

**PLANNING COMMITTEE
ADDENDUM REPORT**

Development Management Service
 Planning and Development Division
 Community Wealth Building
 Department

PLANNING COMMITTEE		AGENDA ITEM NO:	B1
Date:	23 February 2023	NON-EXEMPT	

Application number	P2022/1898/FUL
Application type	Hybrid Planning Application (Full and Outline)
Ward	Barnsbury
Listed building	Adjacent to Grade II Listed Building – 214 Caledonian Road
Conservation area	Within 50m of Barnsbury Conservation Area Within 50m of Regent’s Canal Conservation Area
Development Plan Context	Kings Cross & Pentonville Road Core Strategy Key Area Local Shopping Area (Caledonian Road) Local Cycle Route Major Cycle Route Local Flood Risk Zone Local View from Archway Road Local View from Archway Bridge Thornhill Bridge Community Garden Open Space Regent’s Canal Open Space Regent’s Canal (West) SINC Within 100m of Strategic Road Network Tree Protection Order (Site Wide) Draft Islington Local Plan Site Allocations - Site Allocation OIS27
Licensing Implications	N/A
Site Address	Barnsbury Estate, London, N1
Proposal	<p>Hybrid planning application seeking detailed permission for Phase 1a, 1b and 3a and outline planning permission for all future phases 1c, 2a, 2b and 3b comprising:</p> <p>In full, demolition of existing buildings and undertaking of groundworks and the erection of 401 residential units (Use Class C3) within seven buildings of 3, 7, 9, and 11 storeys comprising 144 x 1 bed, 192 x 2 bed, 46 x 3 bed, 14 x 4 bed and 5 x 5 bed over 42802sq.m (GIA) floorspace in phases 1a, 1b and 3a; hard and soft landscaping works including public open space and new public realm, access and highway formation and alterations, car and cycle provision with associated ancillary works.</p> <p>Outline planning permission (all matters reserved) for the demolition of all remaining buildings, undertaking of ground works and the construction of a phased redevelopment of new buildings of up to 9 storeys and incorporating up to 69773sq.m (GIA) to include up to 513 residential units (Use</p>

	<p>Class C3), up to 2400sq.m of replacement retail and town centre floorspace (Use Class E), and 1275sq.m of replacement community use floorspace including community centre and nursery (Use Class F2), within phases 1c, 2a, 2b and 3b, hard and soft landscaping, new public open space, access and highway formation and alterations, new pedestrian means of access, car and cycle parking provision and ancillary works.</p> <p>(EIA Application) (Departure from the Development Plan)</p>
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Case Officer	Nicholas Linford
Applicant	Newlon Housing Trust and Mount Anvil Limited
Agent	Lichfields

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning Permission:

1. For the reasons for approval (set out in Section 28.1 and 28.2 of the Committee Report dated 29 November 2022 detailed at Appendix 3 and at 15.1 and 15.2 of the Addendum Report);
2. Subject to the conditions set out in Appendix 1 (Recommendation B of the Addendum Report)
3. Subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 (Recommendation A of the Addendum Report);
4. Subject to any direction by the Secretary of State (SoS) to call in the application for determination by the SoS; and/or
5. Subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. BACKGROUND

2.1 This planning application was considered by the Planning Committee at its meeting on 29 November 2022.

2.2 Following consideration of the Committee Report and Recommendation, the presentations to the Committee, the submitted representations and the representations made to the meeting, the Planning Committee resolved that planning permission be granted for the reasons set out in Sections 28 and 29 of the Committee Report of 29 November 2022. The resolution was made:

- Subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.
- 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 Term as set out in Recommendation A.
- Subject to an amendment to the description of development to reflect the level of commercial floorspace proposed.

- Subject to the conditions set out in Recommendation B with Condition 31 updated as per the verbal update by officers and that a condition was added requiring the applicant to undertake a feasibility study for the inclusion of greywater harvesting in the development

2.3 Following the resolution to grant planning permission, officers have engaged in discussions with the GLA regarding the Stage 2 referral. The GLA have subsequently advised of a new position relating to fire safety that has necessitated changes to the proposal before a Stage 2 referral can be made.

2.4 Officers have also continued to draft and negotiate the legal agreement, with limited changes sought to this.

2.5 The amendments to the application and the purpose of this report are to ask the Planning Committee to **approve**:

A) Amended plans showing alterations to blocks D1 and D2, namely:

- a. The relocation of the plant room from Block D1 to D2
- b. The relocation of two residential units from Block D2 to D1 to be provided in a social rent tenure.
- c. The removal of the residents' accessible roof terrace at block D2.

For the purposes of mitigating the fire safety implications of residential buildings with a finished floor level of over 30m without a secondary access core.

B) The inclusion within the review mechanism secured in the S106 agreement of the Existing Use Value for the Social Housing (EUV – SH) at the site. The inclusion of an EUV-SH value within the review mechanism would be subject to the submission of detailed financial justification, would be capped at a maximum value of £8.67m and the assessment and acceptance of any evidence would be at the absolute discretion of the Council.

C) To consider and evaluate information submitted by the applicant to prevent the need for the future discharge of planning applications.

D) Clarifications to the floor area dedicated to permanent community centre and nursery.

E) Consideration of the subsequent changes to the planning balance.

4. SUMMARY

- 4.1 The planning application and the Heads of Terms of the associated legal agreement have been the subject of detailed consideration during the previous meeting of the Planning Committee. The Heads of Terms are set out in Recommendation A and the conditions are set out in Recommendation B of the 29 November 2022 Committee Report, attached here as Appendix 3.
- 4.2 In order to secure GLA approval at Stage 2, further alterations have been required to be made to the scheme in relation to fire safety. The GLA have very recently advised of a position relating to fire safety whereby they seek referable applications to include a second access core for buildings with a finished floor level of the uppermost residential storey of 30m or more.
- 4.3 Mitigation measures to address this requirement are set out in this report which are demonstrated through the provision of amended plans for blocks D1 and D2. These propose a relocation of residential floor space to ensure no residential finished floor level would exceed 30 metres and therefore that a second core would not be required. For clarity, there is no proposed change to the height of any buildings. These plans will be incorporated into an updated approved plans condition.
- 4.4 The GLA has also advised that a previously proposed roof top communal garden space to Block D2, which provided communal amenity space for the open market sales units in this block, should be removed as it is likely to represent residential floorspace. This would result in a reduction in 126 square metres of communal open space for the use of the open market residential units in this block. However, it should be noted that each unit has sufficient private open space and continues to have access to a ground floor level communal garden area.
- 4.5 In continuing negotiations to progress the Heads of Terms for the Section 106 legal agreement, further clarity is required on the proposed floor areas dedicated to the community centre and the nursery which may affect the wider planning balance given that the prescribed floorplates will require residential access points and cores for the upper floor units, which was not represented in the previously reported total figures.
- 4.6 Following further negotiation relating to the proposed review mechanisms to be secured within the S106 agreement, officers have accepted that a value can be ascribed to the Existing Use Value of the current social housing stock at the site (EUV-SH). This is proposed to be capped at £8.67m and the assessment and acceptance of a value up to this cap is subject to the submission of detailed financial justification and is at the absolute discretion of the Council. Officers consider the inclusion of the EUV-SH to be relevant in this case to secure the delivery of the development.
- 4.7 It is considered that the planning balance detailed in Section 27 of the Committee Report presented to 29 November 2022 Committee continues to be relevant, namely that given the benefits of the proposal, the proposed development would be sufficiently beneficial for officers to recommend approval. However, it should be noted that any further amendments to the development would require the planning balance to be revisited.

5. PROPOSED AMMENDMENTS

5.1 Below is a summary of each of the proposed amendments:

Fire Safety

- 5.2 In order to satisfy the GLA's position regarding tall buildings insofar as they relate to fire safety, emerging Approved Building Regulations Documents on fire safety and the position of the London Fire Brigade and National Fire Chiefs, buildings with an uppermost residential finished floor level greater than 30m in height above adjoining land level will require a second access core.
- 5.3 On the plans considered by the Planning Committee on 29 November 2022, the 10th floor of block D2 has a finished floor level of approximately 31m while blocks D1 and D3 which are 9 storeys in total have a finished floor level of approximately 28m. Taking into account the possible options for progress, the applicants considered whether to either (a) reduce the height of block D2 so that the height of the uppermost finished floor level is below 30m which would result in the removal of 4 residential units; or (b) introduce a second stair and lift core within the building and retain its existing height. This would have resulted in the potential loss of a unit per floor which would mean that there would be a reduction of 10 units.
- 5.4 The applicants have proposed an alternative scenario which forms the basis of the amendments submitted to the Council. This comprises a 'floorspace swap' whereby the plant room in the lower Block D1 is moved to the upper floor of Block D2 in lieu of the flats in the top floor of Block D2. These are then moved to the top floor of Block D1. As Block D1 is a social rent block, the units placed here from block D2 become social rent units. Crucially, the finished floor level of all residential floors would be below 30 metres.
- 5.5 The GLA have also advised and recommended that the existing designated residents shared gardens should also be removed from the roof of block D2 which results in a loss of 126 square metres.
- 5.6 These proposed changes result in the following alterations to the dwelling mix by tenure within the detailed and outline phases. It should be noted that there would be no change to the numbers of units provided by tenure within the overall scheme and there would be no change to the numbers of units provided within the detailed and outline elements.

Tenure	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Replacement social rent	49	94	35	14	5	197
Replacement leasehold	6	18	1	0	0	25
Uplift social rent	14	12	6	0	0	32
Uplift market housing	76	67	4	0	0	147
Shared ownership	0	0	0	0	0	0
TOTAL	145	191	46	14	5	401

5.7 The table above shows an increase in one additional one bed unit and one less 2 bed unit. It also shows an increase of two social rent units (uplift) and a decrease of two market housing units (uplift).

5.8 The proposed changes result in the following alterations to the provision of open space within the development as shown in the table below.

Open Space Type	Previous Submission (sqm)	Current Amendments (sqm)
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Private amenity	1141	1141
Shared resident garden	6565	6565
Community Garden	486	486
24 Hour open space	4157	4157
Landscape buffer non-accessible	3672	3672
Rooftop space	381	255
Total	16402	16276

- 5.9 No replacement open space will be provided, although this still constitutes an increase over and above the current open space within the estate and an increase over the open space provision set out in the original submission in May/June 2022. Furthermore, each of the open market units within Block D2 would continue to have acceptable levels of private amenity space and access to a ground floor communal garden.
- 5.10 In summary, the proposed changes to the scheme to respond to the significant and important fire safety concerns do not materially change the built form of the proposed development. No building becomes taller or larger and there is no change in the overall number of units and there are no material changes to the appearance of buildings other than elevational amendments to address the fact that residential units have been exchanged for a plant room and the requirements to provide different façade openings and treatments in their respective locations.

Affordable Housing

- 5.11 Following the resolution to grant planning permission, officers have been granted delegated authority to continue refining the planning obligations to be contained within the Section 106. In respect of affordable housing, the Committee Report of 29 November 2022, states that the scheme will be subject to a number of Viability Review Mechanisms to take into account potential uplifts in scheme value should the deficit which has been detailed within the report become alleviated.
- 5.12 It has been agreed that in processing the open book bespoke early, mid and late-stage reviews which are proposed within the Heads of Terms, that an EUV-SH value should be inputted as a value for the existing buildings within the estate. This would be capped to a maximum figure of £8.67m and would also continue exclude any Old Barnsbury cost.

Community Floorspace

- 5.13 Subsequent to the Committee on 29 November 2022, the applicants have advised that they will not be able to deliver what had been indicated as being up to 1,275sq.m of combined nursery and community centre floorspace within the scheme. The applicants had referred to a range with lower and upper parameters and had advised that while there would be an increase in community floorspace, this would be at the lower end of the scale close to 600sq.m. This is to account for residential access and cores, together with circulation space to serve the two uses.
- 5.14 Officers have sought to secure community floorspace that reflects the expectations of the scheme and to resecure the scheme planning balance where the provision of enhanced uplifted community floorspace was a significant planning benefit in the context of the planning harms set out in section 27 of the 29 November 2022 Committee Report. Officers advised the applicants to consider how much floorspace within the community centre would be utilised by circulation space, and other ancillary facilities and then deduct that from the figure of 1275sq.m to determine what would be functional active community floorspace. The applicants have also been asked to remove what had been proposed as

a dedicated residents lounge. This results in an overall provision of approximately 900sq.m comprising of 300sq.m of nursery and 600sq.m of community centre.

6. CONSULTATION

Public Consultation

- 6.1 In accordance with the Islington Revised Statement of Community Involvement (May 2017) and g the proposed changes are not considered to be significant and therefore no further public consultation ahs been carried out
- 6.2 Notwithstanding this, since the Committee meeting on 29 November 2022, no further representations have been received from the public.
- 6.3 Instead a consultation exercise has taken place with select departments within the Council and externally that are relevant to the proposed changes outlined in section 4. Consultation letters were sent on 6 February 2023. The consultation period for the consultees expires on 20 February 2023. Whilst this post-dates the publication of the report, any additional comments will be reported to the Committee. Comments, observations and representations (or otherwise) received to date are summarised below:

External Consultees

- 6.4 **Greater London Authority:** No comments received.
- 6.5 **Health and Safety Executive (HSE):** No comments received.
- 6.6 **London Fire Brigade:** No comments received.

Internal Consultees

- 6.7 **Housing Officer:** No comments received.
- 6.8 **Policy Officer:** No comments received.
- 6.9 **Urban Design Officer:** No comments received.
- 6.10 **Housing Officer:** No comments received.
- 6.11 **Parks and Open Spaces Officer:** No comments received.
- 6.12 **Environmental Health (Contaminated Land):** Comments have been received from the Environmental Health Officer concerning Phase 1a of the development. There are no objections to the contaminated land details submitted and as a result, this condition does not need to be discharged prior to the first commencement of any development on the site. Resubmissions will be required for further phases

7. RELEVANT POLICIES

- 7.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 7.2 Islington Council (Planning Committee) in determining the planning application has the main following statutory duty to perform:
- To have regard to the provisions of the Development Plan so far as material to the application and to any other material consideration (Section 70 Town and 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).
 - As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. (s72(1)).
- 7.3 National Planning Policy Framework 2021 (NPPF) Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development.
- 7.4 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.
- 7.5 Since March 2014, Planning Practice Guidance has been published on line.
- 7.6 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.
- 7.7 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 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.
- 7.8 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 persons 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.
- 7.9 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.

- 7.10 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

Development Plan

- 7.11 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Emerging Policy: draft Islington Local Plan

- 7.12 The Regulation 19 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. The Council consulted on Main Modifications to the plan running from 24 June to 30 October 2022.

- 7.13 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).

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

- 7.15 Emerging policies that are relevant to this application are set out in Appendix 2. The emerging policies are considered to be consistent with the current policies.

Designations

- 7.16 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Caledonian Road local shopping area
- Site of importance for nature conservation
- Within 50m of Regents Canal Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 The applicant submitted an Environmental Impact Assessment statement with the planning application. This has been updated with a letter of conformity to advise that no wider impacts arise from the proposed changes that are being considered through these amendments.

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Fire Safety
- Design
- Amenity
- Quality of Housing
- Delivery of Affordable Housing
- Quality and Quantity of Open Space
- Quality and Quantity of Community Floorspace and Community Facilities.

Fire Safety Implications

9.2 Policy DH1 of the draft Islington Local Plan sets out the Council's overarching strategic approach to design including aims to foster innovation, and to conserve and enhance the historic environment. The supporting text sets out an expectation that innovative development and design must use physical form to provide solutions to issues which arise through the design and development process and includes designing for fire safety.

9.3 Policy D12 of the London Plan which relates to fire safety states that all development proposals must achieve the highest standards of fire safety and includes the expectation at section 4 of providing a suitable and convenient means of escape and associated evacuation strategy for all building users. Supporting paragraph 3.12.5 states that developments, their floor layouts and cores need to be planned around issues of fire safety and a robust strategy for evacuation from the outset, embedding and integrating a suitable strategy and relevant design features at the earliest possible stage.

9.4 In December 2023, the Government issued a consultation on proposals to require developments to have a second staircase in all new housing developments where buildings exceed 30m. The National Fire Chiefs Council Single Staircases Policy Position Statement (December 2022) recommends that a second staircase should be included within buildings of at least 18m or at least 7 storeys in conflict with the Government position.

