprehensive assessment of the proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance (2022). The results show the development would give rise to a reduction in daylight to a number of windows and rooms at both Shire House and 1 Lambs Passage, which weighs against the scheme in considering the planning balance.
- 9.153 It is acknowledged that transgressions weigh against the proposal, however, the following detailed analysis of the results, inclusive of alternative targets (without balconies testing and mirror massing testing) and the context of the affected neighbouring properties, it is considered that in this case the impacts can be accepted, on balance.
- 9.154 Officers highlight that within the previous most recent proposal under application P2016/0488/FUL, impact to neighbouring daylight and sunlight was not raised as a reason for refusal.
- 9.155 Further, it is important to note, that within the appeal decisions for the site, the Inspectors outlined that “*some harm to living conditions through loss of daylight and visual impact will be inevitable if the site is to be developed*” given the urban context of the central London location. The Inspector(s) of the first appeal (P2013/3257/FUL) concluded that although the expired permission would “*undermine the living conditions of residents of No.1 Lamb’s Passage and Shire House through loss of daylight...*” and “*the harmful effect on living conditions would not be so great that there would be conflict with either policy*”. However, the benefits outweighed the harm identified in the first Appeal (P2013/3257/FUL), whereas the Inspector in the second Appeal (P2016/0488/FUL) concluded that of the issues raised (including impact upon daylight and sunlight), was acceptable or could be satisfactorily addressed by condition. Nevertheless, any harmful impact is still a consideration that officers have weighed in the planning balance as detailed later in the report.

Highways and Transport

- 9.156 The NPPF para 110 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.157 Chapter 10 of the new London Plan (2021) sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, developments proposals should not increase road danger.
- 9.158 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Policy T3 of the emerging Local Plan states that all new development will be car free.
- 9.159 The application site has a PTAL of 6, which is considered ‘excellent’, due to its proximity to Old Street and Barbican stations, and numerous bus routes along Goswell Road and Central Street.
- 9.160 Lambs Passage is for one-way traffic only, with vehicles entering from Chiswell Street to the south and exiting by Sutton way to the west or Lambs Buildings/Bunhill Row to the east.

Cycles and Pedestrian Movements

- 9.161 London Plan policy T5 (Cycling) suggests that barriers to cycling can be removed and that a healthy environment in which people choose to cycle can be created through appropriate levels of cycle parking which are fit for purpose, secure and well-located.
- 9.162 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is considered accessible for pedestrians given its entrance onto Sutton Way, which is accessed from Lambs Passage.

9.163 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80sqm of office (B1a) floorspace. The store(s) need to be secure, covered, conveniently located and step free. Policy T2 and Appendix 4 of the Draft Islington Local Plan outlines minimum cycle parking provision, in which office floorspace would require one space every 50sqm.

9.164 As such, the following provision of long-stay cycle spaces are required:

Use	Proposed sqm (GIA)	Required Cycles	Proposed
Office	2,539sqm	36	41

9.165 41 long-stay cycle parking spaces (by way of Sheffield Stands and folding bicycle lockers) are located in the basement of the proposed building. The main cycle storage area could be accessed via the lift of the core allowing for step-free access whilst the cycle storage has a dedicated stairway with 'wheel channel'. Additional cycle storage for two accessible cycle parking space is located at ground floor level allowing for level access without having to use stairs or a lift.

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

9.167 For short-stay cycle spaces, the new London Plan (2021) requires a total of 6 cycles parking spaces. 6 short-stay cycle spaces by way of three Sheffield cycle stands, within the public realm to the front of the building, are proposed. These are to be secured via condition 6.

Vehicle Parking

9.168 The site includes on-site formal parking arrangements for pay-and-display purposes as existing. The subject site is located within a Controlled Parking Area (CPZ) 'Zone A', with restricted parking on weekdays between 0830-1830 and Saturdays between 0830-1330. The development is car-free given no on-site parking will be provided.

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

9.170 The proposal would see an uplift in approximately 195 employees and therefore at least six accessible parking bays are required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of £12,000 will be secured in a legal agreement towards the delivery of other accessible transport initiatives to increase the accessibility of the area.

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

Servicing, Deliveries and Refuse Collection

9.172 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Part B, requires details to be submitted to demonstrate that onsite provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.

9.173 The site is a car park as existing and, as such, no servicing takes place at present. However, the Whitbread Centre to the west, which includes a number of retail, and food and beverage units, is serviced from Sutton Way.

- 9.174 The submitted Delivery and Servicing Plan states that the proposed development would generate demand of up to six delivery/servicing trips daily. Deliveries and servicing are proposed to take place on Sutton Way, away from the narrow width of Lambs Passage, in accordance with Highways Officers comments. The Delivery and Servicing Plan includes swept path analysis which confirms sufficient space on Sutton Way for refuse vehicles to safely pass the proposed landscaping to the main entrance of the proposed building. In regard to managing deliveries, the Applicant commits to restrict delivery numbers to a maximum of 10 per day and no deliveries to take place between peak periods (between 0800-0900, 1300-1400 and 1700-1900).
- 9.175 Officers consider that the expected level of servicing would not have a detrimental impact upon the highway network or pedestrian safety.

