

# ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>	<b>B1</b>
<b>Date:</b>	9 <sup>th</sup> January 2024	<b>NON-EXEMPT</b>	

<b>Application number</b>	P2022/2893/FUL
<b>Application type</b>	Full Planning Application – Major
<b>Ward</b>	Bunhill
<b>Listed building</b>	N/A
<b>Conservation area</b>	Within 50 metres of Bunhill Fields and Finsbury Square;
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity Area; Bunhill & Clerkenwell Core Strategy Key Area; Employment Priority Area 20 (General) (Epworth Street/Old Street); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough); Moorfields Archaeological Priority Area; Site Allocation BC48
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	Castle House, 37 - 45 Paul Street, Fitzroy House 13-17 Epworth Street and 1-5 Clere Street
<b>Proposal</b>	Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	Lion Portfolio Ltd
<b>Agent</b>	DP9

## 1. RECOMMENDATION

1.1 The Committee is asked to resolve to **GRANT** planning permission:

1. Subject to Conditions set out in **Appendix 1**;
2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in **Appendix 1**; and
3. Subject to any direction by the Major of London to refuse the application or for it to be called in for the determination by the Mayor of London.

## 2. BACKGROUND OF DEFERRAL

2.1 Planning application P2022/2893/FUL was heard at the 18 July 2023 and 12 October 2023 Planning Committee meetings. During the 18 July 2023 Planning committee meeting, the Chair outlined prior to the application being presented to members by officers, that the item would not be considered in order to provide officers and the applicant sufficient time to further address the quality of affordable workspace, the whole life carbon assessment and a consideration of the impacts to residents with protected characteristics. It was considered that these aspects of the proposal have the potential to go to the heart of the design of the scheme and could result in fundamental design changes once addressed.

2.2 The application was subsequently heard at Planning Committee on 12 October 2023, following the submission of further details (including revised whole life carbon and circular economy assessments, and revised affordable workspace unit) and correspondence with the Greater London Authority. Following representations from objectors and deliberation of the Committee, members deferred the item in order:

- to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements,
- the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and
- for the applicants to revisit their consultation with local stakeholders.

Details of these deliberations are recorded in the published minutes (appended to this report at Appendix 4).

2.3 Since the 12 October 2023 Planning Committee meeting, the Applicant has been involved in correspondence with local residents, which included a virtual meeting and a separate in-person meeting on 18 December 2023. Additional/revised details have been submitted as follows:

- Revised Level 4 Floor Plan (06114 rev: P04);
- Revised Level 5 Floor Plan (06115 rev: P04);
- Revised Level 6 Floor Plan (06116 rev: P04);
- Revised Roof Level 1 (06117 rev: P04);
- Revised Roof Level 2 (06118 rev: P04);
- Revised North Elevation (06201 rev: P04);
- Revised East Elevation (06202 rev: P04);
- Revised South Elevation (06203 rev: P04);
- Revised West Elevation (06204 rev: P04);
- Design and Access Statement Addendum November 2023;
- Daylight and Sunlight Addendum dated 28 November 2023;
- Landscaping Plans: Landscape General Arrangement Level 05 – 8223\_L\_05\_001 rev: B; Landscape General Arrangement Level 06 – 8223\_L\_06\_001 rev: B; Landscape General Arrangement Level 07 – 8223\_L\_07\_001 rev: B; Landscape General Arrangement All Terraces and Roof Levels – 8223\_L\_XX\_001 rev: B; Landscape General Arrangement Urban Green Factor Calculations – 8223\_L\_XX\_200 rev: B;

- 2.4 Further, on the 21 December 2023, updated section drawings (Existing + Updated Proposed Sections with Residential Units dated 20 December 2023 A284-10.01-120) with 'sightlines' from the pavements opposite the proposed building were submitted and uploaded to the Council website. It is noted that this document is not revising the proposal further from the drawings re-consulted on, it is additional detail with separation distance measurements and the sightlines from opposite pavements.

### 3. LOCAL PLAN CONTEXT UPDATE

- 3.1 For the avoidance of doubt, this section outlines the context of the Local Plan. At a meeting of the Full Council on 28 September 2023, the adoption of Islington's new Local Plan was approved. The new Local Plan consists of three elements: the Strategic and Development Management Policies; Site Allocations; and Bunhill and Clerkenwell Area Action Plan and will cover the period up to 2036/2037.
- 3.2 The previous report to Committee (Appendix 5) in July 2023 made reference to policies in Islington's adopted Local Plan (Core Strategy (2011), Development Management Policies, Site Allocations and Finsbury Local Plan Development Plan Documents (DPDs) (all 2013)). It also referred to 'Emerging policies' of the new Local Plan. Both adopted and emerging policies were correctly considered according to the weighting at that time. In taking this item back following deferral, the policy context that has changed is the weight that can be attributed to each Plan. Since July 2023, the weight to be attributed to the 'new Local Plan' has now increased and those policies can now be given full weight in determining the current application. The previous Local Plan has now been superseded and no weight can be given to those policies in determining the current application.

### 4. CONSULTATION

- 4.1 Further to the previous consultation, the application was re-consulted upon for 14 days following the receipt of revised plans relating to setback of the proposed building. Letters were sent again to occupants of 1,346 adjoining and nearby properties. A site notice and press advert were also displayed on 7 December 2023, giving a consultation expiry date of 21 December 2023.
- 4.2 It is the Council's practice to continue to consider representations made up until the date of a decision. As such, should any representations be received after the publication date of this report, and up to the date of a decision, these will be given full consideration, reported to the Committee and where necessary an update provided regarding the assessment.
- 4.3 Since the 12 October 2023 Planning Committee Report was published a further 13 objections have been received, alongside updated objections from those who have already objected to the proposal. As such, the total number of objections received is **183** to date.
- 4.4 The 13 new objections received were received between 12 October 2023 and 09 November 2023, and as such prior to the submission of revised documents and the re-consultation period actioned by the Council. These further objections reiterate points and concerns raised previously and considered in both the 12 October 2023 Committee Report at (Appendix 3) and the 18 July 2023 Committee Report (Appendix 5).
- 4.5 Updated objections from those who have already objected to the proposal include the following points based on the revised proposal and submitted documents, are surmised as follows:
- Disappointing that the applicant has completely disregarded the expressed wish of planning committee that the residents be directly engaged on how this development proposal could be amended to potentially overcome their concerns before the application is formally amended and any revised plans are formally issued to the Council.
  - The meeting(s) (on 18 December 2023) between the applicant team and residents took place only 3 days prior to the expiry of the Council's re-consultation period of 21 December 2023.
  - Failure to adequately address the reasons for deferral of the previous committee.

- The extent of the now proposed amendments is simply confined to reducing some of the building mass on the Epworth Street elevation. In all other respects the proposed development remains unchanged.
- The upper two floors of the building have been set back, although in the absence of any clear detail on the issued drawings, it is unclear to what extent. It is also unclear whether the extent of the setbacks would result in the upper floors being fully concealed from public view at street level in more localised views, as the section drawing requested by members has seemingly not been produced.
- 24 Epworth Street, 17-18 Clere Street and 20 Clere Street would all continue to experience a substantial number of BRE transgressions and 'major-adverse' daylight/sunlight impacts, which ought reasonably to have been addressed.
- The identified daylight/sunlight impacts cannot be considered acceptable when taken as a whole and the extent of this identified harm is symptomatic of overdevelopment and would strongly merit a refusal of planning permission in this respect.
- Maintain their wider recorded objections to this planning application in that the applicant has not adequately justified the circular economy principles of the proposed development and the assertion that a full demolition and rebuild is the most carbon efficient outcome ahead of retention and refurbishment.
- Adverse noise impacts and disturbance that would arise from this substantially intensified use in terms of the increased comings and goings, the use of the external terraces, including the large, retained roof terrace at seventh floor level, the day-to-day operational impacts arising from the proposed introduction of the ground floor commercial uses and especially in terms increased deliveries, refuse collection and associated odour impacts.
- The proposed introduction of the large roof terrace also raises genuine overlooking concerns where the separation distance would be less than 18m. Indeed, one of the applicant's own CGIs shows a person looking directly towards no. 24 Epworth Street.
- Likely adverse flooding/surface water runoff impacts of excavating two large basement levels and the likely adverse noise and vibration impacts that neighbouring occupiers would experience generally over the scheduled 165-weeks construction programme and in conjunction with other recently approved major developments in the area, the cumulative impacts of which have simply not been addressed.