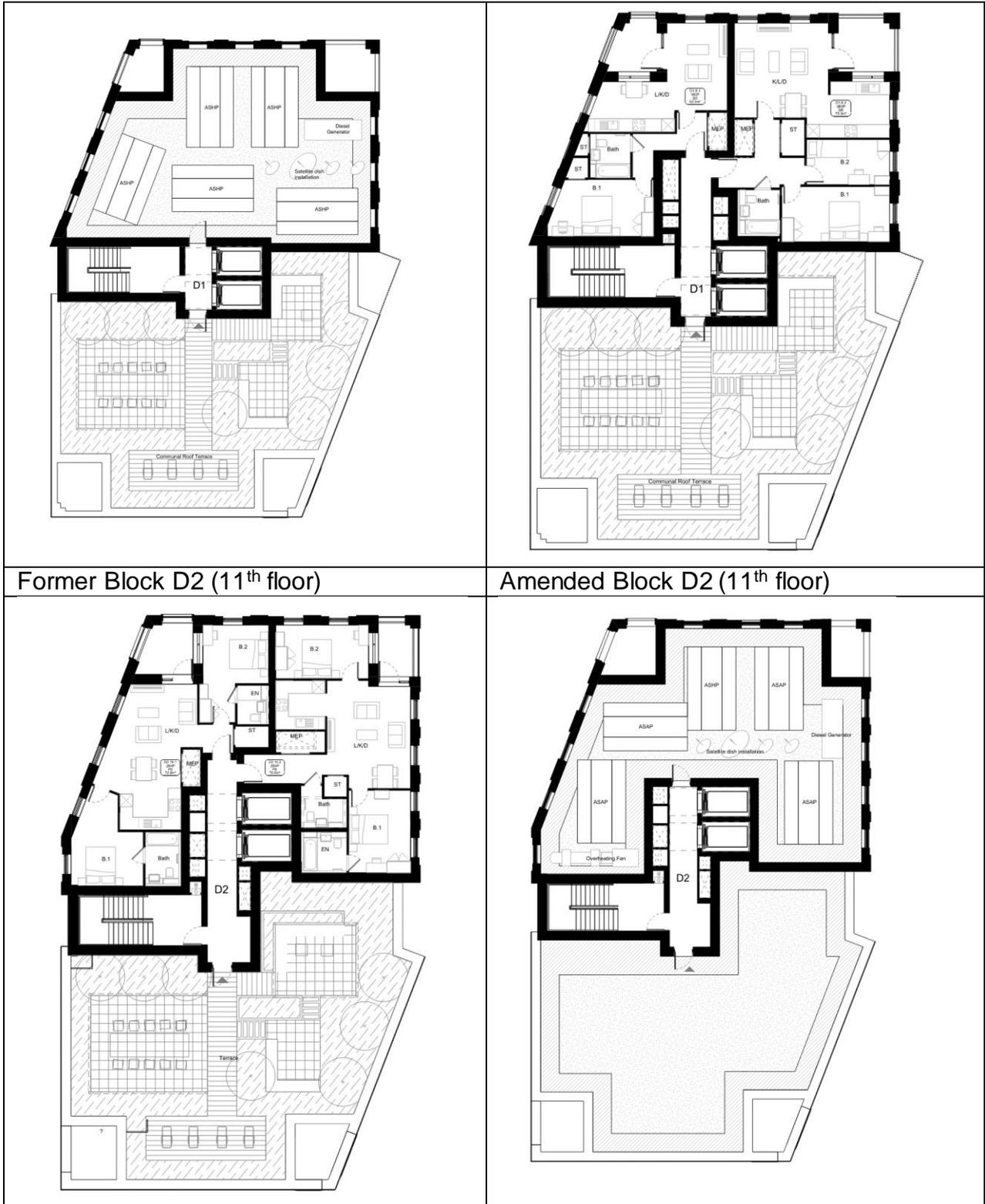
9.5 The GLA have recently written to London Boroughs to advise of a newly adopted position whereby schemes should not progress to Stage 2 for Mayoral determination where any residential building above 30m does not have a second staircase. It is intended to confirm this position in a Fire Safety London Plan Guidance Document to be published in 2023. The GLA have advised that the 30m requirement relates to buildings where the finished floor level of the uppermost residential unit is above 30m.

9.6 Block D2 in the plans presented to the Committee on 29 November 2022, is the only building that would be subject to this stipulation. It has a total height of over 36m and a

finished floor level of the uppermost residential storey of 31.5m. Blocks D1 and D3 do not exceed 30m. In order for the development subject to the Committee resolution to grant planning permission on 29 November 2022, to proceed to Stage 2 and subsequently a decision, a fire safety mitigation measure is required to be undertaken. In the context of the emerging guidance and regulation, any proposed residential building greater than 30m will require a reduction in height or the introduction of a second staircase. Each of these options would be harmful to proposed unit numbers in the development. The former option would potentially reduce unit numbers by two and the second option would reduce the scheme numbers by a unit per floor meaning that there would potentially be a loss of 10 units.

- 9.7 However, the applicant has proposed the transfer of the plant room from the upper most floor of Block D1 (the social rent block at the junction of Carnegie Street and Muriel Street) to the location currently occupied by proposed flats on the 11th floor of Block D2 where the finished floor level is above 30m. There are two flats at the 11th floor in the previous plans in the form of two 2 bed 4 person flats in open market sale tenure. In being transferred to the 8th floor of block D1, these become a 1 bed 2 person and a 2 bed 3 person unit in social rent tenure and would then have a finished floor level below 30m.
- 9.8 Following clear instruction from the GLA, the existing block D2 roof garden is proposed to be converted into extensive green roof which contributes to the biodiversity properties of the development.
- 9.9 The following plans detail the before and after of the floorspace swap within Blocks D1 and D2:

Former Block D1 (8 th floor)	Amended Block D1 (8 th floor)
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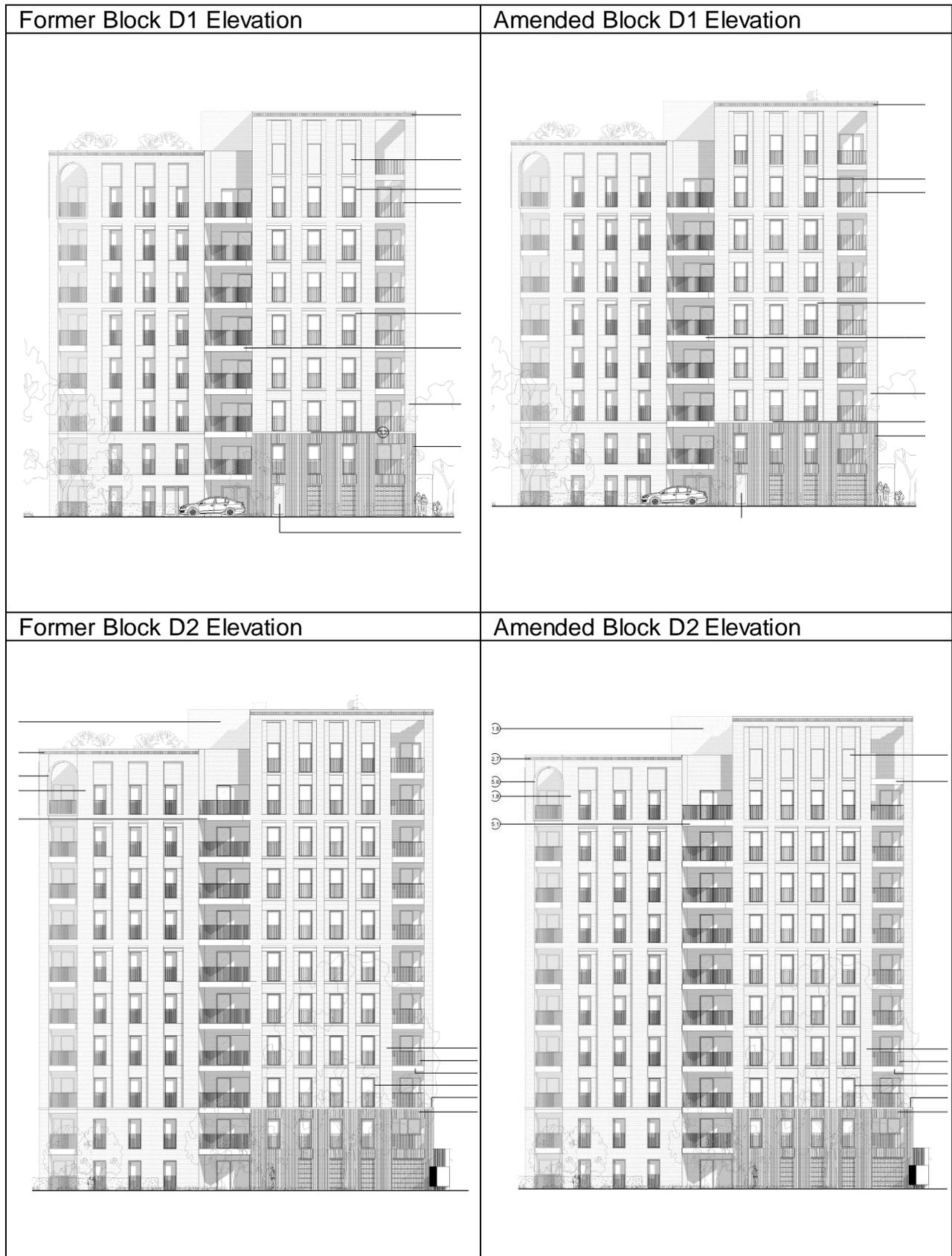


Former Block D2 (11th floor)

Amended Block D2 (11th floor)

9.10 The removal of the roof garden results in a reduction of 126sq.m of shared communal roof garden for the open market sale block which is a limited loss within the wider context of the site and the estate redevelopment. All of the units within this block maintain sufficient private amenity space and access to shared communal gardens remain at the ground floor. It is noted that there is still an increase above the current provision within the estate. Furthermore, the level of accessible open space still shows a considerable increase.

9.11 The images below show the transitional change of elevations between October 2022 and February 2023. Where the plant room is removed from D1, the ventilation louvres are replaced with windows/doors with balustrades. Where the plant room is introduced into D2, the windows are replaced with ventilation louvres and the balustrades are removed.



9.12 Each unit has its own private balcony. Each unit has genuine dual aspect with two window walls serving habitable rooms providing outlook in two directions. Furthermore, the layouts are largely similar which contribute to a minimisation of potential internal noise transfer through logical stacking. The proposed change would leave each unit exceeding unit size standards, and would not result in any degradation of outlook, daylight or privacy.

9.13 An addendum to the original daylight and sunlight assessment has been provided which uses the June 2022 BRE methodology in respect of luminance. While it is difficult to

transpose the new lighting conditions to the new residential use of 8th floor of block D1 from its equivalent position at the top of block D2, it is possible to assess the results in their own right. Seven habitable rooms, served by nine windows are assessed. Only one room, which is a kitchen demonstrates a marginal transgression against BRE, while the separate lounge diner passes. This is considered to be acceptable.

- 9.14 The proposed change would not result in any alteration to the building envelope, design, scale, height or massing, but would result in minor changes to adjust windows and openings to the new layout within the top floor of each building however, this is not considered to detract from the appearance of each building.
- 9.15 The proposed changes would result in the detailed element delivering two additional social rent units within the 401 overall for phases 1a, 1b and 3a, meaning that 32 social rent units would be provided as net new uplift, in addition to the 197 replacement social rent units. Overall, the scheme retains the same distribution and proportion of tenure and no reductions of social rent units is proposed to take place following the resolution to grant planning permission in November 2022.

Changes to Affordable Housing

- 9.16 Policy CS12 (G) sets out the strategic approach to securing genuinely affordable housing within the adopted development plan. It sets out a target of requiring 50% of all additional housing to be affordable with all sites capable of providing 10 or more units to provide affordable housing on site. Developments should seek the maximum reasonable amount of affordable housing especially social rented housing over and above the threshold set out in the policy.
- 9.17 Policy H3 of the Emerging Local Plan (2019) sets out the Council's developing planning policy position concerning the delivery of affordable housing. At least 50% of the net additional housing built in the Borough should be genuinely affordable housing. Schemes that qualify for on site provision should provide at least 45% without public subsidy and then exhaust options for the provision of on site affordable housing through subsidy to provide at least 50% of the net additional units on site. Sites which are or have previously been in public sector ownership should deliver at least 50% of the additional new units as affordable housing without public subsidy as well as providing additionality through public subsidy. Where policy expectations are not met in relation to the provision of 50% of new units as affordable housing, the proposal will be subject to a detailed review mechanism through the period of development to completion.
- 9.18 The Council's policy H3 reflects the content and direction of the London Plan policy H4 in relation to provision, grant and the treatment of public sector land. Policy H5 of the London Plan sets out the GLA's approach to viability review mechanisms. Where a development does not meet the GLA expectations of on site provision, the scheme should be subject to the appraisal of a financial viability appraisal exercise. The scheme will then be subject to a number of review mechanisms including an early stage, mid stage and late stage.
- 9.19 The scheme re-provides the existing 291 social rent homes that are demolished on the New Barnsbury Estate. The scheme then provides a further 135 social rent homes. The scheme provides approximately 25% of the uplift in homes at social rent and the scheme overall provides over 46% (or 426) of total constructed homes (914) on the site as social rent. The previously published Heads of Terms within the 29 November 2022 Committee Report states that the early stage review will take place if the developer has not substantially implemented the planning permission by 18 months from the grant of planning permission. Given the requirement to utilise GLA funding for replacement homes,

commencement is required to take place by the end of March 2023 so therefore this early stage review mechanism is unlikely to take place.

9.20 The Heads of Terms also state that the mid stage review will take place on occupation of 50% of the market housing units within phase 2b. No more than 90% of the market housing units in Phase 2b may be occupied and no market housing units in Phase 3 may be occupied until such time as the viability review has been settled and the approach to any surplus has been agreed. Such surplus shall be attributed in new homes. A late stage review shall be undertaken upon occupation of 75% of the market housing units in Phase 3. No more than 90% of the housing units in Phase 3 shall be occupied until such time as viability review has been settled with a 60/40 breakdown in favour of the local authority.

9.21 Of significant importance, the Heads of Terms within the Committee report states at point 10 the following:

*“The S106 agreement will identify (on a non-exhaustive basis) specific costs which may/may not be taken into account as part of each viability review, with costs included needing to be receipted and certified. For the purposes of these Heads of Terms, it is important to clarify the Council’s position that the costs associated with works to the Old Barnsbury Estate or **a residual value of the buildings to be demolished on New Barnsbury** may not be taken into account as part of any viability review, and the costs of purchasing existing leases shall be accounted for as part of a cost.”*

9.22 In addition to the fire safety mitigation measures, this report seeks to modify this point within the Heads of Terms. Where previously, officers had sought that each review mechanism shall not include any costs for the existing dwellings to be demolished within New Barnsbury (i.e. prescribing a nil value), officers have agreed to a reasonable cost to be incorporated, albeit this would be capped at £8.67million and it’s inclusion would be subject to the requirements set out below at the Council’s discretion.

9.23 The applicants have advised that the scheme would not be deliverable without a value being included pertaining to the existing social rent housing within the New Barnsbury Estate. While the Council’s starting point will be made clear to a prescribed nil value, the applicants, through the relevant review mechanism are able to include a potential value capped at £8.67m. Any figure used as residual value will be derived from a third party commissioned, red-book valuation. The Council will retain discretion over the use of the estimated costs to be inserted into the appraisal. The third-party valuation of the existing stock will include an actual or reasonably assumed maintenance or renewal programme and the submission of a Stock Conditions Survey or a reasonable assumption of the state of repair at the time of review. The valuation should also acknowledge the planning requirement to replace the stock at the end of its assumed operational life.

9.24 The capped figure to be adopted is £8.67m, which follows negotiations to reduce this from the applicant’s initially proposed figure of over £18million. The applicant has detailed that the £8.67m figure is informed by a range of inputs. These include a discounted 50 year cashflow rate; rental levels supported by a commissioned report, management and maintenance fees based on a Newlon report, major works costs and a void rate of 2.5%. An assumption of base rate of inflation at 2% is also included.

9.25 The Council’s Financial Viability consultant has questioned the fact that the figure proposed is reliant on assumptions of existing stock conditions and a maintenance programme, together with an assumed 50 year lifespan for the existing stock. Noting that a Stock Condition Survey has not been provided to date, it is accepted that some level of assumption is required. However, it is noted that the Section 106 legal agreement allows

for the valuation of the units to be assessed and challenged, where necessary, at the appropriate time within the review mechanisms.

- 9.26 Crucial to the acceptance of this capped value being included within the legal agreement, the Heads of Terms and drafting of the S106 agreement ensure that the Council will comprehensively and critically appraise the costs within the appropriate context and the inclusion of the EUV-SH, at a capped value. The key principles for the Council include an agreement that the Council will have total discretion over the figure to be inputted into the review mechanism (including the potential that nil value could still be used), the limitation of the applicants ability to arbitrate in dispute and the use of third party red book valuations using stock conditions surveys and/or reasonable assumptions. Including a potential capped EUV-SH, subject to the Council's absolute discretion, will facilitate the implementation and ultimate delivery of affordable housing at the site.
- 9.27 The Section 106 legal agreement is being updated on this basis and the Heads of Terms reflect this.

Community Use Floorspace

- 9.28 Policy SC1 of the emerging local plan states that the Council will support proposals to provide new and/or extended social and community infrastructure facilities. In addition, new and/or extended on site provision of social and community infrastructure facilities may be required as part of the supporting infrastructure for significant new housing and mixed use development proposals. The Council will not permit any loss of social or community infrastructure use unless a replacement facility is provided on site that is at least the equivalent in quality, quantity and accessibility. New provision should meet requirements for accessibility within the building and should also meet specification requirements particularly in relation to disabled access.
- 9.29 The elements of emerging policy SC1 largely replicate adopted policy DM4.12 in respect of the presumption against loss, the requirement to provide facilities in major mixed use development and to secure replacement facilities that are equivalent or better in respect of quality, quantity and accessibility.
- 9.30 The community centre within the New Barnsbury Estate is well used and considered by the applicant to be an intrinsic common public benefit that is essential to community cohesion within the estate. The current community centre is a recent construction having been built following the grant of planning permission of P080910 in 2008. The existing single storey building had an internal floor area of 276sq.m before being demolished and rebuilt as a larger single storey building with 379sq.m. The proposed replacement community centre will be delivered within block B8 and B9 as a modern two storey building within flexible use and internal division to allow for a wide range of uses.
- 9.31 Officers outlined within the Committee report that the proposed new community centre was proposed to have a floorspace area of up to 1275sq.m, which was based on the submission documentation and plans. This would comprise approximately 970sq.m for the community centre and 305sq.m for the nursery. Considered to be a significant uplift in both quantity and quality, this provision was presented as a significant benefit in the planning balance as outlined in Section 27 of the Committee Report.
- 9.32 Following the Committee resolution to grant, as Section 106 provisions regarding the community centre and nursery use/floorspace were being finalised, the applicants advised that the scheme would only provide an increase of 256sq.m of community centre floorspace to at least 514sq.m and an increase of 123sq.m of nursery floorspace to at least 200sq.m. This contradicts the provisions made frequently in the applicants documents

including the planning statement, EIA and development specification document and therefore reduces the role that this plays in influencing the planning balance. The applicant has advised that provision was intended to be expressed as a range from the combined figure of 714sq.m at one end to a combined figure of 1275sq.m at the other end of the range. While the community floorspace was to be provided in blocks B8 and B9, this was to be supplemented also by a residents' lounge.