Summary on Transport and Highways

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

Energy and Sustainability

- 9.177 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Energy Performance

- 9.178 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 9.179 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management.
- 9.180 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.181 The applicant has submitted the relevant detail within a 'Energy Statement' dated July 2019 November 2019 by XCO2.

9.182 Following initial comments on the submitted energy statement by the Council's Energy Officer, revised information was submitted (Energy Statement Addendum letter dated 10 May 2022).

Carbon Emissions

9.183 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted SDCS indicates 44.3% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.

9.184 Islington's Core Strategy policy CS10 requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network ('DEN') is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted Energy Statement confirms a 33.7% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington's Core Strategy policy CS10 where not connecting to a DEN.

9.185 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". All in this regard means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement". In order to mitigate against the remaining carbon emissions generated by the development, the SDC includes a correctly calculated Carbon Offset contribution of **£31,831** for the 34.6 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation.

Sustainable Design Standards

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

9.187 A BREEAM Pre-Assessment has been submitted for the development achieving an 'excellent' rating with an overall score of 73.9% as required by Islington DM 7.4A, which shall be secured through Condition 13.

Energy Demand Reduction (Be Lean)

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

9.189 The applicant has improved the u-values of elements of the building, the proposed windows at 1.0 W/m2K are considerably better than the 1.5 W/m2K in the Environmental Design SPD and that the design now meets the 15% reduction in the London Plan. As such there is no requirement to meet the recommendations in the SPD. Low Energy lighting has been specified throughout along with LEDs specified throughout and appropriate sensors specified.

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

9.191 An Overheating Risk Assessment has been provided which indicates that appropriate Thermal Modelling has been carried out, and through a mixture of passive design measures and active cooling in the basement areas the risk of overheating has been eliminated. Although overheating risk can be eliminated by passive design measures, active cooling will be required in the basement offices due to the lack of opening windows. Based on the thermal modelling results, the Council's Energy Officer accepts the approach to the cooling hierarchy and active cooling.

Low Carbon Energy Supply (Be Clean)

9.192 The applicant is proposing a centralised ASHP/VRF system to provide heating and hot water.

9.193 Policy DM7.3B states "*all major developments within 500 metres of an existing or planned DEN.... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.*" The proposed development is within 500m (around 100m) from the Citigen DEN. Adequate 'future-proofing' through pipe routes and 'an area set aside' at basement level has been provided allowing for necessary plant to connect to a potential future DEN.

9.194 The applicant has reviewed the potential of forming a Shared Heat Network with neighbouring Shire House (found to have multiple flues indicating individual boilers) and 1 Lambs Passage (found to have ASHP expected to be sized to the building) and demonstrated that it would not be viable to form a Shared Heating Network.

Renewable Energy Supply (Be Green)

9.195 The use of renewable energy should be maximised to enable the achievement of CO2 targets. The Energy Statement includes an assessment of renewable technologies including biomass, solar thermal, GSHP and wind turbines which have been ruled out for valid reasons. The Energy Statement proposes ASHP and a 36sqm /5.4 kWp Solar PV array.

Green Performance Plan (GPP)

9.196 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.

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

Sustainable Urban Drainage (SUDs)

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

9.199 The submitted 'FRA & SuDS Strategy Report' indicates that the site as existing and proposed is 100% impermeable and there is limited scope for attenuation system for rainwater and hence all rainwater on the site flows into the existing combined sewer. It is therefore acknowledged by the Council's Sustainability Officer that the development could not feasibly achieve rainwater runoff requirements within policy DM6.6. It has therefore been suitably justified by the Applicant that an attenuation tank is not feasible due to the site constraints of the existing listed vaults.

9.200 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage, subject to informatives. The Sustainable Urban Drainage measures are to be secured through condition 19.

Biodiversity, Landscaping and Trees

9.201 London Plan (2021) policy G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Further, Islington Policy DM6.5 states that 'developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area'. Further, developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations.

9.202 Core Strategy policy CS7 'Bunhill and Clerkenwell' requires that major development improve the public realm, provide ample private / semi private and public open space, and incorporate space for nature. Policy CS15 requires that biodiversity be protected and enhanced across the borough and seeks to create a greener borough by maximising opportunities for planting, green roofs and green corridors.

9.203 There are no trees on the site as existing and there are no street trees near to the site along either Lambs Passage or Sutton Way. As such, the proposal does not have the potential to be of detriment to existing trees. No trees are proposed within the red line boundary due to the constraints of the site. There are, however, a number of planters proposed to the landscaped area on Sutton Way.

9.204 The proposal includes green roofs, to the flat roofs of the first, fourth and sixth floors. Further details of the final requirements in regard to substrate depth, a focus on wildflower planting and maintenance has been recommended by the Council's Sustainability Officer. This is to be secured by Condition 15.