4.6 Further responses from the following consultees have also been received:

4.7 Design and Conservation Officer: These comments should be read as a supplement to the formal design and heritage observations as issued in October 2022 and previously highlighted to the planning committee. The proposed changes result in a considerable reduction to height and massing, particularly in relation to Epworth Street but also to views to Paul Street. The impact of such reductions is considered to be beneficial as they relate to the Epworth Street reductions, creating a more neighbourly relationship between the scheme and the properties to the south side of Epworth Street and to properties to Tabernacle Street to the west. The changes to the Paul Street edges are considered to have a neutral impact with regard to the quality of the architecture with the animated 'crown' being amended from that of a key architectural feature to a less prominent and visually recessive element. The architectural quality of the development is considered to remain of an outstanding quality and as such there are no design objections to the amended scheme.

4.8 Other responses from external stakeholders (Cross Rail, Transport for London, Historic England etc.) have been received confirming that no further comments are raised on the application and any previous comments (as outlined in paragraphs 7.6-7.15) of the 18 July 2023 Planning Committee Report at Appendix 5.

## 5. UPDATED ASSESSMENT

### Design and Appearance

5.1 Planning policies and guidance relevant to design, appearance and heritage are set out in the NPPF (2023), PPGs, chapter 3 of the London Plan (2021) and policies PLAN1, DH1, DH2, DH3 and DH4

of the Islington Local Plan (2023). Further guidance is found in Islington Urban Design Guide 2017, Historic England GPA2: Managing Significance in Decision-Taking in the Historic Environment (2015), Historic England GPA3: The Setting of Heritage Assets (2017) and Historic England Advice Note 4: Tall Buildings (2022).

- 5.2 The assessment of the deferred proposal in regard to design, appearance, and impact upon heritage assets was set out from paragraph 9.81 of the original planning committee report of 18 July 2023 at Appendix 5.
- 5.3 The revised proposal seeks to reduce the bulk and massing of the building to the south-west part, by partially removing a storey (at fifth floor) and reducing the height of the fourth floor. The sixth floor has been further set back from the main elevation of Epworth Street along the 'factory' element. Further, the fifth and sixth floor chamfered corners along the Paul Street elevation (to the corners of Epworth Street and Clere Street) have also been stepped-back further from the main elevation.
- 5.4 The revisions are considered to be beneficial with regard to the impact on the setting of the more immediate context and also maintain the outstanding architectural quality of the earlier scheme which is a further important consideration, and are therefore supported by Officers.
- 5.5 The reduction in height and mass to western most module to Epworth Street sees a substantial reduction in both height and mass. This creates an enhanced neighbourly relationship in relation to the properties on the opposite side of Epworth Street and to those buildings immediately to the west on Tabernacle Street. As a result, this change has a positive impact on the scheme itself and on its setting.
- 5.6 The top two floors have been recessed further from the front façade, and stepped. They will now align with the set back and stepped configuration of the top two floors to the 'Showroom' element. The visual impact of this change is highly beneficial with this high-level element being removed from sight from multiple vantage points from within the adjacent public realm. The architectural impact is considered to be beneficial as a result of the reduction of height and massing to the Epworth Street edge in this location.
- 5.7 Finally, the decorative two storey 'crown' to the showroom element, to its primary façade onto Paul Street, has been deeply chamfered at its corners. The result is that this crown element has been revised from a key architectural feature to one that is now visually and architecturally recessive.
- 5.8 The impact on the architectural quality of the scheme of this amendment is therefore considered to be neutral and acceptable as a result.
- 5.9 The below images indicate the revisions to the scheme from the deferred scheme. The revised proposed images include a black dotted line where the building line and massing was previously proposed.



*Figure 1: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking west along Scrutton Street*



*Figure 2: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking north along Paul Street*



*Figure 3: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) looking south along Paul Street*



*Figure 4: CGI of the previously proposed building (to the left) and the revised proposed building (to the right) as seen from 10 Epworth Street*

5.10 Further, a number of section drawings and localised CGI views have been prepared which show that the two upper most floors (fifth and sixth) would not be visible at street level, and specifically from the opposite pavements along Paul Street and Clere Street. The upper two most floors would not be seen along the majority of the pavement opposite the building along Epworth Street, except for marginal views directly outside 10 Epworth Street, due to the revised reduction to the south-west element of the building. These are shown below for reference:

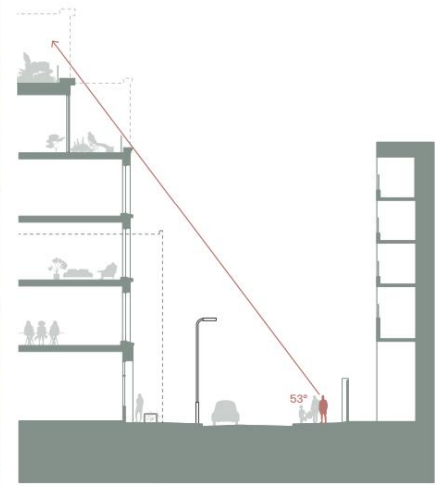


Figure 5: CGI of the 'sightline' from the pavement of the proposed building as seen from 10 Epworth Street

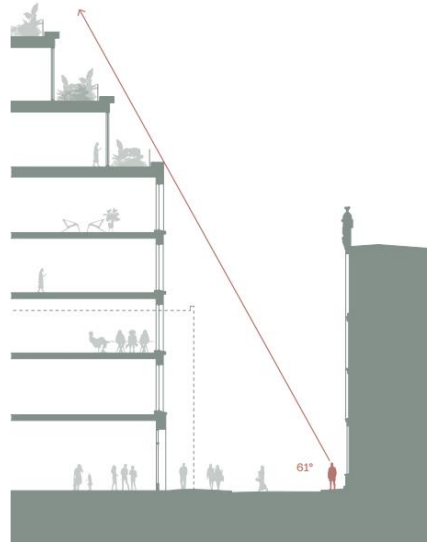


Figure 6: CGI of the 'sightline' from the pavement of the proposed building as seen from 24 Epworth Street





Figure 7: CGI of the 'sightline' from the pavement of the proposed building as seen from 28 Paul Street (The Fox)

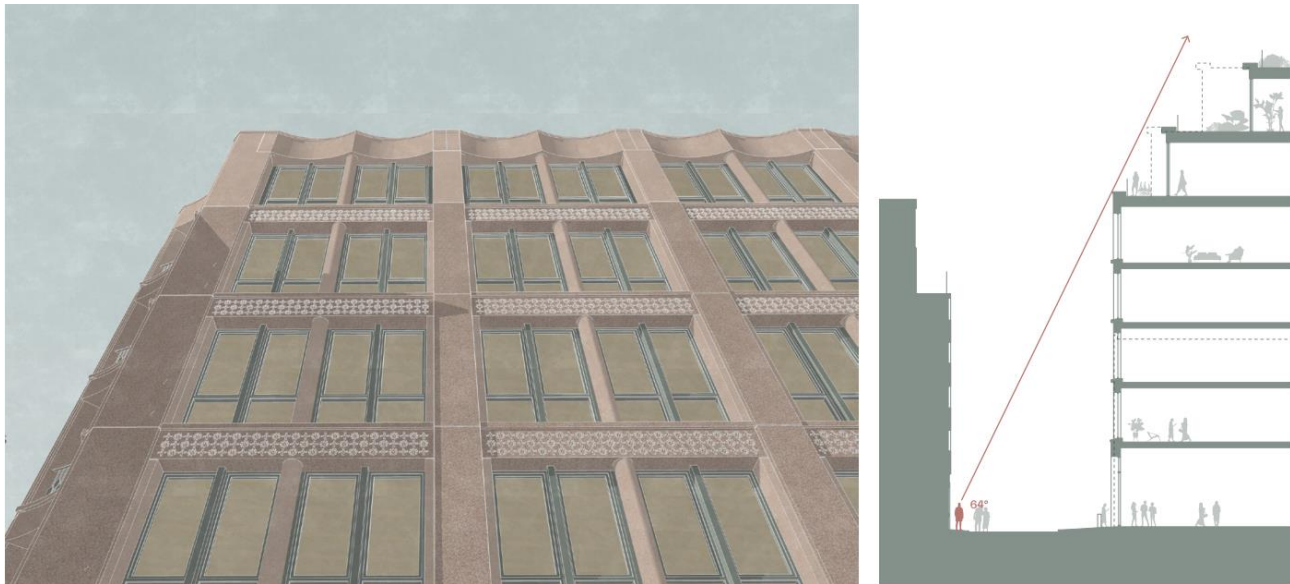


Figure 8: CGI of the 'sightline' from the pavement of the proposed building as seen from 20 Clere Street

### Daylight & Sunlight

- 5.11 Following the 18 July 2023 and 12 October 2023 Planning Committees a Daylight and Sunlight Addendum dated 28 November 2023 prepared by Delva Patman Redler has been submitted.
- 5.12 In the schemes presented to the 18 July 2023 and 12 October 2023 Planning Committees, daylight and sunlight reporting was undertaken by Avison Young, however, in October 2023, Avison Young entered into a partnership with DPR. As a result of the partnership, the daylight and sunlight team has joined DPR and subsequently, the application has moved across to Delva Patman Redler. It is noted that a number of the existing baseline values have been amended due to an improved data on the neighbouring properties (such as layouts and window dimensions) however the assessment is still in accordance with BRE guidance methodology.
- 5.13 As shown in the below tables and commentary, the overall quantum of transgressions has decreased whilst a number of windows and rooms would see betterments to the reported reductions to neighbouring properties, specifically to 10 Epworth Street. It should be noted that non-habitable rooms (such as bathrooms, hallways and circulation space) have not been included within the below

transgression tables, although these were previously included by officers in the deferred planning committee reports.