9.33 Officers have advised the removal of concierge and residents lounge facilities from this part of the scheme to maximise community floorspace. The applicants have confirmed that the scheme could, at the upper limit, provide 300sq.m of nursery floorspace and 700sq.m of community centre floorspace, while still accounting for entrance facilities and cores. This places the actual provision within a range with the lower end at 714sq.m and the upper end at 1000sq.m.

9.34 In order to preserve the planning balance and make the scheme acceptable in the context of the (planning) harms listed in the original committee report, it is proposed to insert a new planning condition to the recommendation that would secure provision at the upper end of the deliverable scale. Should circumstances change, the applicants are able to submit an application seeking to vary the condition accordingly. Any such application to change the level of community floorspace provision would require a reconsideration of the planning balance. The proposed condition would go hand in hand with the planning condition in the resolution to grant planning permission on 29 November 2022 in relation to ensuring that reasonable endeavours are used to secure 2400sq.m of retail floorspace in association with the proposed development.

9.35 The proposed condition would be worded accordingly:

CONDITION: Notwithstanding the drawings and documents hereby approved, the total permanent community floorspace (combined) (use class(es) E/F2)) comprising of a nursery and a community centre shall equate to or exceed a total of 900sq.m (GIA)/1000sq.m (GEA) made up of at least 300sq.m (GEA)/270sq.m (GIA) of nursery and at least 700sq.m (GEA)/630sq.m (GIA) of community centre.

The development and use shall operate strictly in accordance with the details so approved and shall be retained as such permanently thereafter.

REASON: A restriction on the minimum quantum of community floorspace and its prescribed attribution into nursery and community use is necessary at the site to ensure that the development maintains its requirement to provide a suitable provision of community floorspace which is essential for the wellbeing of residents on the estate and beyond.

9.36 On the basis of this condition, it is considered that the proposed development would continue to be acceptable.

Other Considerations

9.37 The recent amendments do not affect the aspects assessed within the original massing studies, the effects and conclusions insofar as they affect microclimate, wind and daylight/sunlight for adjoining properties are unchanged.

9.38 The proposed amendments do not affect the Air Quality or Traffic and Transport assessments as there is no change to unit numbers, unit mix or population. While the location of building plant has moved, the assumptions previously made about flue termination and testing regime remain the same. The applicants have advised that earlier

assumptions of trip generation by the community floorspace was based on a smaller floor area dedicated to these uses. However, given the localised nature of the proposed community facilities, these are not considered to give rise to any tangible additional trip generation. Furthermore, given that there is no change to the residential accommodation within the development, no transport or traffic considerations are considered to arise. Given that there would be no change to traffic and transport, it is considered that there would not be any air quality or noise and vibration impacts arising from this change.

- 9.39 Conditions remain in place to address noise and vibration for residential occupiers from external sources.
- 9.40 From ground level, the only perceptible changes will be a minor alteration to the fenestration regime where there glazing becomes ventilation louvres and ventilation louvres become clear glazed habitable room windows. There is no tangible alteration to the massing, appearance or form of the development and the impact to townscape, character and heritage remain exactly the same.
- 9.41 In respect of climate change and building performance insofar as its contributions to Co2 emissions, there would be no material change arising from the modifications that are proposed to be made through the amended plans.

10. PLANNING OBLIGATIONS, COMMUNITY INFRASTRUCTURE LEVY AND LOCAL FINANCE CONSIDERATIONS

- 10.1 There is a 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.
- 10.2 Policy CS18 (Delivery and Infrastructure) of the Islington Core Strategy 2011 states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.
- 10.3 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended to be secured by a S106 agreement. The Changes from the previous Heads of Terms detailed in the Committee report to Committee on 29 November 2022 are detailed in bold:

1. Table of Financial Contributions

Contribution	Amount
Employment and training contribution (penalty payment in lieu of placement) £5000 per 20 units £5000 per 1000sq.m replacement commercial floorspace	£0 (min) £235,000 (max)
Accessible parking contribution	£0 (min)

(penalty payment in lieu of provision) £2000 per bay based on 10% provision of wheelchair dwellings and for each addition 33 employees.	£192,000 (max)
40 spaces (40x £2000)	£80,000
53 spaces (52x £2000 subject to demand)	£104,000
1 Commercial Space (1 x £2000)	£2,000
Construction Practice Monitoring Costs £100 per residential unit £100 per 100sq.m replacement commercial floorspace	£92,400
Carbon offsetting £95 per tonne of Co2 for 30 years	£1,222,650
Green skills training contribution £2500 per 20 new units of residential	£115,000
Employment and training contribution – operation of development Uplift in occupancy x proportion of residents requiring support (6.7%) x cost per person (£2500)	£7,370
Open space Barnard Park	£550,0000
Copenhagen Street Cycle Segregation Lane	£60,000

2. Affordable housing

- 2.1 Full replacement of 291 existing social rent dwellings with new social rent dwellings based on existing rents and tenancy conditions. This will comprise the replacement of 191 social rent dwellings in the detailed phase and the replacement of 100 social rent dwellings in the outline phases.
- 2.2 Provision of **[135]** new social rent dwellings with rental levels set at target rents and reasonable service charge to ensure affordability. This will comprise the provision of **[30]** new social rent dwellings in the detailed phase and the provision of **[105]** new social rent dwellings in the outline phases (minimum quantum of new social rented dwellings to be secured for each outline phase).
- 2.3 Development-wide baseline to be secured, equating to **25%** of total dwellings as social rented affordable.
- 2.4 Obligations securing delivery of fixed quantum of affordable housing dwellings in each phase prior to occupation of a fixed quantum of market housing dwellings in each phase.
- 2.5 Quantum, size and tenure mix of affordable dwellings to be secured in the detailed phase as detailed in the approved plans/submission documents
- 2.6 Quantum, size and tenure mix of affordable dwellings to be secured in the outline phases.
- 2.7 Nominations to the Council of all affordable housing dwellings to be secured in accordance with the Council's agreed nomination provisions.
- 2.8 All standard Council affordable housing requirements to be secured including transfer to appropriate registered provider.

3. Viability Review

- 3.1 Early, mid and late-stage viability reviews will be secured, as well as provision made for development break reviews
- 3.2 Each viability review will take the form of a 'whole scheme appraisal', by which it is meant that the entire scheme will be reviewed at each review stage, taking into account receipted/certified costs and values incurred up until that review stage and estimating costs incurred and values achievable for the remainder of the scheme.
- 3.3 As a result of adopting a 'whole scheme appraisal', the viability review will not utilise the GLA's standard viability review formulae.
- 3.4 The only fixed inputs into the viability review mechanism (and which will be specified in the S106 Agreement) will be the Benchmark Land Value (being the BLV of the commercial elements only), and the developer profit rate which will be 17.5% profit on GDV for the market sale dwellings, 4% on the affordable dwellings and 15% on the commercial floorspace). Otherwise, all costs and revenues will be reviewed and the Financial Viability Appraisal effectively re-run at each review stage.
- 3.5 ***The s106 agreement will identify (on a non-exhaustive basis) specific costs which may / may not be taken into account as part of each viability review, with costs included needing to be receipted and certified. For the purposes of these Heads of Terms, it is important to clarify the Council's position that the costs associated with works to the Old Barnsbury may not be taken into account as part of any viability review; and the cost of purchasing existing leases shall be accounted for as a cost. Any costs in relation to the existing housing stock to be demolished can be taken into account subject to third party appraisal to a value of £8.67m may be included at the Council's discretion.***
- 3.6 The early stage review will take place if the developer has not substantially implemented the planning permission by 18 months from the grant of planning permission. In the event that it is triggered, all surplus would be allocated towards the provision of additional on site affordable housing (subject to an overarching affordable housing cap which sets a limit on the amount of additional affordable housing (whether through on-site provision or payment in lieu) which may be sought in the target tenure mix of 70:30 between social rent and the housing respectively).
- 3.7 The mid-stage review will take place on occupation of 50% of the market housing units within Phase 2b of the development. No more than 90% of the market housing units in Phase 2b may be occupied and no market housing units in Phase 3 may be occupied, until such time as the viability review has been settled and the approach to allocating any surplus agreed. All surplus arising from the mid-stage review is to be allocated towards the provision of additional on-site affordable housing (subject to an overarching affordable housing cap).
- 3.8 The late-stage review will take place upon occupation of 75% of the market housing units in Phase 3 of the development. No more than 90% of the market housing units in Phase 3 may be occupied until such time as the viability review has been settled. Surplus arising (subject to a cap) will be split 60:40 in favour of the Council and will be paid as a contribution in lieu of the delivery of additional on-site affordable housing.
- 3.9 Development break reviews will be carried out if construction of the development is ceased for in excess of one year. Surplus arising (subject to the overarching cap) will all be due to the Council and will be applied to the delivery of on-site affordable housing and/or paid as a contribution in lieu of the delivery of additional on-site affordable housing, at the Council's discretion, depending upon when the development break occurs
- 3.10 The purpose of the viability review mechanism will be to assess whether, at various stages of the development, any surplus profit is generated which can be

applied to increasing the level of affordable housing to be provided, with the aim of achieving a policy-compliant level of affordable housing, should the viability of the scheme improve. A policy-compliant level of affordable housing would be a minimum of 50% on site, but potentially up to 100% for the purposes of Council policy. Consequently, the cap on affordable housing to be provided by the development will be the provision of 100% of the additional or uplift dwellings (i.e. excluding any re-provided dwellings). There will be a requirement for the surplus profit arising from reviews to be applied to provide additional affordable housing on site, in order to increase the baseline provision from 25% to 50%. But thereafter there will be flexibility as to whether any further surplus arising from the reviews should be applied to more on-site affordable housing, having regard to the practicality of achieving this at the time the relevant review is carried out, and/or can be paid to the Council as a contribution. This will be at the Council's discretion and subject to the Council's approval.

4. Wheelchair Accessible Homes

- 4.1 41 dwellings in the detailed phase, a minimum of 5% of dwellings in each outline phase and a minimum of 10% of dwellings in the development as a whole will be 'wheelchair user dwellings' designed in accordance with The Building Regulations 2010 Approved Document M optional requirement M4(3): Category 3 or, in the case of re-provided dwellings, dwellings which are otherwise adapted to address health conditions of returning residents.
- 4.2 Remainder of dwellings to be 'accessible and adaptable dwellings' in accordance with The Building Regulations 2010 Approved Document M optional requirement M4(2): Category 2.
- 4.3 Tenure and size mix for provision of 'wheelchair user dwellings' within the detailed phase to be secured
- 4.4 Tenure and size mix for provision of 'wheelchair user dwellings' in each outline phase (proportionate to the range of tenures and mix of the development as a whole) to be secured.
- 4.5 Requirement to adapt 'wheelchair adaptable' dwellings into 'wheelchair accessible' dwellings at developer's cost if requested by prospective owners/occupiers (only if requested by first owners/occupiers in the case of market dwellings).
- 4.6 Wheelchair user dwellings marketing plan to be secured including requirement for wheelchair user dwellings (other than social rented wheelchair user dwellings and initial sales/lets of re-provided dwellings) to be marketed for a relevant period prior to first sale and letting and for all subsequent sales and lettings (up until the dwelling has been sold/let to a wheelchair user) as wheelchair user dwellings with priority given to Council residents.

5. Community Centre and Nursery

- 5.1 Delivery of new community centre (with minimum floorspace specified) to be secured at appropriate stage of the development, as well as temporary community centre to be available for use immediately upon demolition of the current community centre and up until the provision of the new community centre.
- 5.2 Temporary and permanent nursery strategies to be secured with the aim of securing delivery, subject to developer's ability to procure operator through implementation of marketing strategy, of a temporary nursery following demolition of the current community centre and nursery and a permanent new nursery at appropriate stage of development (with minimum floorspace specified).

- 5.3 Use of permanent community centre and nursery (which may or may not be co-located) by local residents and on-going management to be secured by management plans.

6. Public Routes and Open Space

- 6.1 Delivery of temporary public routes during the construction phase to be secured via temporary public routes strategy, to be updated on a phased basis. Temporary public routes to be provided, alongside the maintenance of existing routes (as applicable), to ensure sufficient, safe and appropriate access is maintained into and through the development in instances where the construction programme prohibits provision of final public routes until later in the construction phase.
- 6.2 Final public routes (namely, identified pedestrian routes, Jays Lane and Leirum Lane), along with public realm associated with Jays Lane and Leirum Lane, to be delivered at appropriate stages of the development. Jays Lane and Leirum Lane to be constructed to an adoptable standard.
- 6.3 Open space phasing plan to be secured to ensure delivery of requisite quantum of open space (namely, parks, playspace, public realm and private communal areas) within each phase and associated obligations securing delivery of the same at appropriate stages of the development linked with occupation of a certain quantum of dwellings
- 6.4 Delivery of Carnegie Park and Pulteney Park to be secured in phases (identified by reference to appended plans), at appropriate stages of the development.
- 6.5 Maintenance and management strategy to be secured in respect of open space and public routes and Council granted step-in rights if not adhered to.
- 6.6 'Keep open' provisions in respect of open space, temporary public routes and final public routes (other than private communal areas) to be secured to ensure these are kept open to the public in perpetuity (subject to standard exemptions/matters relating to secured by design guidance).

7. Car Parking, Highways and Transport

- 7.1 Car Free – Council standard permit free provisions shall apply to all dwellings. 7
- 7.2 Separate travel plans to be secured in respect of the dwellings, commercial floorspace and the community centre/nursery respectively with appropriate monitoring and review provisions (such reviews to result in the provision of updated travel plans to the extent that monitoring demonstrates that this is necessary).
- 7.3 Car parking delivery and management plan to be secured (with subsequent updates on a phased basis) to control the delivery and management of car parking in the development including the number of car parking spaces and accessible bays to be provided in each phase, the means by which use of the car parking spaces will be restricted to returning residents with an existing permit, ensure that no new parking permits/extensions to existing permits are issued to returning residents and the means of converting car parking spaces into accessible parking bays upon the expiry or return of parking permits held by returning residents.
- 7.4 Traffic management provisions to ensure that use of Leirum Lane and Jays Lane by persons who are neither residents of nor visitors to the development is disincentivised (to complement physical design measures).
- 7.5 Provision of car club spaces and delivery of car club (with free membership for three years for first owners/occupiers of the dwellings) at an appropriate stage of the development to be secured
- 7.6 Highway works to be secured through a Section 278 agreement, including but not limited to: (a) highway works to Charlotte Terrace and Carnegie street; (b) highway works to Caledonian Road between Copenhagen Street and Carnegie

Street (c) improved crossing on Caledonian Road north of Copenhagen Street, (d) raised entry treatment at Charlotte Terrace (where it adjoins Copenhagen Street).

8. Employment, Skills and Training

- 8.1 Compliance with Council's Employment and Training Code.
- 8.2 Apprenticeships –
- All reasonable endeavours to secure 47 number of 26-week placements in the construction phase;
 - £5,000 penalty for each of the construction apprenticeships not provided (up to an aggregate total sum of £235,000)
 - London Living Wage for apprenticeships;
 - All reasonable endeavours to provide not less than 30% of apprenticeships to women and 30% to those from a BAME background;
 - Work with the Council's Inclusive Economy and Jobs Service to advertise and promote vacancies during construction phase; and
 - Associated monitoring and reporting obligations
- 8.3 Supply chain strategy to include a range of employment policies to be implemented through the construction supply chain to be secured, covering: diversity and inclusion; continuous professional development; well-being; net zero (e.g. cycle to work); and flexible and part-time working where the role permits.
- 8.4 Work in partnership with Council's Inclusive Economy and Jobs Service to advertise and promote vacancies during operational phase of development to promote employment within the Borough.
- 8.5 Local Procurement –
- Compliance with Council's Local Procurement Code;
 - Host 'Meet the Buyer' events with local businesses to discuss packages available; and
 - Provide procurement training to help local business by 'tender ready'.
- 8.6 Green Skills Training Contribution

9. Energy and Sustainability

- 9.1 Submission of updated energy assessment and a Green Performance Plan, and compliance with the same, to be secured..
- 9.2 Requirements to safeguard connection to Communal Heating System / District Heating.
- 9.3 Be Green, Be Lean, Be Seen GLA monitoring requirements to be secured.

10. Construction Requirements

- 10.1 Compliance with Council's Code of Construction Practice and submission of site-specific response document setting out how the developer intends to comply with the Code of Construction Practice for the relevant phase/sub-phase for approval in respect of each phase to be secured.
- 10.2 Construction Logistics Plan and Delivery and Servicing Plan to be secured on phased basis.

11. Design Quality

- 11.1 Provisions securing retention of the developer's design team (including the architect and landscaping architect) to oversee in a guardian role the delivery of the design quality of the development in accordance with the planning permission for the duration of the construction phase, subject to the Council's right to approve

any proposed replacements where these are of a similar standing (as determined by the Council).

12. Annual Monitoring Report

- 12.1 Requirement to submit Annual Monitoring Report detailing delivery in respect of s106 obligations.

Community Infrastructure Levy

- 10.4 Community Infrastructure levy (CIL) applies to most new developments (new buildings or extensions) which involve creating 100m² or more of gross internal floor space. CIL is a source of funding from new development to help support local infrastructure. Funding raised through the levy can be used to pay for improvements such as parks, play spaces, education, health facilities and the transport network. Dispensations may be sought for development such as social housing or charitable relief.
- 10.5 The total LBI CIL payable is currently projected to be £10.3m and Mayoral CIL will be £2.4m – Total £12.7m.