Urban Green Factor (UGF)

9.205 London Plan Policy G5 requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage to increase the overall urban greening factor of sites.

9.206 The whole curtilage of the site is covered by a hardstanding material for car parking as existing. The site has no ecological activity for soft landscaping as existing. The numerous flat roofs of the proposed building offer an opportunity to enhance the biodiversity by providing green roofs. The submission highlights that the proposal will achieve an Urban Green Factor of 0.17. The proposal therefore does not meet the recommendation of 0.3 for commercial buildings as set out within London Plan policy G5. However, the applicant has maximised green roofs and trees within planters to the ground floor landscaped area of Sutton Way. Given the constraints of the site, specifically the existing statutory listed vaults below within the basement, officers consider that the applicant has reasonably maximised urban greening where appropriate to the proposal. Nonetheless, condition 16 seeks further details that the proposal has fully maximised urban greening, beneath solar panels and equipment for example.

Air Quality

9.207 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. Policy S7 of the draft Islington Local Plan states that proposals should not harm air quality within the Borough.

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

Fire Safety

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

9.210 A 'Stage 2 Fire Strategy' dated December 2021 has been prepared in which the Applicant's Fire Safety Engineer has put forward an engineered solution to meet relevant Building Regulations for Fire Safety. The Councils Building Control Officer had raised concerns over fire statement not committing to a firm design with regards to fire safety measures. Clarification has been submitted by the applicant. However, for the purposes of compliance with Policy D12(b), it is considered that sufficient information has been provided to demonstrate that the fire safety of the development has been considered at the planning stage. Should there be a need for further alterations of the building to meet building regulations (such as internal re-arrangements to accommodate lobbies or the installation of suppression systems) the applicant would need to make further applications or amend this current proposal.

London Plan Policy D12(b) requires the following detail:	Response
1. The building's construction: methods, products and materials used, including manufacturers' details;	The proposed building is to have a reinforced concrete slab to the ground floor above the existing basement level. The above ground building is to be steel framed with pre-cast concrete floor slabs. The external façade of the building is to be finished in brickwork and fenestration.
2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach;	The building does not follow the generic guidance for a single escape stair and the travel distance on from the upper storey levels are extended in a single direction. An alternative fire engineering solution under BS 7974 has been assessed which consists of the installation of an automatic fire suppression system and lobby ventilation to the stair. There are two means of escape provided in the basement and this is part of a fire engineered solution for the design using BS 7974, the basis of this is that due to the fire separation, if one route is blocked the occupants can safely use the alternative route.
3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans;	An alternative fire engineered solution under BS 7974 has been assessed which consists of 60min fire resistant compartment walls enclosing the basement reception.
4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts,	The site will be accessed via either Lambs Passage or Sutton Way. There are a number of entrances at ground floor level to both Lambs Passage and Sutton Way.

stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these;	The proposed building has a firefighting shaft.
5. How provision will be made within the curtilage of the site to enable fire appliances to gain access to the building; and	The building is fitted with dry fire mains and as such access for a pump applicant within 18 metres of the fire main riser inlet point is achieved. An existing fire hydrant is located within 90m of the site. The site is accessible by Lambs Passage and Sutton Way for fire services vehicles.
6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures;	This fire statement documents the main fire safety design principles for the purpose of the planning submission. The proposals herein will be subject to further specification and changes as the design progresses. As the design progresses, a detailed RIBA Stage 4 Fire Strategy will be produced with a level of information suitable for Building Regulations approval. At the relevant stage, the detailed Fire Strategy will also form part of the information pack handed over to the building operator(s) under Regulation 38 to assist the responsible person to carry out the necessary fire safety risk assessment(s) and implement other relevant duties in accordance with the Regulatory Reform (Fire Safety) Order 2005.

9.211 The submitted information is specific and relevant to the proposal and the Fire Statement references compliance with relevant British Standards. It is noted that the author of the submitted Fire Statement is a qualified person with expertise in fire safety and engineered solutions, and as such, the applicant has considered the fire safety of the development as part of the overall scheme. Condition 26 is recommended requiring an updated Fire Statement to be submitted in the event that there are any changes to the details.

Basement Works

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

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

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

9.215 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.

- 9.216 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.
- 9.217 The site currently benefits from an existing basement level and the proposal seeks the retention and refurbishment of the existing basement. However, the submitted 'Structural Summary & Method Statement' highlights that in certain locations within the basement, necessary new openings are required to be demolished to accommodate the lateral stability core to the new building above ground and to allow access to the basement. This includes a reinforced concrete core and vertical supports on new piled foundations, which would limit any impact on the retained listed vaults. The above ground building will be constructed in steel and precast concrete, and is considered a relatively light structure, minimising foundation loads, and therefore minimising the impact on the integrity of the listed vaults.
- 9.218 Further, it is highlighted that the extent of demolition/removal of elements in the basement have been carefully considered with regards to impact to the heritage asset of the listed vaults. Detailed ongoing intrusive investigation will be required during construction. The report demonstrates that by adopting the highlighted construction practices the proposed works can be executed in a safe manner minimising any impact on the local amenity. This will be secured through condition 21 in the event of permission being granted.