5.14 Transgressions are still reported to neighbouring 10 Epworth Street, 24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street. These are outlined further below, with the previous results of the deferred scheme as outlined in the 18 July 2023 committee report (Appendix 5) prior to the current revised scheme also shown for reference:

10 Epworth Street		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Deferred scheme Reduction (%)	Revised Scheme Reduction (%)
<b>First Floor</b>										
R9 / W14	Bedroom	0.1	0.1	0	0	7.1	4.3	4.3	100%	0
R11 / W16	Kitchen	0.01	0.01	0	0	6.5	3.7	3.7	100%	0
R13 / W18	Bedroom	24.7	15.4	50%	38%	6.5	6.4	3.9	56%	38%
R14 / W19	Bedroom	25.3	15.1	53%	40%	12.8	10.8	5.6	63%	48%
<b>Second Floor</b>										
R9 / W16	Bedroom	0	0	0	0	7.1	0.8	0	100%	100%
R11 / W18	Kitchen	0.3	0.0	100%	100%	6.5	5.6	0.9	100%	83%
R13 / W21	Bedroom	28.6	18.8	48%	34%	5.8	5.7	4.7	45%	18%
R14 / W22	Bedroom	29.3	18.5	50%	37%	12.8	12.6	8.4	55%	33%
<b>Third Floor</b>										
R8 / W16	Bedroom	0.3	0	100%	100%	7.1	1	0	100%	100%
R10 / W18	Kitchen	1.2	0	100%	100%	6.5	5.6	2.8	84%	50%
R13 / W21	Bedroom	32.5	22.7	44%	30%	6	5.8	5.8	33%	0
R14 / W22	Bedroom	33	22.2	46%	33%	12.8	12.6	11	45%	13%
<b>Fourth Floor</b>										
R8 / W16	Bedroom	1.1	0	100%	100%	7.1	1	0.84	100%	16%
R10 / W18	Kitchen	1.4	0.1	100%	93%	6.5	4	3.9	68%	3%
R13 / W21	Bedroom	35.5	26.8	37%	25%	6	5.9	5.9	1.4%	0
R14 / W22	Bedroom	35.9	26.2	40%	27%	12.8	12.6	12.6	22%	0

5.15 As shown in the above table, improvements are reported to the reduction in daylight in both VSC and NSL. With regards to NSL, the quantum of transgressions contrary to BRE guidance has improved, with 7 transgressions reported, an improvement on the deferred scheme which would have seen 15 transgressions.

5.16 It is noted that the habitable rooms affected, namely bedrooms and kitchens which face the site, whilst the main living spaces are located facing south and do not face the application site. The units are therefore considered dual aspect. The rooms and windows identified in red are those located below the overhanging walkways.

5.17 Further, a lux assessment has been provided within the submitted daylight and sunlight report. The lux radiance-based tool undertaken is a supplementary assessment utilising the illuminance method for assessing daylight. This assessment visually illustrates the daylight illuminance levels within the rooms in both the existing and proposed conditions. This assessment highlights that there will be no meaningful alteration in illumination within the neighbouring rooms when compared to the existing condition.

5.18 Turning to other neighbouring properties (24 Epworth Street, 43 Tabernacle Street, 17-18 Clere Street, 20 Clere Street, 28 Paul Street and 54 Paul Street), the quantum of transgression to both windows in VSC and rooms in NSL remains as the deferred scheme. There are minor improvements

in quality of the transgressions however, with minimal improvements of approximately 1% to windows and rooms.

- 5.19 With regards to sunlight, there is improvement to the quantum of transgressions to neighbouring windows at 17-18 Clere Street and 20 Clere Street. To 17-18 Clere Street, two windows would now not meet BRE guidance, serving a bedroom and playroom at fourth floor level. To 20 Clere Street, 1 window would now not meet BRE guidance, located at first floor level.

*Daylight and sunlight summary:*

- 5.20 A comprehensive assessment of the revised proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. 10 and 24 Epworth Street would see reductions in daylight beyond BRE guidance, whilst 17-18 and 20 Clere Street properties would see transgressions in both daylight and sunlight, given they are the properties located due north of the application site. It has to be acknowledged that there would be impacts to neighbouring properties leading to reductions in daylight and/or sunlight and that this is regrettable.
- 5.21 These transgressions weigh against the scheme, however the context of the neighbouring properties affected, such as architectural features and whether the dwellings are dual aspect etc. should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing Central London urban context.

Other Considerations

- 5.22 Due to the reduction in floorspace by way of the removal of storeys and further setbacks, respectively at fourth, fifth and sixth floor levels, the amount of proposed office floorspace has reduced by 411sqm. The consideration of land use is outlined in paragraphs 9.2 – 9.42 of the original 18 July 2023 Committee Report at Appendix 5.
- 5.23 The following table outlines the floorspace and uses.

Use	Existing (GIA)	Previous Proposed (GIA)	Revised Proposed (GIA)	Percentage% of Proposed Scheme
Office – E(g)(i)	11,475sqm	28,441sqm	28,030sqm	87%
Retail – E(a)	0	1,149sqm	1,149sqm	12%
Café/Restaurant – E(b)	0	667sqm	667sqm	
Gym – E(d)	0	2,284sqm	2,284sqm	
<b>Total:</b>	<b>11,475sqm</b>	<b>32,541sqm</b>	<b>32,130sqm</b>	

- 5.24 As shown above, the majority (87%) of the proposed use would be for office (Use Class E(g)(i)), in accordance with the thrust of the CAZ and Clerkenwell and Bunhill Area Action Plan. The intensification, renewal and modernisation of existing business floorspace would support higher employment densities and thus create additional employment opportunities within the borough and in particular the CAZ and EPA. Further, the ground and lower ground floor areas offer a mix of uses, ensuring that the office floorspace is unfettered and alongside active frontage uses such as retail, and food and beverage. The proposal would be in accordance with Local Plan policy B2 as it would intensify office use within the CAZ and Clerkenwell AAP to enhance the area's role in supporting London's strategic business role is a priority.
- 5.25 The proposed affordable workspace unit at basement and ground level has not been amended since the 12 October 2023 committee and would therefore still have an area of 2,008sqm. Given the reduction in the overall floorspace of the building due to further setbacks and reduction in bulk to the upper floors, the area of 2,008sqm now represents 13.6% of the uplift in office floorspace, resulting in an increase over the previously proposed figure of 13.4% . The proposal is, therefore, still in accordance with London Plan policy E1 and Islington Local Plan policy B4 with a marginally increased percentage offer.

- 5.26 Members are reminded of the public sector equality duty ('PSED') found in s149 of the Equalities Act 2010 which provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 5.27 As outlined in paragraphs 5.1 – 5.13 of the 12 October 2023 Planning Committee Report (Appendix 4), in which it was highlighted within representations received that a number of residents at 10 Epworth Street are within a protected characteristic, being those with a disability, and should be considered as part of the PSED. In summary, it was and still is considered that officers have had regard to the equality duty, in the exercise of their functions, and had due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not. Officers continue to acknowledge that although there would be some negative direct impact to neighbouring residents who have been identified as having protected characteristics due to the reduction in daylight to neighbouring windows/rooms, the extent of the impact is not considered unacceptable and disproportionate.