11. AMENDMENTS TO PLANNING CONDITIONS

- 11.1 In order to facilitate the referral of the planning application to Stage 2 with the GLA, officers have been in discussion with both the GLA and the applicants to address the wording of the planning conditions to ensure, particularly, that they meet the policy expectations of the London Plan and the GLA and that they adequately serve their purpose as prescribed by National Planning Policy Guidance.
- 11.2 Since the resolution to grant planning permission the applicant has submitted further detail to address previously recommended condition 9, which related to contaminated land. The applicant has submitted details relating to Phase 1a of the development and this has been assessed by the Council's Environmental Health Team, who consider the details acceptable for phase 1a of the development. Subsequently condition 9 is proposed to be amended accordingly.
- 11.3 On this basis, some of the conditions as published within the Committee Report to 29 November 2022 planning committee are proposed to be modified, deleted or amalgamated. Amendments to conditions are as follows

Condition number	Theme	Amendment
Condition 3	Plans and Documents	Updated to include amended documents
Condition 8	Whole Life Cycle Carbon	Updated following GLA review.
Condition 11	Commercial Uses	Removal of part B of the condition
Condition 12	Commercial Uses	Amendment to the maximum quantum of retail floorspace to be provided in the development.
Condition 14	Hours of Use	Introduction of opening hours for offices to the condition.
Condition 16	Water Supply	Affirms the commitment to meet the requirements of the Thames Water request to limit occupation of the 100 th dwelling until appropriate infrastructure has been added and also to raise the consumption per person per day to 100 litres as per policy
Condition 18	Sustainable Drainage	Amended text following input from the GLA
Condition 28	Air Quality Positive	Amended and expanded following input from the GLA.

Condition 29	Green Brown Roofs	Minor modification to the depth of the substrate base.
Condition 33	Fire Statement	The condition has been amended to secure a new fire statement prior to the commencement of phase 1a superstructure as well as for the reserved matters applications
Condition 38	Landscaping	This condition has been amended to remove references to tree planting and to play equipment which are covered in different conditions
Condition 40	Circular Economy	This condition has been amended following GLA review
Condition 42 (NEW)	Community floorspace	This was previously the water supply condition. This is now condition 16. Condition 42 now relates to the community floorspace provision.
Condition 47 (NEW)	Grey Water Recycling System	This reflects the Committee Resolution on 29 November 2022. The applicants shall assess the feasibility of providing a greywater recycling system.
Condition 48 (NEW)	WIFI Connectivity	Condition requested by the GLA
Condition 49 (NEW)	Circular Economy	Condition requested by the GLA. Requires a CE Statement to accompany each RMA.
Condition 50 (NEW)	Circular Economy	Condition requested by the GLA and requires an identification of the waste streams associated with the CE Statement to prevent excess landfill.

12. EQUALITIES AND HEALTH IMPACT

- 12.1 In relation to the Equality Act 2010, an Equalities Impact Assessment (EqIA) is a way of measuring the potential impacts (both positive and negative, temporary and permanent) that a proposal may have on the key protected characteristics covered by the Equality Duty and on Human Rights. An EqIA was submitted with the application to anticipate and mitigate against impacts that the proposal could have on people with the protected characteristics.
- 12.2 Regarding the temporary, construction phase of the scheme, the assessment finds there will be positive impacts associated with employment and skills, but negative amenity impacts (noise, disturbance) could affect local populations living near the site, including those within protected groups who may be more likely to spend more time at home than others. During construction there would be a benefit to a group typically disadvantaged in the construction sector - of the apprentices to be delivered, the scheme has an aspirational target that 30% of these opportunities will be filled by a wide range of groups including women and BAME individuals as well as people with a mental health background.
- 12.3 Mount Anvil – one part of the Joint Venture – operate a mentors and makers apprenticeship scheme that opens opportunities to disadvantaged groups who would not normally have access to roles, jobs and careers in the Built Environment.
- 12.4 At operational phase, the creation of a permeable site with increased public open space, enhanced connectivity and integration with the surrounding neighbourhood is found to be beneficial to all persons in the local area.

Health Impact Assessment

- 12.5 The applicant has presented a comprehensive Health Impact Assessment (HIA) of the redevelopment. It has been updated with a statement of conformity following changes to the original proposals. The HIA has had a positive impact on the proposals, and actions have been identified to mitigate any negative impacts. In particular, the applicant has

engaged well with the local community, an important aspect given that this is a redevelopment of an existing estate rather than a new development.

- 12.6 The HIA was undertaken at an early stage in the process, which together with a meeting with the HIA consultant, the case officer for the proposal, and the Parks and Open Spaces manager, has ensured that health aspects have been identified at an early stage and taken into account in the proposal. Mount Anvil is also an active supporter of causes to reduce suicide and mental illness in the construction industry. The applicant should be aware of opportunities provide sources of help, support and assistance that operate in the London Borough of Islington.

Amendments

- 12.7 The proposed changes to Blocks D1 and D2 improve the safety aspects of living within these blocks bringing them into line with current and emerging GLA and Government (respectively) regulation on access and evacuation requirements for taller buildings.
- 12.8 The changes to affordable housing EUV-SH consideration will potentially introduce a greater deficit within the review mechanism process. However, the introduction of safeguards by officers in terms of introducing a cap for additional cost; subjecting the costs to further third party appraisal and acting as final arbiter on the extent of costs being introduced is considered sufficient mitigation.

13. ENVIRONMENTAL IMPACT ASSESSMENT

- 13.1 The application has submitted a Statement of EIA Conformity and this is accepted.

14. FURTHER CONSIDERATION OF PLANNING BALANCE

- 14.1 As identified within this report, the proposed development would result in identified benefits and identified harm in planning terms.
- 14.2 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with a planning application ‘the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration.’
- 14.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that ‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’
- 14.4 There are the following additional requirements when considering planning applications which affect the setting of a listed building or the character and appearance of a conservation area. (Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: ‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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’.
- 14.5 Section 72(1) of the Act states: ‘In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

- 14.6 The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 14.7 The NPPF states at paragraphs 132 and 134-135, inter alia, that: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification... Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 14.8 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required and having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment of Harm

- 14.9 It is considered that the proposed development by way of a tall building within the canal side area, situated outside of a site or area suitable for tall buildings and within a site allocation where tall buildings are not supported would give rise to an element of harm within the scheme. The application has been subject to advertisement as a departure and the Secretary of State and the Mayor of London has been advised accordingly. While the number of tall buildings has reduced from three to one, this is located in a visually prominent location and would be harmful in the context of its discreet canalside setting.
- 14.10 London Plan Policy D9 seeks to ensure that there is a plan-led and design-led approach to the development of tall buildings across London and that the visual, functional, environmental and cumulative impacts of tall buildings are addressed to avoid adverse or detrimental impacts. Part B of Policy D9 states that boroughs should determine which locations are appropriate for tall buildings (subject to meeting the other requirements of the Plan) and states that tall buildings should only be developed in these suitable locations. Policy C9 of Islington's Core Strategy states that tall buildings (defined as being above 30 metres) are generally inappropriate to Islington's predominantly medium to low level character and therefore such proposals will not be supported except in parts of the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). The site is located outside of the Finsbury Local Plan area so by default is not identified as being an appropriate location. In addition, Islington's Draft Local Plan (2021) sets out the criteria for assessing tall buildings and includes specific sites which are considered potentially suitable (in principle) for tall buildings. This strategy is informed by the Council's Tall Buildings study (2018).
- 14.11 This building (Block D2) would generate a harm to the of listed structures including the western facing portal of the Regents Canal. It would also harm the significance of the Conservation Areas that adjoin the estate including Regents Canal West, Keystone Crescent, Priory Green and Barnsbury. While this harm is not substantial, it is still nonetheless harm and is a view that has been shared by the Canals and Waterways Trust. Historic England directs through guidance that tall buildings should be located through plan – led locations. This is not the case here and as a result, this tall building is out of context,

incongruous and harmful to the designated heritage assets. Harm has been expressed through scale, presence and materiality in the canal context. The tall building is also deemed harmful within selected views expressed in the report where the presence of a building would add visual conflict to these views where lower level context is appreciated. There is also a degree of harm from a planning context and the harm is not exclusively from a heritage point of view. The borough has been characterised by a generally low level building height regime borough wide. Some locations have been scoped for acceptability through the local plan process. The area was considered for tall buildings and deemed to be unacceptable from a wider character of the area perspective.

14.12 There is also a planning harm associated with the height of the Caledonian Road blocks which are nine storeys opposite a three to four storey regime and also in the presence of listed buildings at 214 to 216 Caledonian Road. The setting of these listed buildings generates harm to their significance and is deemed to be unacceptable in this townscape.

14.13 Within the site the proposed development features a carefully crafted masterplan where a variety of typologies were generated to address different street types and to provide architectural variety. In addressing the streets and spaces, officers sought appropriate heights. The weakest part of the masterplan is the lanes and to some degree the mews. The lanes feature streets with a facing width of 14m, but the buildings are six storeys with a recessed seventh floor. The uppermost level is visible and there is scope to reduce this as advised by officers. This height to space ratio gives rise to compact and cramped spaces with the potential for poor amenity conditions. Within the eastern mew, the land level changes gives effect to an eight storey elevation from the mews which is simply out of scale with the wider townscape rationale.

14.14 Generally, post ballot, the proposed masterplan has been boosted by an additional 90 homes at the time of the first submission in May 2022. This was driven by viability, however, rather than demonstrate how the masterplan can accommodate 950 dwellings, the submission was progressed merely as a layering to add new homes. No capacity work has been done to consider whether the 950 units was the product of a design led capacity. Externally, the perimeter blocks have expanded and to some degree form a fortification when viewed from outside the estate.

14.15 The scheme results in the demolition of 291 homes for social rent and 80 leasehold properties. The scheme is partially grant funded with a sunset clause for funding in March 2023. The funding is for replacement homes. Without this funding this scheme is not deliverable. The application proposes to replace all 291 homes at a much higher quality and re-provide them within New Barnsbury for existing residents of New Barnsbury and overcrowded residents within the Old Barnsbury estate. Post ballot, the applicants demonstrated that the aspirations and ambitions for affordable housing would be revised down. While the scheme could provide 35% affordable housing within the uplift, this was still subject to a significant deficit which harms or limits the ability to generate an appropriate level of scheme value. The scheme comes to Committee with a deficit that is more than £50million greater than that identified by the Council's consultants.

14.16 The presence of a significant deficit reduces the ability of the scheme through review mechanisms to demonstrate that it can provide further affordable housing at a point in the future. The effectiveness of the viability review mechanisms have been weakened to a degree through the agreement to include a capped cost for EUV-SH. While there are mechanisms in place to control its application, with third party input and the use of local authority discretion, there is a risk that the scheme will not generate additional units.

14.17 The scheme has been further amended. 950 homes have become 914 and shared ownership has been removed from the scheme. However, this has had a further impact on

the capacity of the scheme to deliver an uplift in the number of affordable homes. The scheme can now only provide 25% of units as a whole within affordable tenure, albeit this is being delivered as homes for social rent to meet priority housing need.

- 14.18 The scheme provides a limited dwelling mix range. While no studios are provided there is a concentration on one and two bedroom dwellings for the market sale units and generally two and three beds for the social rent when larger units are required across all tenures.
- 14.19 The scheme provides for a significant reduction in retail floorspace. The current arrangement provides for nearly 2000sq.m. This will be reduced to just over 1000sq.m. The scheme also envisages a loss of units from 22 to 14. This may affect the manner in which the proposed development is able to contribute to the Local Shopping Area. While the scheme proposes to significantly increase the level of community floorspace within the development, this is now not so ambitious as per earlier expectations due to the constraints of the developing the scheme.
- 14.20 The proposed development generates some critical concerns about privacy and overlooking distances between proposed buildings which would have a genuine and significant impact on amenity for future occupiers.
- 14.21 The Urban Greening Factor presents a complicated scenario where the primary resources that are employed to ensure that the score significantly exceeds benchmarks would also be used or open space and play space and as a such, the biodiversity and greening of such spaces would be at risk.
- 14.22 Only 80% of units would be dual aspect. There would be no due north single aspect units, however and less than half of the impacted homes would be social rent. A number of blocks would experience levels of daylight and sunlight below both new and pre-existing BRE levels.

Assessment of Benefits

- 14.23 The scheme delivers a net increase of 543 new homes. All new homes would be of a substantially higher quality and all would be provided with private external amenity space. All but two of the homes in the detailed phase would meet or exceed the internal space standards. They would generally be well laid out, well lit with good outlook and would meet housing needs of residents. The objective of the scheme is to alleviate overcrowding within multi generational households and to deliver high quality homes. Of greater significance, the replacement social rent households would benefit from discounted target rent at a level up to 32% below target rent. The scheme would also move tenants with medical needs to properties more appropriate for their needs.
- 14.24 Newlon have been advised that they should manage the re-allocations of the proposed replacement tenants in accordance with the Council's lettings policy. The Council will then utilise its nominations policy for further lets.
- 14.25 The scheme is able to deliver 25% of the new units as social rent, all of which are social rent and constitute potentially 135 units which is just 7 below the original social rent offer when first submitted in May 2022. Overall, the scheme is able to generate 426 social rent units which is 46% of the overall total. A series of review mechanisms will be secured through the Section 106 at early mid and late stage to determine whether the scheme is able provide additionality. This mechanism series is bespoke and site wide and will take in the full range of costs and values to extract as efficiently as possible future benefits for affordable housing.

- 14.26 The new retail floorspace despite being a reduction from the current layout will take the form of modern units which contribute to the LSA and would be flexibly shaped and arranged permitting a wider range of occupiers. Future occupiers and future uses have been prescribed by condition to ensure such future units contribute to the vitality and viability of the LSA. The Council is also able to secure a replacement community centre almost double the size of the current and also like the retail, flexible in its use, layout and offer although the expectations of the likely size have been somewhat reduced. A nursery space has been secured. Both functions will have continuity through the construction phase.
- 14.27 All units will have a level of private amenity space that meets or exceeds requirements set out in guidance and policy. They will have access to a more coherent and substantive open space provision across the estate where inaccessible or challenging spaces have been replaced by meaningful semi-private courtyards and redesigned parks with playspace and quiet space. The Council will also seek to secure monies to fund the upgrade works to Barnard Park. The Urban Greening Factor is increased and Biodiversity Net Gain has substantially increased. New street trees in Charlotte Terrace will also provide further green infrastructure.
- 14.28 While existing residents with parking spaces will retain their parking permits for the estate, no new permits will be issued over time the parking numbers will reduce to ensure that the scheme becomes less car dominated. The road surfaces of the lanes and the mews will give rise to pedestrian dominated spaces with planting, seating out areas and play areas.
- 14.29 The scheme largely provides acceptable levels of sunlight and daylight for all. Despite the removals of trees from the estate, the replacement planting addresses canopy coverage and has been well considered and within 10 years post completion will generate a canopy coverage over and above the current qualities.
- 14.30 The scheme contributes to an improved energy and sustainability environment. The scheme as completed will save over 40000 tonnes of carbon over sixty years compared to a further sixty years of the continued status quo of the estate. The scheme provides for contributions to green skills training, to affordable housing, construction training and jobs, carbon offsetting and more for the site.
- 14.31 Overall, it is considered that, in view of the significant contribution that this site will make to meeting Islington's housing need, some weight can be attached to these substantial public benefits. Additionally, the public benefits of the enhancement to the public realm surrounding the site and the public benefits of tree and biodiversity enhancements, when taken together, are considered to further increase the public benefits arising from these proposals. As such, it is considered that, on balance, the proposed development would be sufficiently beneficial for officers to recommend approval.
- 14.32 The proposed amendments to the scheme from those subject to the resolution to grant planning permission at 29 November 2022 Planning Committee comprise limited internal changes to address GLA requirements, further clarification to clarify the community use provision and the detailing of the review mechanism to ensure the deliverability of the scheme.
- 14.33 The amendments to address fire safety benefits, particularly in light of the current consultation on amendments to the Building Regulation Approved Documents will ensure that this latter part of the development is future proofed and crucially safe for residents.
- 14.34 Although the further negotiation of the S106 review mechanisms, and the amended Heads of Terms detailed in Appendix A, would enable the potential inclusion of a larger deficit in the scheme, this is considered to be reasonable, in this case, and necessary to ensure the

delivery of the development and crucially affordable housing, subject to this being at the discretion of the Council.

14.35 The clarification of the space requirements within the parameter plans and imposition of a condition requiring a minimum quantum of community and nursery floorspace would ensure that an appropriate level of social infrastructure space is continued to be re-provided at the site.

14.36 Given the above, it is considered that the planning balance detailed in Section 27 of the Committee Report presented to 29 November 2022 Committee continues to be relevant, namely that given the benefits of the proposal, the proposed development would be sufficiently beneficial for officers to recommend approval.

14.37 However, it should be clearly noted that any further amendments to the development would require the planning balance to be revisited.

15. REASON FOR RECOMENDATION

15.1 For the reasons noted within this report and those noted in the previous report to Committee on 29 November 2022, it is considered that on balance, the harm created by these proposals, inclusive of the tall building that represents a departure from policy, is outweighed by the scheme benefits, notably the provision of improved social rented housing for the residents of the New Barnsbury Estate, a reduction in overcrowding and an uplift in homes for social rented housing.

15.2 With regard to the Environmental Impact Assessment, it is considered that the submitted Environmental Statement, Environmental Statement Addendum, the Statement of EIA Conformity and the reports that comprise the planning application are sufficiently comprehensive and for the reasons set out in this Committee Report, it is considered that the impact of the proposal is acceptable.