Planning Balance

- 9.219 Paragraph 47 of the NPPF dictates that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 9.220 There is a degree of conflict with Local Plan policy DM2.1 relating to amenity, specifically in relation to sunlight/daylight impacts. This has been carefully examined and while impacts weigh against the scheme, they are considered to be acceptable given the site history of Appeals and the central London urban context.
- 9.221 The proposed land use on site is acceptable in principle and the scheme is considered compliant with policies DM5.1 and DM5.4 which sets out requirements for new business floor space and development in the CAZ. The proposal would also meet the aims of the adopted and emerging site allocation brief.
- 9.222 The impact upon the listed building has been determined to be at the lower end of the spectrum of less than substantial harm, with interventions considered necessary to facilitate development of the above ground building and bring the listed vault back into use with sufficient public benefits to outweigh the harm.
- 9.223 The scheme would comply with policies relating to energy, sustainability, accessibility and highways, whilst no objection is raised to the scale, mass, appearance and detailed design of the proposal.
- 9.224 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report where relevant, and include:
- Uplift in high quality and modern employment business (Use Class E(g)(i)) floorspace within the CAZ and EGA;
 - Redevelopment and intensification of an underutilised brownfield site in accordance with the site allocation; and
 - Provision of affordable workspace at 10.1% GIA (equates to 11.3% in NIA).
- 9.225 In summary, Officers consider that the aforementioned public benefits outweigh the harm caused from the development to neighbouring amenity, in the overall planning balance.

9.226 **Planning Obligations, Community Infrastructure Levy and local finance considerations**

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

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

- a. Provision of 157sqm workspace unit at ground floor level to be leased to the council at peppercorn rate for a minimum period of 20 years and service charge of no more than 50%;
- b. Contribution towards 6 bays or other accessible transport initiatives of £12,000;
- c. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- d. Facilitation, during the construction phase of the development, of the following number of work placements: 3x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £15,000;
- e. A contribution of £31,831 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- h. Compliance with the Code of Employment and Training;
- i. Compliance with the Code of Local Procurement;
- j. Compliance with the Code of Construction Practice, including a monitoring fee of: £2,539 and submission of site-specific response document to the Code of Construction Practice

for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;

- k. Payment towards employment and training for local residents of a commuted sum of: £32,714; and
- l. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring, and implementation of the Section 106 agreement.

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

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The subject site has a planning history which is directly relevant to the current proposal. The most recent Appeal scheme sought a development which encompassed the full site allocation, in which a similar height building (to the southern part of the site allocation and subject of this current proposal) was allowed. The Planning Inspector acknowledged that, although there was objections by neighbouring residents relating to 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, these issues could be satisfactorily be addressed through condition or would not be taken into account during construction.
- 10.2 The proposal would deliver high quality office accommodation contributing to the stock of business use floorspace within the Borough, the Central Activities Zone and the Bunhill and Clerkenwell Key Area, areas which are of high demand as outlined by the Local Plan framework. The proposal is therefore supported regarding land use principle.
- 10.3 The proposed development is well-designed, responding successfully to its immediate and surrounding context and maintaining the setting of nearby heritage assets. The impact upon the listed building has been determined to be at the lower end of the spectrum of less than substantial, with interventions considered necessary to facilitate development of the above ground building and bring the listed vault back into use and public benefits to outweigh the harm.
- 10.4 While there would be a degree of conflict with Policy DM2.1 in terms of sunlight/daylight impacts to neighbouring windows and rooms, it has been shown by the Applicant that, with regards to the harm to neighbouring Shire House, the windows and rooms are perceptible to reductions beyond BRE guidance due to overhanging features of Shire House itself.
- 10.5 The proposal is considered to be acceptable in terms of land use, urban design, impact on heritage assets, the quality of the proposed office accommodation and sustainability/energy and is not considered to have any undue impact on nearby residential properties in comparison to the scheme allowed at appeal or the area in general with regards to amenity.
- 10.6 As such, it is recommended that planning permission be granted subject to conditions and completion of a legal agreement securing relevant planning obligations.

Conclusion

- 10.7 It is recommended that planning permission and listed building consent be granted subject to conditions and legal obligations as set out in **Appendix 1** – Recommendations.