## **6. CONSULTATION BETWEEN APPLICANT AND PUBLIC**

- 6.1 In seeking to address the deferral reason for the applicants to revisit their consultation with local stakeholders, the applicant team sought to engage with neighbouring residents who spoke and made formal representations on the application.
- 6.2 It has been indicated by the applicant that 1,400 letter drops were undertaken by the applicant team surrounding the site. The applicant claims that the meeting took place in the evening of 18 December 2023 and over 20 local residents and business representatives attended. The revised scheme was presented to those in attendance by the applicant team and a Q&A session followed.

## **7. CONCLUSION**

- 7.1 Following the deferral of the application at the 18 July 2023 and 12 October 2023 Committee Meetings, the Applicant has revised the application with a number of amendments to the upper floors to parts of the proposed building. The chamfered corners along Paul Street (to the corner with Epworth Street to the south and to the corner of Clere Street to the north) at fifth and sixth floor level have had their setbacks increased so that they are further from the main elevation below. This has led to these chamfered corners being less visible in views along Paul Street.
- 7.2 Further, to the southwest part of the building, opposite 10 Epworth Street, a storey has been removed and a further setback from the main elevation along Epworth Street to the 'Factory' element of the building.
- 7.3 The removal of a storey (at fifth floor) and further setbacks (at fourth and sixth floors) to this part of the building, has led to less transgressions in daylight reductions to 10 Epworth Street which have been verified by the Applicant's Daylight sunlight consultants.
- 7.4 Officers' have assessed and reviewed this information and are content that it addresses the reasons for deferral. Officers' recommendation for approval subject to conditions and completion of a legal agreement, remains. It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in Appendix 1 – RECOMMENDATIONS.

# APPENDIX 1: RECOMMENDATIONS

## RECOMMENDATION A

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

- a. Provision of 2,008sqm affordable workspace unit at lower ground and ground floor level to be leased to the Council at peppercorn rent in perpetuity and a service charge of no more than 50%;
- b. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- c. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality (number to be confirmed by TfL) and carried out at the Applicant's expense;
- d. Submission of a full Travel Plan;
- e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- f. Facilitation, during the construction phase of the development, of the following number of work placements: 16x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £80,000;
- g. A contribution of £464,500 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- i. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been

provided), the development can be connected to a local energy network if a viable opportunity arises in the future;

- j. Compliance with the Code of Employment and Training;
- k. Compliance with the Code of Local Procurement;
- l. Compliance with the Code of Construction Practice, including a monitoring fee of: £21,265 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- m. Contribution towards employment and training for local residents of a commuted sum of: £183,777; and
- n. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

#### *Transport for London*

- o. Contribution (TBC by TfL prior to Stage 2) towards improvement to the carriageway of Wilson Street and Paul Street (Cycleway 1);

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:

<b>1</b>	<b>COMMENCEMENT OF DEVELOPMENT</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
	REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

**2 APPROVED PLANS**

CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:

A284-MCO-XX-XX-DR-A-05001 rev: P03 - Location Plan;  
A284-MCO-XX-XX-DR-A-05010 rev: P03 - Site Plan;  
A284-MCO-XX-B2-DR-A-06108 rev: P03 - Proposed Basement Floor Plan;  
**A284-MCO-XX-B1-DR-A-06109 rev: P04 - Proposed Lower Ground Plan;**  
**A284-MCO-XX-L0-DR-A-06110 rev: P04 - Proposed Ground Floor Plan;**  
A284-MCO-XX-L1-DR-A-06111 rev: P03 - Proposed L1 Floor Plan;  
A284-MCO-XX-L2-DR-A-06112 rev: P03 - Proposed L2 Floor Plan;  
A284-MCO-XX-L3-DR-A-06113 rev: P03 - Proposed L3 Floor Plan;  
**A284-MCO-XX-L4-DR-A-06114 rev: P04 - Proposed L4 Floor Plan;**  
**A284-MCO-XX-L5-DR-A-06115 rev: P04 - Proposed L5 Floor Plan;**  
**A284-MCO-XX-L6-DR-A-06116 rev: P04 - Proposed L6 Floor Plan;**  
**A284-MCO-XX-R1-DR-A-06117 rev: P04 - Proposed R1 Floor Plan;**  
**A284-MCO-XX-R2-DR-A-06118 rev: P04 - Proposed R2 Floor Plan;**  
**A284-MCO-XX-XX-DR-A-06201 rev: P04 - Proposed North Elevation;**  
**A284-MCO-XX-XX-DR-A-06202 rev: P04 - Proposed East Elevation;**  
**A284-MCO-XX-XX-DR-A-06203 rev: P04 - Proposed South Elevation;**  
**A284-MCO-XX-XX-DR-A-06204 rev: P04 - Proposed West Elevation;**  
A284-MCO-XX-XX-DR-A-06301 rev: P03 - Proposed Long Section;  
A284-MCO-XX-XX-DR-A-06302 rev: P03 - Proposed Short Section;  
0209853-HLE-XX-B2-DR-CS-10001 rev P01 - Combined Services Plant Layout Basement 2;  
Acoustic Report 29065/AS-Stage2/Rev1 dated 15 July 2022;  
Access Comments Response Document A284-10.01-107-RevA dated 03/02/2023;  
Air Quality Assessment dated July 2022;  
**Affordable Workspace Update - A284-MCO-XX-XX-DS-A-04002 dated 11 August 2023;**  
Archaeological desk-based assessment dated July 2022;  
Biodiversity Impact Assessment dated June 2022;  
BS5837 Tree Survey and Arboricultural Impact Assessment dated July 2022;  
Castle & Fitzroy House - Demand Report dated July 2022;  
Castle & Fitzroy House: additional view analysis (addendum) dated 9 January 2023  
Design And Access Statement rev P3 - A284-MCO-XX-XX-DS-A-01000 dated July 2022;  
**Design and Access Statement Addendum A284-MCO-XX-XX-DS-A-01001 dated November 2023;**  
Economic Regeneration Statement;  
Energy Statement rev 03 dated 25.04.2023 and SKE-0209853-7C-HL-20221110-Future DEN Connection dated 14/11/2022;  
Environmental Noise Survey Report 29065/ES1/Rev1 dated 15 July 2022;  
Fire safety statement for planning – Castle & Fitzroy House;  
Flood Risk Assessment & SuDS Strategy Report dated 17 May 2022 and FRA & SuDS Strategy Report Addendum dated 22/05/2023;  
Ground floor plan-exceedance flows dated 23/02/2023;  
Health Impact Assessment dated July 2022;  
Landscape Statement A284-MCO-XX-XX-DS-A-01000;  
**Landscape General Arrangement Level 05 – 8223\_L\_05\_001 rev: B;**  
**Landscape General Arrangement Level 06 – 8223\_L\_06\_001 rev: B;**  
**Landscape General Arrangement Level 07 – 8223\_L\_07\_001 rev: B;**  
**Landscape General Arrangement All Terraces and Roof Levels – 8223\_L\_XX\_001 rev: B;**  
**Landscape General Arrangement Urban Green Factor Calculations – 8223\_L\_XX\_200 rev: B;**  
Odour Assessment revision 02 dated 15 July 2023;  
Outline Delivery and Servicing Plan dated July 2022;  
Operational Waste Management Plan dated February 2023;  
Preliminary Ecological Appraisal dated July 2022;  
Proposed Drainage Strategy dated 16/02/2023;  
Retail Impact Assessment dated July 2022;  
Retrofit vs New Build Briefing Notes rev P02 dated 3 January 2023;

	<p>Site Investigation and Contaminated Land Assessment Report dated 30 May 2022;  Structural Method Statement (SMS) Report dated 20 July 2022;  Sustainability Statement rev 02 dated July 2023;  Townscape, Heritage and Visual Impact Assessment dated July 2022;  Transport Assessment dated July 2022 and Stage 1 Report – Applicant Response (Transport) dated 18 January 2023;  <b>Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215_Castle and Fitzroy House_wlca_assessment_template_planning_Rev08;</b>  <b>Circular Economy Statement revision 08 dated 28 September 2023 and gla_circular_economy_statements_template_Castle Fitzroy House_Rev05;</b></p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant, and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Detail and Samples)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses for all facing bricks;</li> <li>b) render (including colour, texture and method of application);</li> <li>c) windows and doors (including sections and reveals);</li> <li>d) roofing materials (including facing materials);</li> <li>e) any balustrading treatment (including sections); and</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the amenity of neighbouring residents is not adversely affected.</p>
<b>5</b>	<b>Refuse and Recycling (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p>



	<p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>7</b>	<p><b>Flat Roofs (Compliance)</b></p> <p>CONDITION: Notwithstanding the identified roof terrace amenity areas within the approved plans, the flat roofs of the development hereby approved, including the identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>The roof terraces shall not be used outside the hours: 0800 – 2000.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
<b>8</b>	<p><b>Internal Lighting and Roller Blinds (Details and Compliance)</b></p> <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to):</p> <ul style="list-style-type: none"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows.</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.</p>
<b>9</b>	<p><b>External Lighting (Details)</b></p> <p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works above ground of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
<b>10</b>	<p><b>Delivery and Servicing Plan (Compliance)</b></p> <p>CONDITION: Prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL). The plan shall include details of all servicing and delivery requirements of the site (including a booking system and measures to reduce impact upon neighbouring amenity), delivery and servicing times, measures to encourage sustainable methods of delivery (e.g. cargo bikes), waste and recycling collection and management against misuse.</p> <p>No deliveries or servicing, except by foot or cargo bike, shall take place within the hours of 1600 – 1900 and 2200 – 1000.</p> <p>The approved details shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.