16. CONCLUSION AND RECOMENDATION

16.1 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT planning permission subject to any direction by The Secretary of State (SoS) to call in the application for determination by the SoS. Therefore, following the Council’s determination of the application, the application shall be referred to the Secretary of State (SoS) under the Town and Country Planning (Consultation) England Direction 2009. Pursuant to Section 77 of the Town and Country Planning Act 1990 the SoS can decide, within 21 days, whether to call in the application to determine it herself.

And

That the Committee resolve to GRANT planning permission subject to any direction by The Mayor to refuse the application or for it to be called in for determination by the Mayor of London. Therefore, following the Council’s resolution to determine the application, the application shall then be referred to the Mayor of London in accordance with Article 5 of the Town and Country Planning (Mayor of London) Order 2008 – allowing him 14 days to decide whether to:

- A. allow the draft decision to proceed unchanged; or
- B. direct the Council under Article 6 to refuse the application; or
- C. issue a direction under Article 7 that he is to act as the Local Planning Authority for the purpose of determining the application.

And

That planning permission be granted for the reasons given in paragraph no. 29.1 to 29.2 and 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:

In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended to be secured by a S106 agreement. The Changes from the previous Heads of Terms detailed in the Committee report to Committee on 29 November 2022 are detailed in bold:

1. Table of Financial Contributions

Contribution	Amount
Employment and training contribution (penalty payment in lieu of placement) £5000 per 20 units £5000 per 1000sq.m replacement commercial floorspace	£0 (min) £235,000 (max)
Accessible parking contribution (penalty payment in lieu of provision) £2000 per bay based on 10% provision of wheelchair dwellings and for each addition 33 employees.	£0 (min) £192,000 (max)
40 spaces (40x £2000)	£80,000 £104,000

53 spaces (52x £2000 subject to demand) 1 Commercial Space (1 x £2000)	£2,000
Construction Practice Monitoring Costs £100 per residential unit £100 per 100sq.m replacement commercial floorspace	£92,400
Carbon offsetting £95 per tonne of Co2 for 30 years	£1,222,650
Green skills training contribution £2500 per 20 new units of residential	£115,000
Employment and training contribution – operation of development Uplift in occupancy x proportion of residents requiring support (6.7%) x cost per person (£2500)	£7,370
Open space Barnard Park	£550,000
Copenhagen Street Cycle Segregation Lane	£60,000

2. Affordable housing

- 2.1 Full replacement of 291 existing social rent dwellings with new social rent dwellings based on existing rents and tenancy conditions. This will comprise the replacement of 191 social rent dwellings in the detailed phase and the replacement of 100 social rent dwellings in the outline phases.
- 2.2 Provision of **[135]** new social rent dwellings with rental levels set at target rents and reasonable service charge to ensure affordability. This will comprise the provision of **[30]** new social rent dwellings in the detailed phase and the provision of **[105]** new social rent dwellings in the outline phases (minimum quantum of new social rented dwellings to be secured for each outline phase).
- 2.3 Development-wide baseline to be secured, equating to **25%** of total dwellings as social rented affordable.
- 2.4 Obligations securing delivery of fixed quantum of affordable housing dwellings in each phase prior to occupation of a fixed quantum of market housing dwellings in each phase.
- 2.5 Quantum, size and tenure mix of affordable dwellings to be secured in the detailed phase as detailed in the approved plans/submission documents
- 2.6 Quantum, size and tenure mix of affordable dwellings to be secured in the outline phases.
- 2.7 Nominations to the Council of all affordable housing dwellings to be secured in accordance with the Council's agreed nomination provisions.
- 2.8 All standard Council affordable housing requirements to be secured including transfer to appropriate registered provider.

3. Viability Review

- 3.1 Early, mid and late-stage viability reviews will be secured, as well as provision made for development break reviews
- 3.2 Each viability review will take the form of a 'whole scheme appraisal', by which it is meant that the entire scheme will be reviewed at each review stage, taking into account receipt/certified costs and values incurred up until that review stage

- and estimating costs incurred and values achievable for the remainder of the scheme.
- 3.3 As a result of adopting a 'whole scheme appraisal', the viability review will not utilise the GLA's standard viability review formulae.
 - 3.4 The only fixed inputs into the viability review mechanism (and which will be specified in the S106 Agreement) will be the Benchmark Land Value (being the BLV of the commercial elements only), and the developer profit rate which will be 17.5% profit on GDV for the market sale dwellings, 4% on the affordable dwellings and 15% on the commercial floorspace). Otherwise, all costs and revenues will be reviewed and the Financial Viability Appraisal effectively re-run at each review stage.
 - 3.5 **The S106 agreement will identify (on a non-exhaustive basis) specific costs which may / may not be taken into account as part of each viability review, with costs included needing to be receipted and certified. For the purposes of these Heads of Terms, it is important to clarify the Council's position that the costs associated with works to the Old Barnsbury may not be taken into account as part of any viability review; and the cost of purchasing existing leases shall be accounted for as a cost. Any costs in relation to the existing housing stock to be demolished can be taken into account subject to third party appraisal to a value of £8.67m may be included at the Council's discretion.**
 - 3.6 The early stage review will take place if the developer has not substantially implemented the planning permission by 18 months from the grant of planning permission. In the event that it is triggered, all surplus would be allocated towards the provision of additional on site affordable housing (subject to an overarching affordable housing cap which sets a limit on the amount of additional affordable housing (whether through on-site provision or payment in lieu) which may be sought in the target tenure mix of 70:30 between social rent and the housing respectively).
 - 3.7 The mid-stage review will take place on occupation of 50% of the market housing units within Phase 2b of the development. No more than 90% of the market housing units in Phase 2b may be occupied and no market housing units in Phase 3 may be occupied, until such time as the viability review has been settled and the approach to allocating any surplus agreed. All surplus arising from the mid-stage review is to be allocated towards the provision of additional on-site affordable housing (subject to an overarching affordable housing cap).
 - 3.8 The late-stage review will take place upon occupation of 85% of the market housing units in Phase 3 of the development. No more than 90% of the market housing units in Phase 3 may be occupied until such time as the viability review has been settled. Surplus arising (subject to a cap) will be split 60:40 in favour of the Council and will be paid as a contribution in lieu of the delivery of additional on-site affordable housing.
 - 3.9 Development break reviews will be carried out if construction of the development is ceased for in excess of one year. Surplus arising (subject to the overarching cap) will all be due to the Council and will be applied to the delivery of on-site affordable housing and/or paid as a contribution in lieu of the delivery of additional on-site affordable housing, at the Council's discretion, depending upon when the development break occurs
 - 3.10 The purpose of the viability review mechanism will be to assess whether, at various stages of the development, any surplus profit is generated which can be applied to increasing the level of affordable housing to be provided, with the aim of achieving a policy-compliant level of affordable housing, should the viability of the scheme improve. A policy-compliant level of affordable housing would be a minimum of 50% on site, but potentially up to 100% for the purposes of Council policy. Consequently, the cap on affordable housing to be provided by the

development will be the provision of 100% of the additional or uplift dwellings (i.e. excluding any re-provided dwellings). There will be a requirement for the surplus profit arising from reviews to be applied to provide additional affordable housing on site, in order to increase the baseline provision from 25% to 50%. But thereafter there will be flexibility as to whether any further surplus arising from the reviews should be applied to more on-site affordable housing, having regard to the practicality of achieving this at the time the relevant review is carried out, and/or can be paid to the Council as a contribution. This will be at the Council's discretion and subject to the Council's approval.

4. Wheelchair Accessible Homes

- 4.1 41 dwellings in the detailed phase, a minimum of 5% of dwellings in each outline phase and a minimum of 10% of dwellings in the development as a whole will be 'wheelchair user dwellings' designed in accordance with The Building Regulations 2010 Approved Document M optional requirement M4(3): Category 3 or, in the case of re-provided dwellings, dwellings which are otherwise adapted to address health conditions of returning residents.
- 4.2 Remainder of dwellings to be 'accessible and adaptable dwellings' in accordance with The Building Regulations 2010 Approved Document M optional requirement M4(2): Category 2.
- 4.3 Tenure and size mix for provision of 'wheelchair user dwellings' within the detailed phase to be secured
- 4.4 Tenure and size mix for provision of 'wheelchair user dwellings' in each outline phase (proportionate to the range of tenures and mix of the development as a whole) to be secured.
- 4.5 Requirement to adapt 'wheelchair adaptable' dwellings into 'wheelchair accessible' dwellings at developer's cost if requested by prospective owners/occupiers (only if requested by first owners/occupiers in the case of market dwellings).
- 4.6 Wheelchair user dwellings marketing plan to be secured including requirement for wheelchair user dwellings (other than social rented wheelchair user dwellings and initial sales/lets of re-provided dwellings) to be marketed for a relevant period prior to first sale and letting and for all subsequent sales and lettings (up until the dwelling has been sold/let to a wheelchair user) as wheelchair user dwellings with priority given to Council residents.

5. Community Centre and Nursery

- 5.1 Delivery of new community centre (with minimum floorspace specified) to be secured at appropriate stage of the development, as well as temporary community centre to be available for use immediately upon demolition of the current community centre and up until the provision of the new community centre.
- 5.2 Temporary and permanent nursery strategies to be secured with the aim of securing delivery, subject to developer's ability to procure operator through implementation of marketing strategy, of a temporary nursery following demolition of the current community centre and nursery and a permanent new nursery at appropriate stage of development (with minimum floorspace specified).
- 5.3 Use of permanent community centre and nursery (which may or may not be co-located) by local residents and on-going management to be secured by management plans.

6. Public Routes and Open Space

- 6.1 Delivery of temporary public routes during the construction phase to be secured via temporary public routes strategy, to be updated on a phased basis. Temporary public routes to be provided, alongside the maintenance of existing routes (as applicable), to ensure sufficient, safe and appropriate access is maintained into and through the development in instances where the construction programme prohibits provision of final public routes until later in the construction phase.
- 6.2 Final public routes (namely, identified pedestrian routes, Jays Lane and Leirum Lane), along with public realm associated with Jays Lane and Leirum Lane, to be delivered at appropriate stages of the development. Jays Lane and Leirum Lane to be constructed to an adoptable standard.
- 6.3 Open space phasing plan to be secured to ensure delivery of requisite quantum of open space (namely, parks, playspace, public realm and private communal areas) within each phase and associated obligations securing delivery of the same at appropriate stages of the development linked with occupation of a certain quantum of dwellings
- 6.4 Delivery of Carnegie Park and Pulteney Park to be secured in phases (identified by reference to appended plans), at appropriate stages of the development.
- 6.5 Maintenance and management strategy to be secured in respect of open space and public routes and Council granted step-in rights if not adhered to.
- 6.6 'Keep open' provisions in respect of open space, temporary public routes and final public routes (other than private communal areas) to be secured to ensure these are kept open to the public in perpetuity (subject to standard exemptions/matters relating to secured by design guidance).

7. Car Parking, Highways and Transport

- 7.1 Car Free – Council standard permit free provisions shall apply to all dwellings.
- 7.2 7.2 Separate travel plans to be secured in respect of the dwellings, commercial floorspace and the community centre/nursery respectively with appropriate monitoring and review provisions (such reviews to result in the provision of updated travel plans to the extent that monitoring demonstrates that this is necessary).
- 7.3 Car parking delivery and management plan to be secured (with subsequent updates on a phased basis) to control the delivery and management of car parking in the development including the number of car parking spaces and accessible bays to be provided in each phase, the means by which use of the car parking spaces will be restricted to returning residents with an existing permit, ensure that no new parking permits/extensions to existing permits are issued to returning residents and the means of converting car parking spaces into accessible parking bays upon the expiry or return of parking permits held by returning residents.
- 7.4 Traffic management provisions to ensure that use of Leirum Lane and Jays Lane by persons who are neither residents of nor visitors to the development is disincentivised (to complement physical design measures).
- 7.5 Provision of car club spaces and delivery of car club (with free membership for three years for first owners/occupiers of the dwellings) at an appropriate stage of the development to be secured
- 7.6 Highway works to be secured through a Section 278 agreement, including but not limited to: (a) highway works to Charlotte Terrace and Carnegie street; (b) highway works to Caledonian Road between Copenhagen Street and Carnegie Street (c) improved crossing on Caledonian Road north of Copenhagen Street, (d) raised entry treatment at Charlotte Terrace (where it adjoins Copenhagen Street).

8. Employment, Skills and Training

- 8.1 Compliance with Council's Employment and Training Code.
- 8.2 Apprenticeships –
- All reasonable endeavours to secure 47 number of 26-week placements in the construction phase;
 - £5,000 penalty for each of the construction apprenticeships not provided (up to an aggregate total sum of £235,000)
 - London Living Wage for apprenticeships;
 - All reasonable endeavours to provide not less than 30% of apprenticeships to women and 30% to those from a BAME background;
 - Work with the Council's Inclusive Economy and Jobs Service to advertise and promote vacancies during construction phase; and
 - Associated monitoring and reporting obligations
- 8.3 Supply chain strategy to include a range of employment policies to be implemented through the construction supply chain to be secured, covering: diversity and inclusion; continuous professional development; well-being; net zero (e.g. cycle to work); and flexible and part-time working where the role permits.
- 8.4 Work in partnership with Council's Inclusive Economy and Jobs Service to advertise and promote vacancies during operational phase of development to promote employment within the Borough.
- 8.5 Local Procurement –
- Compliance with Council's Local Procurement Code;
 - Host 'Meet the Buyer' events with local businesses to discuss packages available; and
 - Provide procurement training to help local business by 'tender ready'.
- 8.6 Green Skills Training Contribution

9. Energy and Sustainability

- 9.1 Submission of updated energy assessment and a Green Performance Plan, and compliance with the same, to be secured..
- 9.2 Requirements to safeguard connection to Communal Heating System / District Heating.
- 9.3 Be Green, Be Lean, Be Seen GLA monitoring requirements to be secured.

10. Construction Requirements

- 10.1 Compliance with Council's Code of Construction Practice and submission of site-specific response document setting out how the developer intends to comply with the Code of Construction Practice for the relevant phase/sub-phase for approval in respect of each phase to be secured.
- 10.2 Construction Logistics Plan and Delivery and Servicing Plan to be secured on phased basis.

11. Design Quality

- 11.1 Provisions securing retention of the developer's design team (including the architect and landscaping architect) to oversee in a guardian role the delivery of the design quality of the development in accordance with the planning permission for the duration of the construction phase, subject to the Council's right to approve any proposed replacements where these are of a similar standing (as determined by the Council).

12. Annual Monitoring Report

12.1 Requirement to submit Annual Monitoring Report detailing delivery in respect of s106 obligations.

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

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

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

RECOMMENDATION B

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

List of Conditions:

1	THREE YEAR PERMISSION
	CONDITION: The Detailed Element of the development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Reserved Matters
	CONDITION: An application or applications for the approval of all reserved matters relating to all areas within the Outline Element demarcated area on the hybrid application boundaries parameter plan BAE-PTE-ZZ-XX-DR-A-100092 rev C2 must be made to the Local Planning Authority prior to any works commencing in these areas no later than the expiry of 10 years beginning with the date of this permission. REASON: To comply with Section 92(2) of the Town and Country Planning Act 1990 as amended
3	Approved Plans
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information: Plans Illustrative Landscape Masterplan (Detailed and Outline), 732-FH-XX-00-DP-L-100, Rev. A General Arrangement Plan, 732-FH-XX-00-DP-L-101, Rev. A

Detailed Area Location Plan, 732-FH-XX-00-DP-L-110, Rev. A
Block A and Block B - Landscape Plan, 732-FH-XX-00-DP-L-111, Rev. A
Block C and Pultney Street Park - Landscape Plan, 732-FH-XX-00-DP-L-112, Rev. A
Block D and Carnegie Street Park - Landscape Plan, 732-FH-XX-00-DP-L-113, Rev. A
Block D Rooftop - Landscape Plan, 732-FH-XX-XX-DP-L-114, Rev. A
Proposed Level Plan, 732-FH-XX-00-DP-L-301, Rev. B
Block A and Block B - Proposed Level Plan, 732-FH-XX-00-DP-L-311, Rev. B
Block C and Pultney Street Park - Proposed Level Plan, 732-FH-XX-00-DP-L-312, Rev. B
Block D and Carnegie Street Park - Proposed Level Plan, 732-FH-XX-00-DP-L-313, Rev. B
Tree and Soft Landscape Plan, 732-FH-XX-00-DP-L-401, Rev. A

Details

Block A and Block B - Sections, 732-FH-XX-00-DT-L-111, Rev. A
Block C and Pultney Street Park - Sections, 732-FH-XX-00-DT-L-112, Rev. A
Block D and Carnegie Street Park - Sections, 732-FH-XX-00-DT-L-113, Rev. A
Typical Tree Pit Details, 732-FH-XX-00-DT-L-401, Rev. A

Masterplan

General

Site Location Plan, BAE-PTE-ZZ-XX-DR-A-100001, Rev. C1
Existing Site Plan, BAE-PTE-ZZ-XX-DR-A-100002, Rev. C1
Newlon Ownership Boundary Plan, BAE-PTE-ZZ-XX-DR-A-100003, Rev. C1
Existing Topographical Plan, BAE-PTE-ZZ-XX-DR-A-100004, Rev. C1
Proposed Topographical Plan, BAE-PTE-ZZ-XX-DR-A-100005, Rev. C2
Site Plan with Proposed and Existing Footprint, BAE-PTE-ZZ-XX-DR-A-100006, Rev. C2
Indicative Phasing Plan, BAE-PTE-ZZ-XX-DR-A-100007, Rev. C2

Existing Masterplan Site Sections - 1:500 Site Section

Existing Site Sections A - D, BAE-PTE-XX-ZZ-DR-A-102008, Rev. C3
Existing Site Sections E - I, BAE-PTE-XX-ZZ-DR-A-102009, Rev. C3