APPENDIX 1: RECOMMENDATIONS

RECOMMENDATION A

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

- a. Provision of 157sqm workspace unit at ground floor level to be leased to the council at peppercorn rate for a minimum period of 20 years and service charge of no more than 50%;
- b. Contribution towards 6 bays or other accessible transport initiatives of £12,000;
- c. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will

be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;

- d. Facilitation, during the construction phase of the development, of the following number of work placements: 3x. Each placement must last a minimum of 26 weeks. The London Borough of Islington’s approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £15,000;
- e. A contribution of £31,831 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- f. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- g. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- h. Compliance with the Code of Employment and Training;
- i. Compliance with the Code of Local Procurement;
- j. Compliance with the Code of Construction Practice, including a monitoring fee of: £2,539 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- k. Payment towards employment and training for local residents of a commuted sum of: £32,714; and
- l. Council’s legal fees in preparing the Section 106 agreement and officer’s fees for the preparation, monitoring, and implementation of the Section 106 agreement.

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

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

RECOMMENDATION B

That the grant of planning permission be subject to conditions to secure the following, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

1	Commencement of Development
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

	<p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<p>2</p>	<p>Approved Plans</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>LAM-APT-ZZ-B1-DR-A-PL-0070 rev. 00 Demolition Plan - Basement Level; LAM-APT-ZZ-ZZ-DR-A-PL-0080 rev.00 Demolition Sections - North-South & East-West; LAM-APT-ZZ-B1-DR-A-PL-0099 rev. 00 Proposed Plan – Basement Level; LAM-APT-ZZ-00-DR-A-PL-0100 rev. 00 Proposed Site Plan – Ground Floor Level; LAM-APT-ZZ-01-DR-A-PL-0101 rev. 00 Proposed Plan – Level 01; LAM-APT-ZZ-02-DR-A-PL-0102 rev. 00 Proposed Plan – Level 02; LAM-APT-ZZ-03-DR-A-PL-0103 rev. 00 Proposed Plan – Level 03; LAM-APT-ZZ-04-DR-A-PL-0104 rev. 00 Proposed Plan – Level 04; LAM-APT-ZZ-05-DR-A-PL-0105 rev. 00 Proposed Plan – Level 05; LAM-APT-ZZ-06-DR-A-PL-0106 rev. 00 Proposed Plan – Level 06; LAM-APT-ZZ-07-DR-A-PL-0107 rev. 00 Proposed Plan – Level 07; LAM-APT-ZZ-07-DR-A-PL-0107 rev. 00 Proposed Plan – Roof Level; LAM-APT-ZZ-ZZ-DR-A-PL-0200 rev. 00 Proposed Section – North-South; LAM-APT-ZZ-ZZ-DR-A-PL-0201 rev. 00 Proposed Section – East-West; LAM-APT-ZZ-ZZ-DR-A-PL-0300 rev. 00 Proposed Elevation – South; LAM-APT-ZZ-ZZ-DR-A-PL-0301 rev. 00 Proposed Elevation – East; LAM-APT-ZZ-ZZ-DR-A-PL-0302 rev. 01 Proposed Elevation – North; LAM-APT-ZZ-ZZ-DR-A-PL-0303 rev. 00 Proposed Elevation – West; LAM-LDA-ZZ-ZZ-DR-L-PL-0200 rev. 01 Landscape Site Sections Ground Floor; LAM-LDA-ZZ-ZZ-DR-L-PL-0300 rev. 01 Landscape Site Sections Ground Floor; LAM-LDA-ZZ-00-DR-L-PL-0100 rev. 01 Landscape General Arrangement Plan Ground Floor; LAM-LDA-ZZ-00-DR-L-PL-0107 rev. 01 Landscape General Arrangement Roof Plan;</p> <p>Air Quality Assessment Lamb’s Passage dated November 2021 prepared by XCO2; Delivery and Servicing Plan dated November 2021; Environmental Noise Assessment Lamb’s Passage dated November 2021 prepared by XCO2; Lambs Passage Energy Statement dated November 2021 prepared by XCO2; Responses to Energy Comments from Islington 9729 – Lambs Passage dated 10 May 2022 prepared by XCO2; Flood Risk Assessment dated 25 November 2021 prepared by Expedition; Built Heritage and Archaeological Desk Based Assessment dated November 2021 prepared by HCUK; Heritage Technical Summary Note dated 3 August 2022 prepared by HCUK; Lamb’s Passage Landscape Proposals rev. P01 dated 19 November 2021; Lamb’s Passage Structural Summary & Method Statement dated 25 November 2021; Lamb’s Passage Transport Assessment dated November 2021 prepared by Velocity;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<p>3</p>	<p>Materials (Detail and Samples)</p> <p>Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork, bond and mortar courses for all facing bricks; b) render (including colour, texture and method of application); c) windows and doors (including sections and reveals). The glazing of the windows are to be clear and not tinted; d) roofing materials (including facing materials); e) any balustrading treatment (including sections); and f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Fixed Plant (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the amenity of neighbouring residents is not adversely affected.</p>
5	<p>Refuse and Recycling (Compliance)</p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved drawing 'LAM-APT-ZZ-00-DR-A-PL-0100 rev. 00 Proposed Site Plan – Ground Floor Level' shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	<p>Cycle Storage (Compliance)</p> <p>CONDITION: The bicycle storage area(s) at basement and ground floor levels shown on the approved drawings 'LAM-APT-ZZ-B1-DR-A-PL-0099 rev. 00 Proposed Plan – Basement Level' and 'LAM-APT-ZZ-00-DR-A-PL-0100 rev. 00 Proposed Site Plan – Ground Floor Level' shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	<p>Roof Terraces and Flat Roofs (Compliance)</p> <p>CONDITION: The flat roofs to the western elevations of the development hereby approved, including the identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>The approved roof terrace at sixth floor level to the south of the building is not to be used by occupiers between the hours of 2000 and 0800.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
8	<p>Internal Lighting and Roller Blinds (Details and Compliance)</p> <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to):</p> <ul style="list-style-type: none"> - Automated roller blinds;