**11 Demolition, Construction and Environmental Management Plan (Details)**

CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

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

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

	<p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
<b>12</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>13</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Energy Strategy identifying further improvements on how the development will achieve a reduction of 27% in total (regulated and unregulated) emissions against Part L 2013 baseline and a full feasibility study of connections to a Decentralised Energy Network, shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved.</p> <p>The measures identified in the approved strategy shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Green Roofs (Details and Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> <li>a) substrate base depth;</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>15</b>	<b>Urban Greening Factor (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting.</p>

	<p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
<b>16</b>	<p><b>Bird and Bat Boxes (Details and Compliance)</b></p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<p><b>Inclusive Design (Compliance)</b></p> <p>CONDITION: The hereby approved Inclusive Design and Accessibility shall be installed and operational prior to first occupation of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>18</b>	<p><b>Sustainable Urban Drainage (Compliance)</b></p> <p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Flood Risk Assessment &amp; SuDS Strategy outlining further measures to achieve a QBAR greenfield rate (0.7 l/s) and shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved. The final strategy and measures shall be installed/operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>19</b>	<p><b>Piling Method Statement – Thames Water (Details)</b></p> <p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
<b>20</b>	<p><b>Basement Excavation (Compliance)</b></p> <p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (SMS) Report dated 20 July 2022, unless otherwise agreed in writing. The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>

<b>21</b>	<b>Restriction of approved Uses and Removal of Permitted Development Rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the Central Activities Zone, Employment Growth Area and wider Borough. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
<b>22</b>	<b>Restriction of PD Rights - Class E to residential (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location.</p>
<b>23</b>	<b>Contaminated Land (Details)</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>a. A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</li> <li>b. A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</li> </ol>

	<p>c. Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
<b>24</b>	<p><b>Fire Safety Strategy (Compliance)</b></p> <p>CONDITION: The details and measures set out in the Fire safety statement prepared by Hoare Lee shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
<b>25</b>	<p><b>Whole Life Carbon (Details)</b></p> <p>CONDITION: An updated Whole Life Carbon Assessment shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>a) Prior to demolition works and relating to the demolition phase; and  b) Prior to construction works</p> <p>The updated assessment shall include/address:</p> <ul style="list-style-type: none"> <li>• Further carbon reduction quantification through the detailed design stage material selection and specification;</li> <li>• Completed Updated GLA Whole Life-Cycle Carbon Assessment</li> <li>• 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;</li> <li>• Details of life cycle of embodied carbon and finite resources relating to the enabling works stage and end of life approach;</li> <li>• 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;</li> <li>• Consideration of end-of-life de-construction;</li> <li>• Cost premiums, supply chain limits and structural constraints for the proposal and Implications of Key Performance Indicators not being met; and</li> <li>• Updated targets for Bill of Materials;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b), and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p>

	<p>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.</p>
<b>26</b>	<p><b>Whole Life Carbon Post -Construction Assessment Report (Details)</b></p>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a whole life carbon post-construction assessment report shall be submitted to approved by the Local Planning Authority.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>27</b>	<p><b>Circular Economy (Details)</b></p>
	<p>CONDITION: An updated Circular Economy Statement shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>c) Prior to demolition works and relating to the demolition phase; and d) Prior to construction works</p> <p>The updated statement shall include outstanding information including the reporting of key metrics and commitments to achieve London Plan policy targets. The information and specific commitments shall demonstrate how the development will achieve Circular Economy actions and principles identified.</p> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b) and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>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.</p>
<b>28</b>	<p><b>Circular Economy Post-Construction Report (Details)</b></p>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a post-construction circular economy report shall be submitted to the Local Planning Authority for approval in writing.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that circular economy principles have been incorporated into the design, construction and management of the approved development in accordance with London Plan Policy S17.</p>
<b>29</b>	<p><b>External Signage (Details)</b></p>
	<p>CONDITION: Prior to occupation of the development hereby approved, details of all external signage shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such permanently thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
<b>30</b>	<p><b>Opening Hours – Retail (Compliance)</b></p>

	<p>CONDITION: The hereby approved retail units (Use Class E(a)) shall be operational only between the following hours:</p> <p>Monday to Saturday: 0700 – 2300  Sunday and Public Holidays: 0800 – 2000</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>
<b>31</b>	<b>Amplified Music (Details)</b>
	<p>CONDITION: No amplified music shall be played either internally or externally until a Noise Report which assesses the cumulative impact of music and crowd noise has been submitted and approved by the Local Planning Authority.</p> <p>REASON: To ensure that an appropriate standard of neighbouring residential accommodation is provided.</p>
<b>32</b>	<b>Archaeological Written Scheme of Investigation</b>
	<p>CONDITION: No demolition or development shall take place until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing, by the Local Planning Authority. For land that is included within the Stage 1 WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by the stage 1 WSI, then for those parts of the site which have archaeological interest, a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is the Stage 2 WSI, no demolition or development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:</p> <p>The statement of significance and research objectives, the programme and methodology of site investigation, recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>Where appropriate, details of a programme for delivering related positive benefits;</p> <p>The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in Stage 2 WSI.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>33</b>	<b>Building Operation Management Plan (Details)</b>
	<p>CONDITION: An Operation Management Plan providing details of how access to and management of the roof-top amenity space is to be achieved shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and disturbance.</p>
<b>34</b>	<b>Digital Connectivity (Details)</b>
	<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>



<b>35</b>	<b>Tree Protection (Details)</b>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s)(TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>a. Specific issues to be dealt with in the TPP and AMS;</li> <li>b. location and installation of services/ utilities/ drainage;</li> <li>c. methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;</li> <li>d. details of construction within the RPA or that may impact on the retained trees;</li> <li>e. a full specification for the installation of boundary treatment works;</li> <li>f. 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;</li> <li>g. 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;</li> <li>h. a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;</li> <li>i. a specification for scaffolding and ground protection within tree protection zones;</li> <li>j. tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</li> <li>k. 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;</li> <li>l. boundary treatments within the RPA;</li> <li>m. methodology and detailed assessment of root pruning;</li> <li>n. reporting of inspection and supervision;</li> <li>o. methods to improve the rooting environment for retained and proposed trees and landscaping; and</li> <li>p. veteran and ancient tree protection and management.</li> </ol> <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
<b>36</b>	<b>Roof Terrace/Balcony furniture or structures (Details)</b>
	<p>CONDITION: Details of any roof terrace/balcony furniture or structures (including seating, planters, fencing, wind breaks, umbrellas and heaters) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The details shall include the location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof top plant ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>

## List of Informatives:

<b>1</b>	<b>Section 106 agreement</b>
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Construction Works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday, excluding event days including football games, where the site must not be operational 2.5 hours prior to kick-off and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>3</b>	<b>Highway Requirements</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> .
<b>4</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>5</b>	<b>Tree Works Specification</b>
	<p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"><li>a. BS: 3882:2015 Specification for topsoil</li><li>b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li><li>c. BS: 3998:2010 Tree work – Recommendations</li><li>d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li><li>e. BS: 4043:1989 Recommendations for Transplanting root-balled trees</li><li>f. BS: 5837 (2012) Trees in relation to demolition, design and construction -</li></ul>

	<p>Recommendations</p> <ul style="list-style-type: none"> <li>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</li> <li>h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</li> <li>i. BS: 8601:2013 Specification for subsoil and requirements for use</li> </ul>
<b>6</b>	<b>Thames Water (1)</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.</p> <p>The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>7</b>	<b>Thames Water (2)</b>
	<p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Water's underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p> <p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-ourpipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-ourpipes</a>.</p> <p>Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a></p>
<b>8</b>	<b>Definition of Superstructure and Practical Completion</b>
	<p>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.</p>
<b>9</b>	<b>Alterations to the highway</b>
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. 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 <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a> Any damage or blockages to drainage will be repaired at the cost of the developer. 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>