Proposed Masterplan Floor Plans & Roof Plan - 1:500 Masterplan GA's

Masterplan Level 099 GA Plan, BAE-PTE-ZZ-B1-DR-A-101010, Rev. C2
Masterplan Level 100 GA Plan, BAE-PTE-ZZ-00-DR-A-101011, Rev. C2
Masterplan Level 101 GA Plan, BAE-PTE-ZZ-01-DR-A-101012, Rev. C2
Masterplan Level Typical GA Plan, BAE-PTE-ZZ-ZZ-DR-A-101013, Rev. C2
Masterplan Level 107 GA Plan, BAE-PTE-ZZ-07-DR-A-101014, Rev. C2
Masterplan Level Roof GA Plan, BAE-PTE-ZZ-ZZ-DR-A-101015, Rev. C3

Proposed Masterplan Site Sections - 1:500 Site Sections

Proposed Site Sections A - D, BAE-PTE-XX-ZZ-DR-A-102016, Rev. C6
Proposed Site Sections E - I, BAE-PTE-XX-ZZ-DR-A-102017, Rev. C4

Detailed Element

Proposed Floor Plans - 1:200 Phase 1a, 1b and 3a Detailed Application GA's Plan

Phase 1a Detailed Application GA Plan - Level 100, BAE-PTE-XX-00-DR-A-101018, Rev. C2
Phase 1a Detailed Application GA Plan - Level 101, BAE-PTE-XX-01-DR-A-101019, Rev. C2
Phase 1a Detailed Application GA Plan - Level 102, BAE-PTE-XX-02-DR-A-101020, Rev. C2
Phase 1a Detailed Application GA Plan - Level 103, BAE-PTE-XX-03-DR-A-101021, Rev. C2

Phase 1a Detailed Application GA Plan - Level 104, BAE-PTE-XX-04-DR-A-101022, Rev. C2
Phase 1a Detailed Application GA Plan - Level 105, BAE-PTE-XX-05-DR-A-101023, Rev. C2
Phase 1a Detailed Application GA Plan - Level 106, BAE-PTE-XX-06-DR-A-101024, Rev. C2
Phase 1a Detailed Application GA Plan - Level 107, BAE-PTE-XX-07-DR-A-101025, Rev. C2
Phase 1a Detailed Application GA Plan - Level 108, BAE-PTE-XX-08-DR-A-101026, Rev. C2
Phase 1b Detailed Application GA Plan - Level 099, BAE-PTE-XX-B1-DR-A-101027, Rev. C2
Phase 1b Detailed Application GA Plan - Level 100, BAE-PTE-XX-00-DR-A-101028, Rev. C2
Phase 1b Detailed Application GA Plan - Level 101, BAE-PTE-XX-01-DR-A-101029, Rev. C2
Phase 1b Detailed Application GA Plan - Level 102-105, BAE-PTE-XX-ZZ-DR-A-101030, Rev. C2
Phase 1b Detailed Application GA Plan - Level 106, BAE-PTE-XX-06-DR-A-101031, Rev. C2
Phase 1b Detailed Application GA Plan - Level 107, BAE-PTE-XX-07-DR-A-101032, Rev. C2
Phase 1b Detailed Application GA Plan - Level 108, BAE-PTE-XX-08-DR-A-101033, Rev. C2
Phase 3a Detailed Application GA Plan - Level 099, BAE-PTE-XX-B1-DR-A-101034, Rev. C2
Phase 3a Detailed Application GA Plan - Level 100, BAE-PTE-XX-00-DR-A-101035, Rev. C2
Phase 3a Detailed Application GA Plan - Level 101-105, BAE-PTE-XX-ZZ-DR-A-101036, Rev. C3
Phase 3a Detailed Application GA Plan - Level 101-105, BAE-PTE-XX-ZZ-DR-A-101037, Rev. C3
Phase 3a Detailed Application GA Plan - Level 108, BAE-PTE-XX-08-DR-A-101038, Rev. C2
Phase 3a Detailed Application GA Plan - Level 109, BAE-PTE-XX-09-DR-A-101039, Rev. C2
Phase 3a Detailed Application GA Plan - Level 110, BAE-PTE-XX-10-DR-A-101040, Rev. C2
Phase 3a Detailed Application GA Plan - Level 111, BAE-PTE-XX-11-DR-A-101041, Rev. C2

Proposed Elevations - 1:200 Building Elevations

Detailed Application Elevations - Block A3, BAE-PTE-VA-ZZ-DR-A-103044, Rev. C3
Detailed Application Elevations - Block B1 - B2 - B3, BAE-PTE-VB-ZZ-DR-A-103045, Rev. C3
Detailed Application Elevations - Block B1 - B4, BAE-PTE-VB-ZZ-DR-A-103046, Rev. C2
Detailed Application Elevations - Block B1 - B4 Internal Elevations, BAE-PTE-VB-ZZ-DR-A-103047, Rev. C4
Detailed proposed plans per block - 1:100 Detailed Floor Plans and Roof Plans
Detailed Application Elevations - Block C6, BAE-PTE-VC-ZZ-DR-A-103048, Rev. C3
Detailed Application Elevations - Block C7 - C9, BAE-PTE-VC-ZZ-DR-A-103049, Rev. C3
Detailed Application Elevations - Block C7 - C9 Internal Elevations, BAE-PTE-VC-ZZ-DR-A-103050, Rev. C3

Detailed Application Elevations - Block D1, BAE-PTE-VD-ZZ-DR-A-103051, Rev. C4
Detailed Application Elevations - Block D2, BAE-PTE-VD-ZZ-DR-A-103052, Rev. C4
Detailed Application Elevations - Block D3, BAE-PTE-VD-ZZ-DR-A-103053, Rev. C3

Proposed Detailed Sections/Elevations - 1:50 Detailed Elevations Sections

Detailed Elevation Section - A3 North, BAE-PTE-VA-ZZ-DR-A-105054, Rev. C2
Detailed Elevation Section - B1 West, BAE-PTE-VB-ZZ-DR-A-105055, Rev. C2
Detailed Elevation Section - B1 East, BAE-PTE-VB-ZZ-DR-A-105056, Rev. C2
Detailed Elevation Section - B1 Gateway, BAE-PTE-VB-ZZ-DR-A-105057, Rev. C2
Detailed Elevation Section - B4 South, BAE-PTE-VB-ZZ-DR-A-105058, Rev. C2
Detailed Elevation Section - C6 South, BAE-PTE-VC-ZZ-DR-A-105059, Rev. C2
Detailed Elevation Section - C8 North, BAE-PTE-VC-ZZ-DR-A-105060, Rev. C2
Detailed Elevation Section - D2 West, BAE-PTE-VD-ZZ-DR-A-105061, Rev. C2
Detailed Elevation Section - D2 North & East, BAE-PTE-VD-ZZ-DR-A-105062, Rev. C3

Detailed proposed plans per block - 1:100 Detailed Floor Plans and Roof Plans

A3 - Level 100 & 101-104, BAE-PTE-VA-ZZ-DR-A-101063, Rev. 3
A3 - Level 105, 106 & Roof, BAE-PTE-VA-ZZ-DR-A-101064, Rev. 2
B1 - Level 100 & 101 & 102-104, BAE-PTE-VB-ZZ-DR-A-101065, Rev. 3
B1 - Level 105, 106 & Roof, BAE-PTE-VB-ZZ-DR-A-101066, Rev. 2
B2 - Level 099 & 100, BAE-PTE-VB-ZZ-DR-A-101067, Rev. 3
B2 - Level 101 & 102-106, BAE-PTE-VB-ZZ-DR-A-101068, Rev. 2
B2 - Level 107 & Roof, BAE-PTE-VB-ZZ-DR-A-101069, Rev. 2
B3 - Level 100 & 101 & 102, BAE-PTE-VB-ZZ-DR-A-101070, Rev. 3
B3 - Level 103-106, 107 & Roof, BAE-PTE-VB-ZZ-DR-A-101071, Rev. 2
B4 - Level 100, 101, 102 & Roof, BAE-PTE-VB-ZZ-DR-A-101072, Rev. 3
C6 - Level 100 & 101-105, BAE-PTE-VC-ZZ-DR-A-101073, Rev. 3
C6 - Level 106 & Roof, BAE-PTE-VC-ZZ-DR-A-101074, Rev. 4
C7 - Level 100 & 101-105, BAE-PTE-VC-ZZ-DR-A-101075, Rev. 3
C7 - Level 106 & 107, BAE-PTE-VC-ZZ-DR-A-101076, Rev. 2
C7 - Level Roof, BAE-PTE-VC-08-DR-A-101077, Rev. 2
C8 - Level 099, 100 & 101-105, BAE-PTE-VC-ZZ-DR-A-101078, Rev. 3
C8 - Level 106, 107 & Roof, BAE-PTE-VC-ZZ-DR-A-101079, Rev. 2
C9 - Level 100 & 101-105, BAE-PTE-VC-ZZ-DR-A-101080, Rev. 3
C9 - Level 106 & 107, BAE-PTE-VC-ZZ-DR-A-101081, Rev. 2
C9 - Level Roof, BAE-PTE-VC-08-DR-A-101082, Rev. 2
D1 - Level 099, 100 & 101, BAE-PTE-VD-ZZ-DR-A-101083, Rev. C4
D1 - Level 102-105, 106-107 & 108, BAE-PTE-VD-ZZ-DR-A-101084, Rev. C4
D1 - Level Roof, BAE-PTE-VD-RF-DR-A-101085, Rev. C2
D2 - Level 100, 101 & 102-105, BAE-PTE-VD-ZZ-DR-A-101086, Rev. C5
D2 - Level 106-109 & 110, BAE-PTE-VD-ZZ-DR-A-101087, Rev. C4
D2 - Level Roof, BAE-PTE-VD-RF-DR-A-101088, Rev. C2
D3 - Level 100, 101 & 102-105, BAE-PTE-VD-ZZ-DR-A-101089, Rev. C5
D3 - Level 106-107, 108 & Roof, BAE-PTE-VD-ZZ-DR-A-101090, Rev. C4

Parameter Plans

General

Parameter Plan - Demolition Plan, BAE-PTE-ZZ-XX-DR-A-100091, Rev. 2
Parameter Plan - Hybrid Application Boundary, BAE-PTE-ZZ-XX-DR-A-100092, Rev. 2
Parameter Plan - Building Heights Plan, BAE-PTE-ZZ-XX-DR-A-100093, Rev. 4
Parameter Plan - Building Plots Plan, BAE-PTE-ZZ-XX-DR-A-100094, Rev. 3
Parameter Plan - Land Use Plan, BAE-PTE-ZZ-XX-DR-A-100095, Rev. 3
Parameter Plan - Access and Movement Plan, BAE-PTE-ZZ-XX-DR-A-100096, Rev. 3
Parameter Plan - Landscape and Open Space Plan, BAE-PTE-ZZ-XX-DR-A-100097, Rev. 3

Parameter Plan - Basement Plan, BAE-PTE-ZZ-XX-DR-A-100098, Rev. 3

Proposed Site Elevation

Proposed Site Elevation A - D, BAE-PTE-XX-ZZ-DR-A-103099, Rev. C4

Documents

Planning Application Form and Certificates, prepared by Lichfields (Updated 11 November 2022)

Development Specification, prepared by Lichfields (Updated 11 November 2022 & February 2023)

Design Code, prepared by PTE and Farrer Huxley (Updated 02 November 2022)

CIL Additional Information Form, prepared by Lichfields (Updated 11 November 2022 and February 2023)

Design and Access Statement, prepared by PTE (13 May 2022)

Design and Access Statement Addendum, prepared by PTE (Updated 11 November 2022)

Design and Access Statement addendum 2, prepared by PTE (Updated February 2023)

Planning Statement, prepared by Lichfields (13 May 2022)

Planning Statement Addendum, prepared by Lichfields (30 September 2022)

Planning Statement Report Addendum 2, prepared by Lichfields (11 November 2022)

Planning Statement Addendum, prepared by Lichfields (February 2023)

Aboriginal Impact Assessment and Method Statement, prepared by Sharon Hosegood Associates (Updated 30 September 2022)

Archaeology (Buried Heritage) Assessment, prepared by RPS (Updated 30 September 2022)

Basement Impact Assessment, prepared by Stantec (13 May 2022)

Basement Impact Assessment Addendum, prepared by Stantec (30 September 2022)

Biodiversity Impact Assessment (Net Gain), prepared by Greengage (Updated 30 September 2022)

BREEAM Ecology Report, prepared by Greengage (Updated 30 September 2022)

Circular Economy Statement, prepared by AECOM (13 May 2022)

Circular Economy Statement Addendum, prepared by AECOM (09 November 2022)

Energy Statement and Modelling, prepared by AECOM (13 May 2022)

Energy Statement and Modelling Addendum, prepared by AECOM (09 November 2022)

Equality Impact Assessment, prepared by Quod (13 May 2022)

Equality Impact Assessment, Statement of Conformity (30 September 2022)

Financial Viability Assessment, prepared by DS2 (13 May 2022)

Financial Viability Assessment Addendum 1, prepared by DS2 (30 September 2022)

Financial Viability Assessment Addendum 2, prepared by DS2 (11 November 2022)

Fire Statement & Gateway One Form, prepared by Affinity Fire (Updated 30 September 2022)

Flood Risk Assessment and Drainage Report, prepared by Stantec (Updated 30 September 2022)

Ground Conditions Assessment, prepared by Stantec (13 May 2022)

Green Performance Plan, prepared by AECOM (13 May 2022)

Green Performance Plan Addendum, prepared by AECOM (09 November 2022)

Health Impact Assessment, prepared by Quod (13 May 2022)

Health Impact Assessment, Statement of Conformity, prepared by Quod (30 September 2022)

Internal Daylight & Sunlight Assessment, prepared by Point 2 Surveyors (30 September 2022)

Internal Daylight & Sunlight Assessment (ADDENDUM), prepared by Point 2 Surveyors (February 2023)

Outline Construction Management Plan, prepared by Stantec (13 May 2022)

Outline Construction Management Plan, Statement of Conformity (30 September 2022)

	<p>Outline Lighting Strategy, prepared by Light Follows Behaviour (updated 30 September 2022)</p> <p>Overheating Report, prepared by AECOM (13 May 2022)</p> <p>Overheating Report Addendum, prepared by AECOM (09 November 2022)</p> <p>Schedule of Accommodation, prepared by PTE (updated 31 October 2022)</p> <p>Schedule of Accommodation, prepared by PTE (updated February 2023)</p> <p>Site Waste Management Plan, prepared by Stantec (13 May 2022)</p> <p>Statement of Community Involvement, prepared by London Communications Agency (13 May 2022)</p> <p>Statement of Community Involvement Addendum, prepared by London Communications Agency (11 November 2022)</p> <p>Sustainable Design & Construction Statement including BREEAM Assessment, prepared by AECOM (13 May 2022)</p> <p>Sustainable Design & Construction Statement including BREEAM Assessment Addendum, prepared by AECOM (09 November 2022)</p> <p>Transport Assessment, prepared by Stantec (13 May 2022)</p> <p>Transport Assessment Addendum, prepared by Stantec (30 September 2022)</p> <p>Unexploded Ordnance Report, prepared by Stantec (13 May 2022)</p> <p>Utilities and Foul Drainage Assessment, prepared by Stantec (13 May 2022)</p> <p>Utilities and Foul Drainage Assessment Addendum, prepared by Stantec (30 September 2022)</p> <p>Whole Life Carbon Report, prepared by AECOM (13 May 2022)</p> <p>Whole Life Carbon Report Addendum, prepared by AECOM (09 November 2022)</p> <p>Environmental Statement, coordinated by Trium Consulting (13 May 2022)</p> <p>Environmental Statement Addendum, coordinated by Trium Consulting (30 September 2022)</p> <p>Environmental Statement, Statement of Conformity, coordinated by Trium Consulting (11 November 2022)</p> <p>PEA, Statement of Conformity, prepared by Greengage (30 September 2022)</p> <p>Light Spill Report, prepared by Greengage (30 September 2022)</p>
4	Phasing Plan
	<p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority the development shall be implemented in accordance with the phasing plan ref. BAE-PTE-ZZ-XX-DR-A-10007 C2 hereby approved. Any subsequent updated phasing plan hereby approved shall accompany each future reserved matters application.</p> <p>REASON: The programme is phased to allow for a staggered approach to construction, in order to bring forward the proposed resident decant and rehousing strategy and to minimise harm and disturbance to the amenity of residents within the local area through construction procedures, to ensure that an appropriate decanting of existing residents, tenants and occupiers and to ensure that the development is implemented to the satisfaction of the Local Planning Authority.</p>
5	Construction Logistics and Environmental Management Plan
	<p>CONDITION: The Proposed Development shall be constructed in accordance with the Outline Construction Environmental Management Plan hereby approved.</p> <p>Prior to the commencement (including demolition) of the relevant parts of the Detailed and Outline Element of the Proposed Development, a Construction Environmental Management Plan shall be submitted to the Local Planning Authority and approved in writing The report(s) shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity (inclusive of occupiers of completed phases of the development) and other occupiers together with</p>

means of mitigating any identified impacts. The details must refer to the new London Borough of Islington Code of Practice for Construction Sites.

Details shall include:

- a) Demolition techniques to be used (particularly with the demolition of some of the reinforced structures);
- b) Protection of bats during the demolition
- c) Monitoring positions;
- d) Consideration of how impacts will be managed for any occupants of any completed phases;
- e) Freight Operator Recognition Scheme (FORS) Silver Level or similar accreditation,
- f) site access
- g) loading/unloading and parking arrangements,
- h) booking systems and timing of arrivals at and departures from the site,
- i) vehicular routes
- j) scope for load consolidation; and
- k) use of alternative modes and measures to reduce risks and impact of collisions with vulnerable road users. The demolition and construction of the development (or relevant phase approved) shall be carried out strictly in accordance with the details so approved, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: The Plan shall identify efficient, safe and sustainable arrangements to be employed at each stage of implementation of the development to reduce and mitigate impacts of freight vehicle movements arising from the scheme, including impacts on the expeditious movement of traffic, residential amenity and highway safety and to mitigate the impacts of the development in accordance with London Plan policy T7 Deliveries, Servicing & Construction and Development Management Policies DM2.1 and DM8.2.