	<ul style="list-style-type: none"> - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows.</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.</p>
9	External Lighting (Details)
	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
10	Obscured Glazing (Compliance)
	<p>CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the development hereby approved, all windows at sixth floor of the western elevation of the building shall be obscure glazed and permanently fixed shut, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of preventing direct overlooking and in addition to prevent undue noise disturbance to the residential properties in immediate proximity to the development site. This condition is considered necessary to protect the residential amenity of neighbouring Pear Tree Street properties.</p>
11	Delivery and Servicing Plan (Compliance)
	<p>CONDITION: The development shall be constructed and operated strictly in accordance with the hereby approved 'Delivery and Servicing Plan dated November 2021', and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>No deliveries shall take place between the hours of 2300 - 0900 and 1700 – 1900 on weekdays and Saturdays, and no deliveries shall take place at all on Sundays and public holidays.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
12	Demolition, Construction and Environmental Management Plan (Details)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p>

The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
- o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;
- p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/usernrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

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

13The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.

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

	<p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
13	BREEAM (Compliance)
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
14	Energy Efficiency (Compliance)
	<p>CONDITION: The energy efficiency measures as outlined within the hereby approved 'Lambs Passage Energy Statement dated November 2021 prepared by XCO2' and 'Responses to Energy Comments from Islington 9729 – Lambs Passage dated 10 May 2022 prepared by XCO2', and any supporting documents shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy efficiency measures within the approved Energy Statement, a revised Energy Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
15	Green Roofs (Details and Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> a) substrate base depth; b) laid out in accordance with plans hereby approved; c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum); and d) a green/brown roof maintenance <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of a3y kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
16	Urban Greening Factor (Details)
	<p>CONDITION: The development hereby permitted shall achieve a minimum Urban Greening Factor of 0.1. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting, or vertical greening.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>

17	Bird and Bat Boxes (Details and Compliance)
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
18	Inclusive Design
	<p>CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> a) All entrances to the building must be level, step free and Part M compliant; b) Confirmation that all doors are to be automated; c) Confirmation that entry phone system linked to reception; d) Confirmation that all accessible WCs Part M4 compliance; e) All WCs to allow for right hand and left hand transfer on alternating floors; f) Main entrance at ground floor to be discernible; g) Access doors to cycle parking to be a minimum 2.00 metres wide; h) The spiral staircase is to be detailed and shown to be Part K compliant; i) Details of benches, with differing heights and alternative arm/back rests for wider inclusivity; j) Details of non-slip surfaces to the landscaped area (including the glazing to the ground which exposes the brick arches below); and k) A management plan, including a PEEP. <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
19	Sustainable Urban Drainage (Compliance)
	<p>CONDITION: The development shall be carried out strictly in accordance with the details so approved within the 'Flood Risk Assessment dated 25 November 2021 prepared by Expedition' and shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
20	Piling Method Statement – Thames Water (Details)
	<p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>

21	Basement Works (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved 'Lamb's Passage Structural Summary & Method Statement dated 25 November 2021', unless otherwise agreed in writing. The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
22	Removal of Permitted Development Rights – Office Use (Compliance)
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the Central Activities Zone, Employment Growth Area and wider Borough.</p>
23	Restriction of PD Rights - Class E to residential (Compliance)
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location.</p>
24	Contaminated Land (Details)
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> a) A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site: b) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out

	<p>strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
<p>26</p>	<p>Fire Safety Strategy (Compliance)</p> <p>CONDITION: The development must be carried out in accordance with the provisions of the Stage 2 Fire Strategy prepared by Atelier dated 25 November 2021 unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
<p>27</p>	<p>Written Scheme of Investigation (Details)</p> <p>CONDITION: No demolition or development shall take place until a 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, which shall include the statement of significance and research objectives, and:</p> <ul style="list-style-type: none"> a) 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) Where appropriate, details of a programme for delivering related positive public benefits; 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 WSI;

	REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
28	Historic Building Written Scheme of Investigation (Details)
	<p>CONDITION: No demolition shall take place until a written scheme of historic building investigation (HBWSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:</p> <ul style="list-style-type: none"> a) The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and 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 WSI. <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