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### Development Plan

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

<b>A) The London Plan 2021 - Spatial Development Strategy for Greater London</b>	
<p><b>1. Planning London's Future - Good Growth</b>  <b>Policy GG2</b> Making the best use of land  <b>Policy GG5</b> Growing a good economy</p> <p><b>2. Spatial Development Patterns</b>  <b>Policy SD4</b> The Central Activities Zone  <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ</p> <p><b>3. Design</b>  <b>Policy D1</b> London's form, character and capacity for growth  <b>Policy D3</b> Optimising site capacity through the design led approach  <b>Policy D4</b> Delivering good design  <b>Policy D5</b> Inclusive design  <b>Policy D8</b> Public Realm  <b>Policy D10</b> Basement development  <b>Policy D11</b> Safety, security and resilience to emergency  <b>Policy D12</b> Fire safety  <b>Policy D13</b> Agent of Change  <b>Policy D14</b> Noise</p> <p><b>6. Economy</b>  <b>Policy E1</b> Offices  <b>Policy E2</b> Providing suitable business space  <b>Policy E3</b> Affordable Workspace  <b>Policy E11</b> Skills and opportunities for all</p>	<p><b>7. Heritage and Culture</b>  <b>Policy HC1</b> Heritage conservation and growth</p> <p><b>8. Green Infrastructure and Natural Environment</b>  <b>Policy G5</b> Urban Greening  <b>Policy G6</b> Biodiversity and access to nature  <b>Policy G7</b> Trees and woodlands</p> <p><b>9. Sustainable Infrastructure</b>  <b>Policy SI1</b> Improving air quality  <b>Policy SI2</b> Minimising greenhouse gas emissions  <b>Policy SI4</b> Managing heat risk  <b>Policy SI5</b> Water infrastructure  <b>Policy SI7</b> Reducing waste and supporting the circular economy  <b>Policy SI12</b> Flood risk management  <b>Policy SI13</b> Sustainable drainage</p> <p><b>10. Transport</b>  <b>Policy T2</b> Healthy Streets  <b>Policy T3</b> Transport capacity, connectivity and safeguarding  <b>Policy T4</b> Assessing and mitigating transport impacts  <b>Policy T5</b> Cycling  <b>Policy T6</b> Car parking  <b>Policy T6.2</b> Office parking  <b>Policy T7</b> Deliveries, servicing and construction</p>
<b>B) Islington Local Plan Strategic and Development Management Policies 2023</b>	
<p><b>1. PLAN01</b> Site appraisal, design principle and process</p> <p><b>2. Area Spatial Strategies</b>  <b>Policy SP1</b> Bunhill &amp; Clerkenwell</p> <p><b>4. Inclusive Economy</b>  <b>Policy B1</b> Delivering a range of affordable business floorspace  <b>Policy B2</b> New business floorspace  <b>Policy B4</b> Affordable workspace</p>	<p><b>7. Public Realm and Transport</b>  <b>Policy T1</b> Enhancing the public realm and sustainable transport  <b>Policy T2</b> Sustainable Transport Choices  <b>Policy T3</b> Car-free development  <b>Policy T4</b> Public realm  <b>Policy T5</b> Delivery, servicing and construction</p> <p><b>8. Design and Heritage</b>  <b>Policy DH1</b> Fostering innovation while protecting heritage</p>

<p><b>Policy B5</b> Jobs and training opportunities  <b>Policy R8</b> Location and Concentration of uses</p> <p><b>5. Green Infrastructure</b>  <b>Policy G4</b> Biodiversity, landscape design and trees  <b>Policy G5</b> Green roofs and vertical greening</p> <p><b>6. Sustainable Design</b>  <b>Policy S1</b> Delivering Sustainable Design  <b>Policy S2</b> Sustainable Design and Construction  <b>Policy S3</b> Sustainable Design Standards  <b>Policy S4</b> Minimising greenhouse gas emissions  <b>Policy S5</b> Energy Infrastructure  <b>Policy S6</b> Managing heat risk  <b>Policy S7</b> Improving Air Quality  <b>Policy S8</b> Flood Risk Management  <b>Policy S9</b> Integrated Water Management and Sustainable Drainage  <b>Policy S10</b> Circular Economy and Adaptive Design</p>	<p><b>Policy DH2</b> Heritage assets  <b>Policy DH3</b> Building heights  <b>Policy DH4</b> Basement development  <b>Policy DH5</b> Agent-of-change, noise and vibration</p>
<p><b>C) Bunhill and Clerkenwell Area Action Plan 2023</b></p>	
<p><b>2. Area wide policies</b>  <b>Policy AAP1</b> Prioritising office use</p> <p><b>Site Allocations</b>  <b>BC48:</b> Castle House, 37-45 Paul Street, and Fitzroy House, 13-17 Epworth Street and 1-15 Clere Street</p>	<p><b>3. Area Spatial Strategies</b>  <b>Policy AAP3</b> City Fringe Opportunity</p>

## Designations

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

- Central Activities Zone ('CAZ');
- Bunhill & Clerkenwell Core Strategy Key Area;
- Employment Priority Area 14 (General) (Great Sutton Street);
- Article 4 Direction B1c to C3 (CAZ);
- Article 4 Direction A1-A2 (Rest of Borough);

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

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

### **London Plan**

Accessible London (2014)  
Character and Context SPG  
Culture & the night time economy (2017)  
Sustainable Design & Construction (2014)  
Use of planning obligations in the funding of Crossrail,  
and the Mayoral Community Infrastructure Levy (2013)  
Fire Safety draft LPG

**APPENDIX 3 – 12 October 2023 Committee Report**

# ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM</b>
<b>Date:</b>	12 <sup>th</sup> October 2023	<b>NON-EXEMPT</b>

<b>Application number</b>	P2022/2893/FUL
<b>Application type</b>	Full Planning Application – Major
<b>Ward</b>	Bunhill
<b>Listed building</b>	N/A
<b>Conservation area</b>	Within 50 metres of Bunhill Fields and Finsbury Square;
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity Area; Bunhill & Clerkenwell Core Strategy Key Area; Employment Priority Area 20 (General) (Epworth Street/Old Street); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough); Moorfields Archaeological Priority Area; Site Allocation BC48
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	Castle House, 37 - 45 Paul Street, Fitzroy House 13-17 Epworth Street and 1-5 Clere Street
<b>Proposal</b>	Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	Lion Portfolio Ltd
<b>Agent</b>	DP9

## 8. RECOMMENDATION

8.1 The Committee is asked to resolve to **GRANT** planning permission:

4. Subject to Conditions set out in **Appendix 1**;
5. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in **Appendix 1**; and
6. Subject to any direction by the Major of London to refuse the application or for it to be called in for the determination by the Mayor of London.

## 9. BACKGROUND OF DEFERRAL

9.1 The application was on the 18 July 2023 Planning Committee meeting. At the meeting the Chair outlined, prior to the application being presented to members by officers, that the item would not be considered in order to provide officers and the applicant sufficient time to further address the quality of affordable workspace, the whole life carbon assessment and a consideration of the impacts to residents with protected characteristics. It was considered that these aspects of the proposal have the potential to go to the heart of the design of the scheme and could result in fundamental design changes once addressed.

9.2 Since the 18 July 2023 Planning Committee meeting, the Applicant has submitted additional/updated information as follows:

- Updated Whole Life Carbon assessment Revision 08 dated 28 September 2023;
- Updated Circular Economy Statement Revision 08 dated 28 September 2023;
- Updated consolidated Affordable Workspace Statement dated 11 August 2023;

9.3 The Applicant has been corresponding with officers at both London Borough of Islington and the Greater London Authority since the 18 July 2023 Planning Committee meeting, with the Applicant submitting the updated WLC and CE details to the GLA for comment.

## 10. LOCAL PLAN UPDATE

10.1 At a meeting of the Full Council on 28 September 2023, the adoption of Islington's new Local Plan was approved. The new Local Plan consists of three elements: the Strategic and Development Management Policies; Site Allocations; and Bunhill and Clerkenwell Area Action Plan and will cover the period up to 2036/2037.