6 Tree Protection Details

CONDITION: Notwithstanding the plans hereby approved, no site clearance, preparatory work or development shall take place within a relevant part of the site until an updated scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with Clause 7 of British Standard BS 5837 2012 -Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Specific issues to be dealt with in the TPP and AMS where they intrude into Root Protection or Canopy Protection Areas:

- a. Location and installation of services/ utilities/ drainage;
- b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;
- c. Details of construction within the RPA or that may impact on the retained trees;
- d. A full specification for the installation of boundary treatment works;
- e. A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them;
- f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;

	<p>g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;</p> <p>h. A specification for scaffolding and ground protection within tree protection zones;</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</p> <p>j. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires;</p> <p>k. Boundary treatments within the RPA;</p> <p>l. Methodology and detailed assessment of root pruning;</p> <p>m. Reporting of inspection and supervision;</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping; and</p> <p>o. Veteran and ancient tree protection and management</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
7	Arboricultural Site Supervision
	<p>CONDITION: Prior to the commencement of a relevant part of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.</p>
8	Whole Life Cycle Carbon – review and further details
	<p>CONDITION: Notwithstanding the details hereby approved prior to the occupation of each relevant part of development, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the phase of development.</p> <p>The updated assessment shall include/address:</p> <ul style="list-style-type: none"> - the feasibility for further carbon reduction quantification through the detailed design stage material selection and specification; - Completed GLA Draft Whole Life-Cycle Carbon Assessment - Details of how opportunities for retaining and refurbishing/re-purposing existing buildings, materials and other resources on site have been maximised to reduce the need for new materials; - Details of life cycle of embodied carbon and finite resources relating to the enabling works stage and end of life approach; - The feasibility of using a consolidated delivery facility;

- Details of the applicant's Principals of Sustainable Procurement and details of specific measures being taken on the site for specification and sourcing of materials;
- Consideration of end of life de-construction;
- Cost premiums, supply chain limits and structural constraints for the proposal and Implications of Key Performance Indicators not being met; and
- Updated targets for Bill of Materials

The development shall be carried out strictly in accordance with the details so approved and no change therefrom unless otherwise specified in writing by the Local Planning Authority.

REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.

9 Contamination

CONDITION: Prior to the commencement of a relevant part of the development (excluding phase 1a) and (excluding demolition) the following assessment in response to the NPPF and in accordance with Land Contamination Risk Management (LCRM) guidance (Environment Agency as updated 2021) and BS10175:2011+A2:2017 shall be submitted to and approved in writing by the Local Planning Authority

- a) A land contamination investigation.

The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to Land Contamination Risk Management (LCRM) guidance (Environment Agency as updated 2021) or the current UK requirements for sampling and testing.

Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:

- b) A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.

This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to Land Contamination Risk Management (LCRM) guidance (Environment Agency as updated 2021) or the current UK requirements for sampling and testing

	<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).</p> <p>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 Land Contamination Risk Management (LCRM) guidance (Environment Agency as updated 2021) or the current UK requirements for sampling and testing.</p> <p>REASON: Given the history of the site the land may be contaminated investigation and potential remediation is necessary to safeguard the health and safety of future occupants</p>
10	Materials
	<p>CONDITION: Details and samples of all facing materials proposed shall be submitted to and approved in writing by the Local Planning Authority prior to installation of the relevant materials commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a. Plan, elevation and section drawings, including jambs, head and sill, of all external windows and doors at a scale of 1:10; b. Samples and manufacturer's details at a scale of 1:10, of all main facing materials including brickwork in both primary base bricks, accent bricks and brick clad soffits and architectural pre-cast concrete balcony slabs, columns, copings, soffits, ground floor sills and entrance signage; c. Samples and manufacturer's details of all metalwork including PPC aluminium window system, sills, canopies, ventilation grilles and soffits and rainwater goods and bronze PPC steel balustrades, gates, shutters, soffits and gallery access railings; d. Unless otherwise agreed in writing a full scale sample bay panel should be erected on-site to show a typical window detail, surrounding brickwork and relevant construction detailing and should be approved by the Council before the relevant parts of the work are commenced. This should demonstrate the exact facing brick blend and detail demonstrating the proposed colours, texture, face-bond and pointing and include a junction with a window opening. The development shall be carried out in accordance with the approval given; e. Details of the green roof system f. Green procurement plan; and g. 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>
11	Flexible Commercial uses
	<p>CONDITION: Operation of Section 55(2)(f) of the Town and Country Planning Act 1990 is precluded with regard to the flexible unit on the ground floor level, except the permitted use(s) hereby approved within Class E:</p>

	<p>A) Blocks A1, A2, A6 & A7: Proposed Ground Floor the flexible commercial units as shown on land uses parameter plan BAE-PTE-ZZ-XX-DR-A-10095 rev C2 shall only be operated as:</p> <p>E(a) Display or retail sale of goods, other than hot food E(b) Sale of food and drink for consumption (mostly) on the premises E(c) Provision of: E(c)(i) Financial services, E(c)(ii) Professional services (other than health or medical services), or E(c)(iii) Any other services which it is appropriate to provide in a commercial, business or service locality. E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)</p> <p>B) Block C1: Proposed Ground Floor flexible commercial units as shown on land uses parameter plan BAE-PTE-ZZ-XX-DR-A-10095 rev C2 shall only be operated as:</p> <p>E(a) Display or retail sale of goods, other than hot food E(b) Sale of food and drink for consumption (mostly on the premises) E(g)(i) office and for no other purpose, including any purpose falling solely under Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to monitor and restrict the commercial uses at the site in order to ensure an appropriate balance of uses that provide services for new and existing residents and support the delivery of economic growth within the borough; to protect the viability of the designated Local Shopping Area; to protect residential amenity; and to ensure that uses adjacent to the new public open space provide an active frontage with passive surveillance to support the amenity and safe use of the open space and development more generally.</p>
12	Restriction on quantum of retail floorspace
	<p>CONDITION: Notwithstanding the drawings and documents hereby approved, the total retail (Class E(a) use) floorspace within the development shall be restricted to a maximum of 2400sqm in total and no single retail unit shall be larger than 200sqm (GIA)</p> <p>The development and use shall operate strictly in accordance with the details so approved and shall be retained as such permanently thereafter.</p> <p>REASON: A restriction on the quantum of floorspace and number of units in convenience use is necessary at the site to ensure that the development does not jeopardise the future viability of the local shopping area. The restriction would provide an appropriate balance to provide for future residents needs whilst protecting Town Centre viability.</p>
13	Restriction of PD Rights
	<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.</p>

	<p>REASON: To safeguard the vitality and viability of the local shopping area and to safeguard residents amenity in the context of traffic noise and detrimental air quality in Caledonian Road.</p>
14	<p>Hours of Operation</p> <p>CONDITION: The following non-residential uses of the hereby approved development shall only operate between the following hours and at no other time:</p> <p>Class E (a) – Retail Use: 7am - 11pm Monday to Saturday 7am - 8pm Sundays and Bank Holidays</p> <p>Class E (b) – Café/Restaurant Use: 7am - 10pm Monday to Thursday 7am - 11pm Friday to Saturday 7am – 9pm Sundays and Bank Holidays</p> <p>Class E (c) – professional services 7am - 8pm Monday to Thursday 7am - 8pm Friday to Saturday 9am – 6pm Sundays and Bank Holidays</p> <p>Class E(e) Provision of medical or health services: 7am – 10pm Monday to Saturday 7am – 8pm Sundays and Bank Holidays</p> <p>Class E(g) Office 7am – 10pm Monday to Saturday 9am – 7pm Sundays and Bank Holidays</p> <p>REASON: In the interests of protecting neighbouring residential amenity from unacceptable noise impacts in particular at the quietest times of each day. These restrictions are necessary in order to secure compliance with London Plan Policy D3 and policy DM2.1 of the Islington Development Management Policies 2013.</p>
15	<p>Piling Method Statement</p> <p>CONDITION: Piling method statement (pre-commencement insofar as it relates to the commencement of piling. Details to be agreed prior to piling takes place).</p> <p>No piling, within each relevant part of development, 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 for each phase of the development 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>
16	<p>Water supply</p> <p>CONDITION: There shall be no occupation beyond the 99th dwelling until confirmation has been provided that either:- all water network upgrades required to accommodate the</p>

	<p>additional demand to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>The applicant shall also demonstrate that water supply is limited to 105 litres per person per day.</p> <p>REASON: The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.</p>
17	Privacy Screen and Overlooking Mitigation
	<p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing and privacy screens to prevent overlooking within the estate shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase of the development hereby permitted.</p> <p>The details should be provided for screening and glazing and may be temporary or permanent depending on their relationship to buildings as follows:</p> <ul style="list-style-type: none"> a) to buildings within the relevant phase b) the temporary relationship to buildings yet to be demolished outside the relevant phase and c) to buildings to be constructed outside the relevant phase <p>Where part (b) is applicable, the local planning authority should determine whether a further application is to be required to evaluate the overlooking impact identified to be mitigated through part (c).</p> <p>The obscured glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
18	Sustainable Urban Drainage
	<p>CONDITION: Details of surface drainage works pertaining to the outline phases shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each relevant part of the development. The details shall be based on an assessment of the potential for disposing of surface water by means of sustainable drainage system in accordance with the principles as set out in London Plan Policies SI 13.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme would achieve the run off rate set out in the approved drainage strategy. The drainage system shall be installed/operational prior to the first occupation of each relevant phase of the development. The details submitted should also include a management and maintenance programme. Ground water monitoring should be undertaken (in winter) to confirm ground water levels and associated risk of surface flooding. The design of external levels will need to consider the surface water exceedance flood flow routes to demonstrate that the proposed development and off site</p>

	<p>areas are safe from flooding. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management of water</p>
19	Cycle Parking
	<p>CONDITION: Prior to the occupation of each relevant part of the development hereby permitted, details of cycle parking and associated facilities, and provision for specialist and electric cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be installed and operational prior to occupation of the relevant part of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and associated support facilities (shower and locker facilities for non-residential floorspace) are made available and easily accessible on site and to promote sustainable modes of transport in accordance with London Plan policy T5 Cycling and Development Management Policy DM8.4.</p>
20	BREEAM Excellent
	<p>CONDITION: The non-residential elements of the development hereby approved shall target a BREEAM "New Construction" 2018 (or equivalent scheme) rating of no less than "Excellent". The scope of the works of the development must include a full fit-out, unless it can be demonstrated that this is not feasible through the submission to and approval of a feasibility statement by the Local Planning Authority.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development</p>
21	Overheating Mitigation
	<p>CONDITION: Prior to occupation on the relevant part of the development full details of mitigation measures to reduce overheating risk (undertaken using the recommended approach set out in GLA guidance (CIBSE TM59 methodology) shall be submitted to the Local Planning Authority and approved in writing. The fully detailed and mitigation measures may include:</p> <ul style="list-style-type: none"> a) glazing measures b) solar control glazing c) ventilation panels (louvres) d) side hung window / door openings to increase passive ventilation of units; and e) balcony design; f) external blinds; and g) Mechanical Ventilation and Heat Recovery system. <p>The development of each relevant part of 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 approval of the Local Planning Authority.</p> <p>REASON: In order to ensure that the design of residential units are such that they would achieve comfortable temperatures in the event of extreme weather scenarios (which are becoming more common). These measures are necessary in order to secure compliance with GLA guidance. These base measures secure compliance with policies D6 and S14 of the London Plan, and policies DM7.5 of the Development Management Policies.</p>
22	Noise Mitigation

	<p>CONDITION: Notwithstanding the details and drawings approved, prior to superstructure works commencing on the relevant part of the development hereby approved, a scheme for sound insulation and noise control measures including details of the adoption of suitable acoustic glazing specification and facade construction shall be submitted to the local Planning Authority and approved in writing.</p> <p>The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the relevant part of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The detailed specification and design of sound insulation and noise control measures will need to be managed alongside and aligned with measures to address overheating. In this regard, this condition and condition 22 (Overheating mitigation) shall be developed and discharged in parallel and shall be determined alongside each other to prevent one unacceptably impacting the other. The development shall be carried out strictly in accordance with the details so approved and retained as such thereafter.</p> <p>REASON: In order to protect the amenity of future residential units to achieve an appropriate internal noise environment, protected from road traffic noise from Caledonian Road. These measures will ensure the amenity of future residential units accord with Development Management Policy DM2.1 and DM3.7 and London Plan Policy D14.</p>
23	Lighting
	<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 practical completion for each relevant part of the development commencing on site.</p> <p>The details shall: - include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation; - demonstrate how the ecology of the site would not be adversely affected by the proposed lighting. 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 nor those with visual impairments, contributes towards safety and security, does not adversely impact biodiversity or ecology and is appropriate to the overall design of the building.</p>
24	Refuse and Recycling
	<p>CONDITION: Prior to the occupation of the relevant part of the development hereby approved, details of dedicated refuse / recycling enclosure(s) and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall also demonstrate how refuse enclosures can be accessed by people with mobility needs including people in wheelchairs and the ambulant disabled.</p>

	<p>The details approved shall be installed and operational prior to occupation of the relevant part 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>
25	<p>Noise from Non-Residential Uses</p> <p>CONDITION: Prior to superstructure works commencing on the relevant part of the development full particulars and details of a scheme for sound insulation between non-residential and residential shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the relevant building hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected in accordance with Development Management policy DM2.1 and DM3.7, and London Plan Policy D14.</p>
26	<p>Plant Equipment Noise</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>REASON: In order to protect the amenity of future and existing residential properties from noise generated by the operation of plant equipment, in particular ASHP units located across the roofs of the development hereby approved. These measures are necessary to secure compliance with Development Management Policy DM2.1 and London Plan Policy D14.</p>
27	<p>Plant Equipment Verification</p> <p>CONDITION: Within 3 months of first occupation of the relevant part to which the plant equipment is located the application shall submit to and have approved in writing by the Local Planning Authority, a report prepared by an appropriately experienced & competent person, to assess the noise from the mechanical plant to demonstrate compliance with condition 26. The report shall include site measurements of the plant in-situ. Any noise mitigation measures needed to secure compliance shall be installed prior to first occupation of the relevant block to which the plant is located and permanently retained thereafter.</p> <p>REASON: In order to protect the amenity of future and existing residential properties from noise generated by the operation of plant equipment, in particular ASHP units</p>

	located across the roofs of the development hereby approved. These measures are necessary to secure comp
28	Air Quality Positive
	<p>CONDITION: Prior to the commencement of demolition of each part of the development, an Air Quality Positive Statement (AQPS) shall be submitted to and approved in writing by the local planning authority. The AQPS shall set out measures that can be implemented across the phase that improve local air quality as part of an air quality positive approach, in line with the latest GLA Air Quality Positive Guidance. The measures set out with the AQPS for each phase shall be implemented in accordance with the details so approved, and thereafter retained, unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To ensure that the development does not result in unacceptable impacts to air quality, in accordance with Development Management Policy DM6.1 and London Plan Policy S11.</p>
29	Green/brown Biodiversity Roofs
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to occupation of each relevant part, demonstrating the following:</p> <ul style="list-style-type: none"> a) how the extent of green/brown roof has been maximised b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 80 -150mm); and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation of each relevant part, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
30	Bats
	<p>CONDITION: The construction and demolition of the hereby approved development shall be carried out strictly in accordance with the recommendations and mitigation/enhancement measures detailed within the Greengage Bat Report and all subsequent surveys, noting that the validity of a bat survey is 18 months only and shall be maintained as such thereafter. No change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the presence of any bats on the site is appropriately accounted for, to ensure the demolition and development hereby approved does not cause harm to wildlife, habitats and valuable areas for biodiversity in accordance with policy G6 of the London Plan policy CS15 of the Islington Core Strategy 2011 and policy DM6.5 of Islington's Development Management Policies 2013.</p>

<p>31</p>	<p>Bird and Insect Habitats</p> <p>CONDITION: Notwithstanding the details so approved, revised details of bird and bat boxes across all new buildings shall be submitted and approved in writing by the Local Planning Authority prior to superstructure works commencing for each relevant part of the development. The details so approved shall be implemented prior to occupation of the development and shall be maintained as such in perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with London Plan Policies GG2, D8, G6 and Development Management Policies DM2.1 and DM6.5.</p>
<p>32</p>	<p>Roof Level Structures</p> <p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts and plant room) on the relevant part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on that part. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding. 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. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies D4 the London Plan 2021 policies CS8 and CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.</p>
<p>33</p>	<p>Fire Statement</p> <p>CONDITION: Prior to the commencement of superstructure works to phase 1A, an updated Fire Statement shall be submitted to and approved in writing by the Local Planning Authority relating to the detailed elements of the development hereby approved. The updated Fire Statement shall address all requirements of London Plan (2021) Policy D12 and shall include:</p> <ul style="list-style-type: none"> - Details of construction methods and control measures to reduce impact of fire on surrounding areas; - Details of evacuation of open plan flats; - Annotation of communal area vent shafts; - External fire spread calculations; and - Details of temporary access for fire and rescue services during construction. <p>The development shall be carried out in accordance with the Fire Statement approved under this condition for that relevant phase and shall be maintained as such thereafter unless approved in writing by the Local Planning Authority.</p> <p>For the Outline phases hereby approved, a Fire Statement shall be submitted with every relevant Reserved Matters Application. The measures contained therein shall be installed in full prior to the first occupation.</p> <p>REASON: To ensure that the development upholds relevant resident safety standards pursuant to fire safety in accordance with policy D12 of the London Plan (2021).</p>