RECOMMENDATION C

That the grant of Listed Building Consent be subject to conditions to secure the following, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

1	Commencement of Development
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans
	<p>The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>LAM-APT-ZZ-B1-DR-A-PL-0070 rev. 00 Demolition Plan - Basement Level; LAM-APT-ZZ-ZZ-DR-A-PL-0080 rev.00 Demolition Sections - North-South & East-West; LAM-APT-ZZ-B1-DR-A-PL-0099 rev. 00 Proposed Plan – Basement Level; LAM-APT-ZZ-00-DR-A-PL-0100 rev. 00 Proposed Site Plan – Ground Floor Level; LAM-APT-ZZ-01-DR-A-PL-0101 rev. 00 Proposed Plan – Level 01; LAM-APT-ZZ-02-DR-A-PL-0102 rev. 00 Proposed Plan – Level 02; LAM-APT-ZZ-03-DR-A-PL-0103 rev. 00 Proposed Plan – Level 03; LAM-APT-ZZ-04-DR-A-PL-0104 rev. 00 Proposed Plan – Level 04; LAM-APT-ZZ-05-DR-A-PL-0105 rev. 00 Proposed Plan – Level 05; LAM-APT-ZZ-06-DR-A-PL-0106 rev. 00 Proposed Plan – Level 06; LAM-APT-ZZ-07-DR-A-PL-0107 rev. 00 Proposed Plan – Level 07; LAM-APT-ZZ-07-DR-A-PL-0107 rev. 00 Proposed Plan – Roof Level; LAM-APT-ZZ-ZZ-DR-A-PL-0200 rev. 00 Proposed Section – North-South; LAM-APT-ZZ-ZZ-DR-A-PL-0201 rev. 00 Proposed Section – East-West; LAM-APT-ZZ-ZZ-DR-A-PL-0300 rev. 00 Proposed Elevation – South; LAM-APT-ZZ-ZZ-DR-A-PL-0301 rev. 00 Proposed Elevation – East; LAM-APT-ZZ-ZZ-DR-A-PL-0302 rev. 01 Proposed Elevation – North; LAM-APT-ZZ-ZZ-DR-A-PL-0303 rev. 00 Proposed Elevation – West; LAM-LDA-ZZ-ZZ-DR-L-PL-0200 rev. 01 Landscape Site Sections Ground Floor; LAM-LDA-ZZ-ZZ-DR-L-PL-0300 rev. 01 Landscape Site Sections Ground Floor; LAM-LDA-ZZ-00-DR-L-PL-0100 rev. 01 Landscape</p>

	<p>General Arrangement Plan Ground Floor; LAM-LDA-ZZ-00-DR-L-PL-0107 rev. 01 Landscape General Arrangement Roof Plan;</p> <p>Built Heritage and Archaeological Desk Based Assessment dated November 2021 prepared by HCUK; Heritage Technical Summary Note dated 3 August 2022 prepared by HCUK;</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
3	Details to match-Listed buildings
	<p>CONDITION: 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.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	Details of vaults excavation
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the any proposed excavation proposed within the vaults to increase floor to ceiling heights, including treatment of any brick corbels and appearance, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works on the vaults. The works shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	No removal of historic fabric
	<p>CONDITION: Notwithstanding the plans hereby approved, no historic fabric including wall posters, historic machinery or tracks or any other historic artefact shall be removed or covered up or otherwise altered prior to full details of their treatment having been submitted and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
6	Details of final fixtures and fittings
	<p>CONDITION: Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:</p> <ul style="list-style-type: none"> a) the ground to basement staircases b) Lighting details including method of fixing and routes c) ventilation routes and fixings d) Flooring e) damp proofing and extent of cladding or other covering up of basement walls <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