10.2 The new Local Plan will guide development in the borough over the next 10-15 years and will play a vital role in helping deliver the council's priorities including its social, economic and environmental objectives. It includes a robust, ambitious and innovative set of planning policies, with some key policy requirements going over and above the London Plan policies. For instance, the new Local Plan sets higher requirements for securing genuinely affordable housing. Similarly, Islington's policies on tackling climate change go beyond the London Plan requirements in several ways, including in relation to energy efficiency and whole-life carbon.

10.3 The previous report to Committee in July 2023 made reference to policies in Islington's adopted Local Plan (Core Strategy (2011), Development Management Policies, Site Allocations and Finsbury Local Plan Development Plan Documents (DPDs) (all 2013)). It also referred to 'Emerging policies' of the new Local Plan. Both adopted and emerging policies were correctly considered according to the weighting at that time. In taking this item back following deferral, the policy context that has changed is the weight that can be attributed to each Plan. Since July 2023, the weight to be attributed to the 'new Local Plan' has now increased and those policies can now be given full weight in determining the current application. The previous Local Plan has now been superseded and no weight can be given to those policies in determining the current application.



## 11. CONSULTATION

- 11.1 Further to the previous consultation, the application was re-consulted upon for 14 days. Letters were sent again to occupants of 1,346 adjoining and nearby properties on 24 August 2023. A site notice and press advert were displayed on 24 August 2023.
- 11.2 It is the Council's practice to continue to consider representations made up until the date of a decision. As such, should any representations be received after the publication date of this report, and up to the date of a decision, these will be given full consideration, reported to the Committee and where necessary an update provided regarding the assessment.
- 11.3 Since the 18 July 2023 Planning Committee Report was published, 1 comment in support of the application has been received and a further 30 new objections have been received, alongside updated objections from those who have already objected to the proposal. As such, the total number of objections received is **133** to date. The objections received which include further or new points are summarised as follows:

### Statutory Consultation

- Those with a significant interest in this application were away on holiday and so it is unreasonable for the Council to expect interested parties to be able to review and respond to this documentation within the stipulated 14-days period of this re-consultation, even with the benefit of professional advice. *[Officer response: Extensive public consultation has been undertaken by the Council in accordance with statutory requirements and the Council's Statement of Community Involvement, whilst officers will continue to consider representations received up until the date of decision.]*

### Sustainability

- Multiple deficiencies in the applicant's assessment to the point where the technical case for demolition cannot be considered to have been appropriately made in planning policy terms. the embodied carbon (m2) rate claimed for the proposal is 1,862 kgCO<sub>2</sub>e/m<sup>2</sup> (according to the applicant's Whole Life Carbon Assessment (dated July 2022), which, if correct and still the case, substantially exceeds the LETI 2030 Target for offices of 530 kgCO<sub>2</sub>e/m<sup>2</sup>. Hence, the proposed development would not meet the LETI 2030 Target and it follows that a comprehensive retrofit/refurbishment would be the most carbon efficient outcome;
- A 'Report on the proposed demolition of Castle and Fitzroy House' prepared by Preoptima submitted by objectors, in which "the report focuses in particular on greenhouse gas emissions (commonly termed as carbon emissions), structural considerations, a circular economy ethos, and the alignment of the proposed development with LBI's Climate Action Plan and wider efforts on how the UK can achieve a sustainable built environment".  
*[Officer response: See paragraphs 6.1–6.22 below which address updated sustainability, whole life carbon and circular economy considerations.]*

- 11.4 The further objections received reiterate points and concerns raised previously and considered in the 18 July 2023 Committee Report at Appendix 3.
- 11.5 Further responses from the following consultees have also been received:
- 11.6 London Borough of Hackney: Objection. The proposal would result in a loss of light to 2 residential buildings located to the north on Clere Street resulting in a harmful loss of amenity for the occupiers of those buildings.

Hackney's previous consultation response is within paragraph 7.8 of the 18 July 2023 Planning Committee at Appendix 3.

- 11.7 Other responses from external stakeholders (Cross Rail, Transport for London, Historic England etc.) have been received confirming that no further comments are raised on the application and any previous comments (as outlined in paragraphs 7.6-7.15) of the 18 July 2023 Planning Committee Report at Appendix 3.

## 12. PUBLIC SECTOR EQUALITY DUTY

- 12.1 The public sector equality duty ('PSED') is found in s149 of the Equalities Act 2010 and provides that a public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 12.2 The relevant protected characteristics are "age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, and sex and sexual orientation."
- 12.3 The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- 12.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 12.5 Each Local Planning Authority is subject to the Public Sector Equality Duty in carrying out its functions. The PSED requires the taking of reasonable steps to make enquiries about what may not yet be known to the LPA about the potential impact of a proposed decision or planning policy on people with the relevant characteristic.
- 12.6 When discharging the PSED, this does not require a formal assessment such as an Equality Impact Assessment but does require some assessment to be made.
- 12.7 It has been highlighted within representations received that a number of residents at 10 Epworth Street are within a protected characteristic, being those with a disability, and should be considered as part of the PSED.
- 12.8 Officers have considered whether people with a disability would be unacceptably and/or disproportionately adversely impacted by the proposed development. It has been outlined that the proposed development would see a reduction in daylight at paragraphs 9.210 to 9.217 of the 18 July 2023 Committee Report at Appendix 3. Officers have considered the impact of the development upon all neighbouring residential properties against BRE guidance including those with protected characteristics. It should be noted that 10 Epworth Street has a number of architectural features as existing which limits existing levels of daylight (overhanging balconies/walkways) and as such windows to 10 Epworth Street are susceptible to reductions in daylight from development of the subject site. The impact of the daylight upon all neighbouring properties has been fully considered and it is considered that the proposal would not be disproportionately disadvantage residents of 10 Epworth Street.
- 12.9 Further, other impacts upon neighbouring amenity have also been considered to all neighbouring residential properties and those with protected characteristics, including loss of outlook, sense of enclosure, loss to privacy from overlooking, increase in noise and disturbance.
- 12.10 A number of objections raised suggest that the proposal would be of detriment to the access of neighbouring buildings, specifically 10 Epworth Street. The proposal does not seek to remove or change the access arrangements to this neighbouring building. Concerns regarding access during construction are to be considered through the submission of a finalised 'Demolition and Construction

Environmental Management Plan' which should ensure that the disturbance, including access arrangements and noise, to neighbouring buildings is minimised.

- 12.11 Further, it has been highlighted that the National Deaf Children's Society exists to campaign for and reduce inequality and protect individuals with protected characteristics. The representation states that the original committee report significantly misdirects the Committee Members as the report concentrates on the form of occupation, rather than the protected characteristics of the occupier's beneficiaries and the impact this scheme would have on them.
- 12.12 The charity is a tenant of the existing building, in which the charity exists to campaign for and reduce inequality and to protect individuals with protected characteristics. However, the occupier (the charity) is, therefore, subject to a lease between the owner and the tenant. As such, officers consider that given the existing tenancy is between the owner and the tenant in determining continued occupancy or vacating the unit, then the Local Planning Authority has no remit to be involved in this commercial arrangement. This is therefore considered to be an indirect impact.
- 12.13 In summary, it is considered that officers have had regard to the equality duty, in the exercise of their functions, and had due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not. Officers acknowledge that although there would be some negative direct impact to neighbouring residents who have been identified as having protected characteristics due to the reduction in daylight to neighbouring windows/rooms, the extent of the impact is not considered unacceptable and disproportionate.

### **13. UPDATED ASSESSMENT**

#### Whole Life Carbon

- 13.1 London Plan Policy SI 2 requires proposed developments to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint.
- 13.2 Local Plan policy S4 states that all major development proposals must calculate whole lifecycle carbon emissions through a nationally recognised whole life-cycle carbon assessment and demonstrate actions taken to reduce life-cycle carbon emissions (WLC).
- 13.3 An updated Whole Life-cycle Carbon ('WLC') assessment (revision 08 dated 28 September 2023) has also been undertaken to quantify the embodied carbon of the proposal. This would be updated at each design stage as more of the design becomes quantifiable, and the specific materials become known. This WLC Assessment has been prepared in line with the GLA's London Plan Policy SI2 and using the methodology outlined in the RICS Professional Statement 2017 and BS EN15978:2011.
- 13.4 The WLC assessment has been carried out for the proposed development in line with RICS Whole Life Carbon Guidance and relevant planning policy. The assessment is in line with GLA guidance on WLC assessments and demonstrates how the project has taken measures to reduce whole life carbon emissions. It is anticipated that the WLC emissions of the proposed development will be 2,300kgCO<sub>2e</sub>/m<sup>2</sup>. This can be broken down into upfront carbon excl. demolition (642 kgCO<sub>2e</sub>/m<sup>2</sup>), demolition of existing building (15 kgCO<sub>2e</sub>/m<sup>2</sup>), embodied carbon in use and end-of-life (465 kgCO<sub>2e</sub>/m<sup>2</sup>), and operational carbon (1,192 kgCO<sub>2e</sub>/m<sup>2</sup>).
- 13.5 The proposal would achieve embodied carbon of 642 kgCO<sub>2e</sub>/m<sup>2</sup> which would meet the policy requirement WLC benchmark for material quantity and end of life scenarios of 950 kgCO<sub>2e</sub>/m<sup>2</sup>, however would exceed the aspirational target of 600 kgCO<sub>2e</sub>/m<sup>2</sup>.
- 13.6 For all embodied carbon WLC benchmark, the proposal would achieve 975 kgCO<sub>2e</sub>/m<sup>2</sup>, which would meet the policy requirement of 1400 kgCO<sub>2e</sub>/m<sup>2</sup>, however would exceed the aspirational target of 900 kgCO<sub>2e</sub>/m<sup>2</sup>.