34	PV Panels Optimisation
	<p>CONDITION: Prior to first occupation of a relevant part of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These submissions shall demonstrate how Solar PVs have been maximised on site taking into account other planning policy expectations, and details shall include but not be limited to: location; area of panels; how the PV output has been maximised and design (including section drawings showing the angle of panels in-situ, and elevation plans). The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of each of the buildings and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
35	Lifts
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of each of the buildings hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
36	Safety and Security (SBD)
	<p>CONDITION: Prior to the occupation of each relevant part of the development hereby approved, a full and detailed scheme for the Secure by Design award scheme accreditation or equivalent standard shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <ul style="list-style-type: none"> a) Bin stores and bicycle stores doors b) CCTV. c) Communal door sets d) Access control system e) Residential flat doors f) Ground floor and accessible windows. g) Post boxes. h) open space and boundary treatments <p>REASON: In the interests of safety and security</p>
37	Tree Planting
	<p>CONDITION: Prior to completion or first occupation of each relevant part of the development hereby approved, whichever is the sooner; full details of proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p>

	<p>REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.</p>
<p>38</p>	<p>Landscaping</p>
	<p>CONDITION: Notwithstanding the submitted details and the development hereby approved, a landscaping scheme for a relevant part shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The submission shall include the following details:</p> <ul style="list-style-type: none"> a. phasing of landscaping and planting; b. scaled plan showing all existing vegetation and landscape features to be retained and plants to be planted; c. an updated Access Statement detailing routes through the landscape and the facilities provided; d. a biodiversity and ecological statement detailing how the landscaping scheme maximises biodiversity and ecological benefits; e. existing and proposed underground services and their relationship to both hard and soft landscaping; f. soft planting: including all planting areas, planters and all other grass and turf areas, shrub and herbaceous areas; g. topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; h. enclosures and boundary treatment: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; i. hard landscaping: kerbs, edges, steps, paving, play safety surfaces and furniture including bike racks, seating, planters, drinking fountains and outdoor gymnasium equipment; j. wayfinding and signage; k. details of all ramps, landings, gradients, steps, balustrades to ensure inclusive access for all throughout the public realm and semi private realm within the site. l. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and m. any other landscaping feature(s) forming part of the scheme. <p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the relevant phase of the development hereby approved in accordance with the approved planting phase.</p> <p>All soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p>

	<p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 2.3, DM 6.2, DM 6.5 and DM6.6, policies G1, G4, G5, G6 and G7 of the London Plan, policies G1, G2, G3, G4 and G5 of the emerging Local Plan.</p>
39	Playspace Equipment
	<p>CONDITION: Prior to the occupation of each part of the development hereby approved, details of the on-site playspace equipment shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include details of maintenance of play equipment. The details approved shall be installed and operational prior to occupation of the relevant part of the development hereby approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In order to ensure that the development is provided with tenure blind, high quality, accessible play provision for all ages of at least 10sqm per child, in accordance with Policy S4 of the London Plan.</p>
40	Post Completion Circular Economy Statement
	<p>CONDITION: Within 3 months of practical completion of each phase of the development hereby approved, a post completion Circular Economy Statement report shall be submitted to the Local Planning Authority for approval in writing.</p> <p>REASON: To ensure that circular economy principles are incorporated in the design, construction and management of the approved development, including through minimising materials use and the sourcing and specification of materials; minimising and designing out waste at various stages; and by promoting re-usability, adaptability, flexibility and longevity. This is to secure compliance with London Plan Policy S17.</p>
41	Urban Greening Factor
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.45 unless otherwise agreed in writing.</p> <p>An update report should be submitted at the practical completion of each phase. Should there be any decrease in the Urban Greening Factor at the site, a report shall be submitted to an approved in writing by the Local Planning Authority prior to first occupation of the relevant phase hereby permitted which satisfactorily demonstrates why an Urban Greening Factor of 0.4 cannot be achieved.</p> <p>The report shall give consideration to additional planting, intensive or semi intensive green roofs, and consultation with residents regarding the addition of raingardens and planting.</p> <p>The report shall also demonstrate how the UGF proposals are compatible with open space and the children's playspace within which the green infrastructure is to be provided to achieve the required Urban Greening Factor.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
42	Community Use Floorspace
	<p>CONDITION: Notwithstanding the drawings and documents hereby approved, the total permanent community floorspace (combined) (use class(es) E/F2)) comprising of a</p>

	<p>nursery and a community centre shall equate to or exceed a total of 900sq.m (GIA)/1000sq.m (GEA) made up of at least 300sq.m (GEA)/270sq.m (GIA) of nursery and at least 700sq.m (GEA)/630sq.m (GIA) of community centre.</p> <p>The development and use shall operate strictly in accordance with the details so approved and shall be retained as such permanently thereafter.</p> <p>REASON: A restriction on the minimum quantum of community floorspace and its prescribed attribution into nursery and community use is necessary at the site to ensure that the development maintains its requirement to provide a suitable provision of community floorspace which is essential for the wellbeing of residents on the estate and beyond.</p>
43	Arboricultural Supervision 2
	<p>CONDITION: The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 7 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>REASON: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.</p>
44	Retaining Trees
	<p>CONDITION: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 2.3 and DM 6.5, policies G1, G5 and G7 of the London Plan, policies G1 and G4 of the emerging Local Plan.</p>
45	Communal Residential Areas Inclusive Design
	<p>CONDITION: The communal residential areas of the development hereby approved shall provide:</p> <ul style="list-style-type: none"> - all residential corridors with a minimum width of 1200mm with regular turning points measuring a minimum of 1500mm x 1500mm and passing places wherever possible; - waste disposal and storage accessible to all residents; - 2 lifts serving all wheelchair accessible units; and - cycle parking facilities accessible to ambulant disabled persons. <p>Details of entry systems for the entrance and core shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant residential unit(s).</p>

	<p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design in accordance with Policy D7 of the London Plan 2021, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013</p>
46	Accessible Dwellings
	<p>CONDITION: Floorplans at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority on a part by part basis for every unit type prior to any superstructure work commencing on the relevant Section. The floorplans shall include:</p> <ul style="list-style-type: none"> - an assessment of the residential units hereby approved against the flexible Homes standards set out in the Inclusive Design in Islington 2014 SPD demonstrating that reasonable endeavours have been made by the applicant to meet these standards; - a wheelchair turning circle in both the living and dining rooms (if the dining room is separate to the living area) and in at least 1 bedroom; and - a minimum space of 1200mm between units in kitchens. - A demonstration that communal entrances, corridors, lifts and circulation space leading to front doors meet the requirements of the Inclusive Design in Islington 2014 SPD. <p>The development shall be carried out strictly in accordance with the details so approved and all approved inclusive design measures shall be implemented and operational prior to the first occupation of the relevant phase, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design in accordance with Policy D7 of the London Plan 2021, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013</p>
47	BRE Home Quality Mark Four Star
	<p>CONDITION: The development will be designed to be capable of achieving a BRE Home Quality Mark Rating of no less than 'Four Star'. The applicant shall demonstrate this by submitting to the Local Planning Authority a Home Quality Mark Stage 2 Pre-Assessment for each relevant part of the development.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development</p>
48	Grey Water Harvesting
	<p>CONDITION: With the exception of Sub-Phase 1A, a grey water recycling system feasibility assessment, and where feasible details of the system, shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on each relevant phase of the development hereby approved. Where it is demonstrated that the grey water harvesting is feasible, details demonstrating how the maximum level of recycled water that can feasibly be provided to the development shall be provided.</p> <p>Where approved the grey water recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first</p>

	<p>occupation of the relevant 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 sustainable use of water.</p>
49	WiFi Connectivity
	<p>CONDITION: Prior to commencement of each building detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.</p> <p>REASON: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.</p>
50	Requirement for Circular Economy Statement with Each Reserved Matters Application
	<p>CONDITION: Each application for reserved matters shall be accompanied by a detailed Circular Economy Statement in line with the GLA's Circular Economy Statement Guidance, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.</p> <p>REASON: In the interests of sustainable waste management and in order to maximise the re-use of materials.</p>
51	Circular Economy – Landfill and Materials/Spoil Recycling
	<p>CONDITION: With the exception of the works to Carnegie Street Park and its MUGA, Prior to any works commencing on site for each phase of development, notification of the likely destination of all waste streams (beyond the Materials Recycling Facility) and a written confirmation that the destination landfill(s) has/have the capacity to receive waste shall be submitted and approved by the Local Planning Authority (in conjunction with the GLA) in writing.</p> <p>REASON: In the interests of sustainable waste management and in order to maximise the re-use of materials.</p>

List of Informatives:

1	S106 AGREEMENT
	<p>INFORMATIVE: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable. For the purpose of clarity, a MUGA is not a building.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.</p>

	<p>The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterisk' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
3	Superstructure
	<p>INFORMATIVE: A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out. For the purpose of clarity, a MUGA is not a building.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable. For the purpose of clarity, a MUGA is not a building.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterisk' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Development within 15m of Thames Water Underground Assets.
	<p>INFORMATIVE: The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-largesite/Planningyour-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>
5	Oil and Petrol Development

	<p>INFORMATIVE: It is recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil polluted discharges entering local watercourses.</p>
6	<p>Roller Shutters</p> <p>INFORMATIVE: The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
7	<p>Development within 5m of a strategic water main</p> <p>INFORMATIVE: The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.</p>
8	<p>Compliance with the Highways Act</p> <p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to 'Precautions to be taken in doing certain works in or near streets or highways'. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - 'Precautions to be taken by persons executing works in streets.' Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 - 'Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 - 'Recovery by highways authorities etc. of certain expenses incurred in maintaining highways'. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
9	<p>Joint Conditions Surveys</p> <p>INFORMATIVE: Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document</p>

	<p>to be sent to planning case officer for development in question. Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place. Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980. P-DEC-AP1 Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six month's notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing. Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.</p>
10	Alterations to the highway
	<p>INFORMATIVE: Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk. Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage</p>
11	Compliance with Approved Document B
	<p>INFORMATIVE: The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied. If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it's advised that a building control submission is carried out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly. The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website. The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.</p>

12	Marketing Suite
	INFORMATIVE: The applicant is advised that planning consent will be required for a temporary sales and marketing suite.
13	British Standards – Retaining Trees
	<p>INFORMATIVE: The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3882:2015 Specification for topsoil b. BS: 3998:2010 Tree work - Recommendations c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e. BS: 4043:1989 Recommendations for Transplanting root-balled trees f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf). h. BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations i. BS: 8601:2013 Specification for subsoil and requirements for use
14	British Standards – Supervision of Trees
	<p>INFORMATIVE: The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.
15	British Standards – Tree Protection
	<p>INFORMATIVE: The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
16	Phasing
	INFORMATIVE: Phasing - This development is a 'phased planning permission' for the purposes of the CIL Regulations (2010) as amended (Reg 2(1)). Each phase of the development is a separate chargeable development.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2012 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.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 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

<u>Policy GG1 Building strong and inclusive communities</u>	Policy HC1 Heritage conservation and growth
<u>Policy GG2 Making the best use of land</u>	Policy HC3 Strategic and local views
<u>Policy GG3 Creating a healthy city</u>	Policy HC6 Supporting the night-time economy
<u>Policy GG4 Delivering the homes Londoners need</u>	Policy G1 Green infrastructure
<u>Policy GG5 Growing a good economy</u>	Policy G4 Open space
<u>Policy GG6 Increasing efficiency and resilience</u>	Policy G5 Urban greening
<u>Policy D1 London's form, character and capacity for growth</u>	Policy G6 Biodiversity and access to nature
<u>Policy D2 Infrastructure requirements for sustainable densities</u>	Policy G7 Trees and woodlands
<u>Policy D3 Optimising site capacity through the design-led approach</u>	Policy S11 Improving air quality
<u>Policy D4 Delivering good design</u>	Policy S12 Minimising greenhouse gas emissions
<u>Policy D5 Inclusive design</u>	Policy S13 Energy infrastructure
<u>Policy D6 Housing quality and standards</u>	Policy S14 Managing heat risk
<u>Policy D7 Accessible housing</u>	Policy S15 Water infrastructure
<u>Policy D8 Public realm</u>	Policy S17 Reducing waste and supporting the circular economy
<u>Policy D9 Tall Buildings</u>	Policy S12 Flood risk management
<u>Policy D10 Basement Development</u>	Policy S13 Sustainable drainage
<u>Policy D11 Safety, security and resilience to emergency</u>	Policy S14 Waterways – strategic role
<u>Policy D12 Fire safety</u>	Policy S16 Waterways – use and enjoyment
<u>Policy D13 Agent of Change</u>	Policy S17 Protecting and enhancing London's waterways
<u>Policy D14 Noise</u>	Policy T1 Strategic approach to transport
<u>Policy H1 Increasing housing supply</u>	Policy T2 Healthy streets
<u>Policy H4 Delivering affordable housing</u>	Policy T3 Transport capacity, connectivity and safeguarding
<u>Policy H5 Threshold approach to applications</u>	Policy T4 Assessing and mitigating transport impacts
<u>Policy H6 Affordable housing tenure</u>	Policy T5 Cycling
<u>Policy H8 Loss of existing housing and</u>	Policy T6 Car parking

estate redevelopment
Policy H9 Ensuring the best use of stock
Policy H10 Housing size mix
Policy S1 Development London's social infrastructure
Policy S3 Education and childcare facilities
Policy S4 Play and informal recreation
Policy S5 Sports and recreation facilities
Policy E2 Providing suitable business space
Policy E9 Retail, markets and hot food takeaways

Policy T6.1 Residential parking
Policy T6.3 Retail parking
Policy T6.5 Non-residential disabled persons parking
Policy T7 Deliveries, servicing and construction
Policy T9 Funding transport infrastructure through planning
Policy DF1 Delivery of the Plan and Planning Obligations

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS6 (King's Cross)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)
Policy CS16 (Play Space)
Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM2.4 Protected views

Housing

- DM3.1 Mix of housing sizes
- DM3.2 Existing housing
- DM3.4 Housing standards
- DM3.5 Private outdoor space
- DM3.6 Play space
- DM3.7 Noise and vibration (residential uses)

Shops, culture and services

- DM4.1 Maintaining and promoting small and independent shops
- DM4.2 Entertainment and the night-time economy
- DM4.3 Location and concentration of uses
- DM4.4 Promoting Islington's Town Centres
- DM4.6 Local shopping Areas
- DM4.7 Dispersed shops
- DM4.8 Shopfronts
- DM4.12 Social and strategic infrastructure and cultural facilities

Employment

- DM5.1 New business floorspace
- DM5.2 Loss of existing business floorspace

Health and open space

- DM6.1 Healthy development
- DM6.2 New and improved public open space
- DM6.3 Protecting open space
- DM6.4 Sport and recreation
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood prevention

Energy and Environmental Standards

- DM7.1 Sustainable design and construction statements
- DM7.2 Energy efficiency and carbon reduction in minor schemes
- DM7.3 Decentralised energy networks
- DM7.4 Sustainable design standards
- DM7.5 Heating and cooling

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking
- DM8.6 Delivery and servicing for new developments

Infrastructure

- DM9.1 Infrastructure
- DM9.2 Planning obligations
- DM9.3 Implementation

D) Islington Draft Local Plan 2019

- Policy PLAN1: Site appraisal, design principles and process
- Policy SP2: King's Cross and Pentonville Road
- Policy H1: Thriving communities
- Policy H2: New and existing conventional housing
- Policy H3: Genuinely affordable housing
- Policy H4: Delivering high quality housing
- Policy H5: Private outdoor space
- Policy SC1: Social and community infrastructure use
- Policy SC2: Play space

- 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 SC3: Health Impact Assessment	Policy S10: Circular Economy and Adaptive design
Policy SC4: Promoting social value	Policy T1: Enhancing the public realm and sustainable transport
Policy B1: Delivering business floorspace	Policy T2: Sustainable Transport Choices
Policy B2: New business floorspace	Policy T3: Car-free development
Policy B3: Existing business floorspace	Policy T4: Public realm
Policy B5: Jobs and training opportunities	Policy T5: Delivering, servicing and Construction
Policy R1: Retail, leisure and services, culture and visitor accommodation	Policy DH1: Fostering innovation and conserving an enhancing the historic environment
Policy R4: Local Shopping Areas	Policy DH2: Heritage assets
Policy R6: Maintaining and enhancing Islington's unique retail character	Policy DH3: Building Heights
Policy R8: Location and concentration of uses	Policy DH: Basement Development
Policy R10: Culture and the night-time economy	Policy DH5: Agents -of-change, noise and vibration
Policy G1: Green Infrastructure	Policy DH7: Shopfronts
Policy G2: Protecting open space	Policy ST1: Infrastructure planning and smarter city approach
Policy G3: new public open space	Policy ST2: Waste
Policy G4: Biodiversity, landscape design and trees	Policy ST4: Water and wastewater infrastructure
Policy G5: Green roofs and vertical greening	

E) Islington Draft Local Plan Site Allocation – Main Modifications for Consultation (June 2022)

OIS27: Barnsbury Estate

5. Designations

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

Kings Cross & Pentonville Road Core Strategy Key Area
 Local Shopping Area (Caledonian Road)
 Local Cycle Route
 Major Cycle Route
 Local Flood Risk Zone
 Local View from Archway Road
 Local View from Archway Bridge
 Thornhill Bridge Community Garden Open Space
 Regent's Canal Open Space
 Regent's Canal (West) SINC
 Within 100m of Strategic Road Network
 Tree Protection Order (Site Wide)

6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Environmental Design
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving an Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London
- Homes for Londoners – Affordable Housing and Viability

APPENDIX 3 – COMMITTEE REPORT - 29 NOVEMBER 2022

See separate attachments