A) The London Plan 2021 - Spatial Development Strategy for Greater London
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<p>1. Planning London's Future - Good Growth Policy GG2 Making the best use of land Policy GG5 Growing a good economy</p> <p>2. Spatial Development Patterns Policy SD4 The Central Activities Zone Policy SD5 Offices, other strategic functions and residential development in the CAZ</p> <p>3. Design Policy D1 London's form, character and capacity for growth Policy D3 Optimising site capacity through the design led approach Policy D4 Delivering good design Policy D5 Inclusive design Policy D8 Public Realm Policy D10 Basement development Policy D11 Safety, security and resilience to emergency Policy D12 Fire safety Policy D13 Agent of Change Policy D14 Noise</p> <p>6. Economy Policy E1 Offices Policy E2 Providing suitable business space Policy E3 Affordable Workspace Policy E11 Skills and opportunities for all</p>	<p>7. Heritage and Culture Policy HC1 Heritage conservation and growth</p> <p>8. Green Infrastructure and Natural Environment Policy G5 Urban Greening Policy G6 Biodiversity and access to nature Policy G7 Trees and woodlands</p> <p>9. Sustainable Infrastructure Policy SI1 Improving air quality Policy SI2 Minimising greenhouse gas emissions Policy SI4 Managing heat risk Policy SI5 Water infrastructure Policy SI7 Reducing waste and supporting the circular economy Policy SI12 Flood risk management Policy SI13 Sustainable drainage</p> <p>10. Transport Policy T2 Healthy Streets Policy T3 Transport capacity, connectivity and safeguarding Policy T4 Assessing and mitigating transport impacts Policy T5 Cycling Policy T6 Car parking Policy T6.2 Office parking Policy T7 Deliveries, servicing and construction</p>
<p>B) Islington Core Strategy 2011</p>	
<p>Spatial Strategy Policy CS7 Bunhill and Clerkenwell</p> <p>Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment</p>	<p>Policy CS10 Sustainable Design Policy CS11 Waste Policy CS13 Employment Space</p> <p>Infrastructure and Implementation Policy CS18 Delivery and Infrastructure</p>
<p>C) Development Management Policies June 2013</p>	
<p>2. Design and Heritage Policy DM2.1 Design Policy DM2.2 Inclusive Design Policy DM2.3 Heritage Policy DM2.4 Protected views</p> <p>5. Employment Policy DM5.1 New business floorspace Policy DM5.2 Loss of existing business floorspace Policy DM5.4 Size and affordability of workspace</p> <p>6. Health and open space Policy DM6.1 Healthy development Policy DM6.5 Landscaping, trees and biodiversity Policy DM6.6 Flood prevention</p> <p>7. Energy and Environmental Standards Policy DM7.1 Sustainable design and construction statements</p>	<p>Policy DM7.2 Energy efficiency and carbon reduction in minor schemes Policy DM7.3 Decentralised Energy Networks Policy DM7.4 Sustainable design standards Policy DM7.5 Heating and cooling</p> <p>8. Transport Policy DM8.1 Movement hierarchy Policy DM8.2 Managing transport impacts Policy DM8.3 Public transport Policy DM8.4 Walking and cycling Policy DM8.5 Vehicle parking Policy DM8.6 Delivery and servicing for new developments</p> <p>9. Infrastructure Policy DM9.1 Infrastructure Policy DM9.2 Planning obligations Policy DM9.3 Implementation</p>
<p>D) Finsbury Local Plan 2013 Area Action Plan for Bunhill & Clerkenwell</p>	

Policy BC8 Achieving a balanced mix of uses	
Policy BC9 Tall buildings and contextual considerations for building heights	
E) DRAFT Islington Local Plan	
2. Area Spatial Strategies Policy SP1 Bunhill & Clerkenwell 4. Inclusive Economy Policy B1 Delivering a range of affordable business floorspace Policy B2 New business floorspace Policy B4 Affordable workspace Policy B5 Jobs and training opportunities Policy R8 Location and Concentration of uses 5. Green Infrastructure Policy G4 Biodiversity, landscape design and trees Policy G5 Green roofs and vertical greening 6. Sustainable Design Policy S1 Delivering Sustainable Design Policy S2 Sustainable Design and Construction Policy S3 Sustainable Design Standards Policy S4 Minimising greenhouse gas emissions Policy S5 Energy Infrastructure Policy S6 Managing heat risk Policy S7 Improving Air Quality Policy S8 Flood Risk Management Policy S9 Integrated Water Management and Sustainable Drainage Policy S10 Circular Economy and Adaptive Design	7. Public Realm and Transport Policy T1 Enhancing the public realm and sustainable transport Policy T2 Sustainable Transport Choices Policy T3 Car-free development Policy T4 Public realm Policy T5 Delivery, servicing and construction 8. Design and Heritage Policy DH1 Fostering innovation while protecting heritage Policy DH2 Heritage assets Policy DH3 Building heights Policy DH4 Basement development Policy DH5 Agent-of-change, noise and vibration
F) DRAFT Bunhill and Clerkenwell Area Action Plan	
2. Area wide policies Policy BC1 Prioritising office use 3. Area Spatial Strategies Policy BC3 City Fringe Opportunity	4. Site Allocations Policy AAP1 Delivering development priorities BC13 Car park at 11 Shire House, Whitbread Centre, Lamb's Passage

Designations

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

- Central Activities Zone ('CAZ');
- City Fringe Opportunity (Finsbury Policy BC8);
- Bunhill & Clerkenwell Core Strategy Key Area;
- Finsbury Plan: Site Allocation - BC31;
- Employment Priority Area 18 (General) (Old Street/Whitecross Street);
- Article 4 Direction B1c to C3 (CAZ);
- Article 4 Direction A1-A2 (Rest of Borough);

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Basement Development (2016)
Environmental Design

London Plan

Accessible London (2014)
Culture & the night time economy (2017)

Planning Obligations and S106 (2016)
Urban Design Guide (2017)

Sustainable Design & Construction (2014)
Use of planning obligations in the funding of Crossrail,
and the Mayoral Community Infrastructure Levy (2013)

APPENDIX 3 – Appeal Decisions

APPENDIX 4 – DRP Letter