- 13.7 The GLA's sustainability officers have reviewed the updated/revised submission details and responded within a spreadsheet memo outlining each of the elements of the whole life carbon assessment methodology. The GLA have responded stating that there are no fundamental issues with the submitted WLC information and that all comments/queries have been addressed.
- 13.8 In order to work towards the aspirational benchmarks, further improvements via further design stages are sought through condition 25.

### Circular Economy

- 13.9 London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process. London Plan Policy SI 7 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, following the Circular Economy Statements LPG. Further, policy SI 7 states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.
- 13.10 New Local Plan policy S10 states that all developments must adopt a circular economy approach to building design and construction in order to keep products and materials in use for as long as possible to minimise construction waste.
- 13.11 An updated Circular Economy ('CE') assessment (revision 08 dated 28 September 2023) with appendices and responses within the GLA Memo form has been submitted.
- 13.12 The revised Circular Economy Statement outlines that numerous studies have been undertaken into different design approaches for the site, including complete retention of the building, through various deep retrofits and façade retention schemes, and new build/full redevelopment.
- 13.13 The Applicant has conducted a number of studies that investigate the opportunity to retain the existing structure. An initial study was undertaken in January 2023 ("Retrofit vs New Build Briefing Note"). Following the Retrofit vs New Build Briefing Note, a further study was undertaken by the team in June 2023 to look in more detail at a retention scheme. The proposed retention scheme is designed to match that of the new-build as closely as possible, in order to provide a like-for-like comparison: both schemes have an approximately equivalent footprint, floor area, basement provision and appearance in townscape views.
- 13.14 In addition to the carbon, monetary and programme comparisons, the study acknowledged that the existing building is elevated from street level by circa 1m. The retention scheme would require the removal and replacement of the entire existing G/F slab to create level thresholds to all surrounding streets. The pavement widths are currently limited on Epworth Street and Paul Street. Improvements in the public realm, including wider pavements, are planned with the construction of the proposed building. This would require a cut-back to the existing structure in places.
- 13.15 The proposal requires the building of a basement underneath the existing structure. Plant and end-of-journey facilities are located in this basement in order to maximise public-facing G/F use and to maximise a useable roof terrace.
- 13.16 The proposal based on a new build with 2 levels of basements has an upfront carbon rate of 635 kgCO<sub>2</sub>e/m<sup>2</sup>. The alternative retention option would also have 2 basement levels and would retain parts of floors one and three. The upfront carbon rate of this scheme would be 601 kgCO<sub>2</sub>e/m<sup>2</sup>, just 5% less than the proposed redevelopment.
- 13.17 The study also concluded that for the retention option:
- To optimise the site, additional floors are proposed above the existing structure. This requires existing columns to be strengthened and existing slabs to be extended. A transfer structure is required on the top floor of the existing building for improved grids above;

- 10 existing cores are consolidated into a single central core and 2 satellite cores. Segments of existing structure are to be demolished to make way for an optimised core layout. Previously existing core locations would need infilling;
- The proposal requires the relocation and consolidation of the 5 UKPN substations distributed across the existing building. Floor-to-ceiling heights are constrained in the existing floor plans, which are likely to require perimeter servicing, resulting in reduction in net area;
- Under-performing and poor quality existing façades will require replacement. Use of cement mortar limits the re-usability of brick and non-thermally-broken frames and tinted glass limits the re-usability of the windows. Appropriate streams of recycling of these materials, where possible, will be identified.

13.18 The study concludes that there are significant complexities in achieving the desired outcome with re-use of the existing structure. Additionally the retention of the existing structure would not achieve the same level of future durability and adaptability as the new build scheme.

13.19 The pre-demolition audit identified a large amount of inert material in the building and therefore concludes that no materials were identified to be viable for reclamation or reuse within a redevelopment option, however 99% of materials are to be recycled accordingly.

<b>Circular Economy targets for existing and new development</b>	<b>Policy requirement</b>	<b>Target % aiming for by development</b>
Demolition waste materials (non-hazardous)	Minimum of 95% diverted from landfill for reuse, recycling or recovery.	95%
Excavation waste materials	Minimum of 95% diverted from landfill for beneficial reuse.	95%
Construction waste materials	Minimum of 95% diverted from landfill for reuse, recycling or recovery.	95%
Municipal waste	Minimum 65% recycling rate by 2030.	80%
Recycled content	Minimum 20% of the building material elements to be comprised of recycled or reused content.	20%

13.20 The GLA's sustainability officers have reviewed the updated/revised submission details and responded within a spreadsheet memo outlining each of the elements of the circular economy hierarchy. The GLA have responded stating that that most comments/queries have been addressed and no fundamental concerns remain.

13.21 In order to work towards the aspirational benchmarks, further improvements via further and finalised design stages are sought through condition 27.

13.22 It is acknowledged that there should generally be a strong presumption in favour of repurposing and reusing buildings, as reflected in paragraph 152 of the NPPF. With regards to the subject site, in which the existing buildings are structurally sound and are in a location with the excellent public transport and accessibility, justification of demolition and rebuilding. However, it should also be acknowledged that the use of the site should be optimised in accordance with the land use thrust (including site allocation for intensification of office use) and prevailing urban character, such as massing and heights.

#### Affordable Workspace

13.23 London Plan Policy E3 states that considerations should be given to the need for affordable workspace in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones) or in locations where

the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.

- 13.24 At the time the application was submitted, and also when the application was presented to the Planning Committee in July 2023, the adopted policy in relation to Affordable Workspace was contained Islington's Development Management Policies 2013, which has now been superseded. Policy DM5.4 of the Council's Development Management Policies Document ('DMP') was concerned with the size and affordability of workspace.
- 13.25 The new Local Plan policy B4 states that within the CAZ and Bunhill and Clerkenwell Area Action Plan area, major development proposals involving office development must incorporate 10% affordable workspace (AWS) (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years or in perpetuity if the proposal is for over 10,000sqm in floorspace. For proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to the uplift in floorspace only and not the whole floorspace.
- 13.26 The applicant proposes affordable workspace provision to be located to the south western part of the building, at ground and lower ground level. The affordable workspace unit would measure a total of 2,008sqm which equates to 13.4% of the total uplift in office floorspace proposed. The applicant has agreed that the affordable workspace unit would be leased to the Council in perpetuity, in accordance with new Local Plan policy B4.
- 13.27 The affordable workspace provision would have a dedicated access on Epworth Street and would also have numerous other access points at lower ground level to the cycle/changing facilities and to the central atrium. As such, the affordable workspace unit would have the same access to the shared facilities as the other market office floorspace above, including the extensive rooftop terraces.
- 13.28 The updated Affordable Workspace Strategy has amended the layout of the proposed unit, relocating and expanding the lightwells at ground floor level just behind the southern elevation. Further, an additional lightwell has been included to the rear of the unit to allow for increased natural light to reach the lower ground area of the unit as shown in the now consolidated Affordable Workspace Strategy. The illustrative layouts included within the Affordable Workspace Strategy show that areas which would not receive direct natural light could be used for meeting rooms, storage, breakout/kitchenette areas and other back-of-house operational needs. On balance, given the above, officers consider that the delivery of affordable workspace proposed is considered acceptable.
- 13.29 The proposed Affordable Workspace unit and planning obligations to be secured through legal agreement is, therefore, considered to be in accordance with London Plan policy E1 and Islington Local Plan policy B4.

## **14. CONCLUSION**

- 14.1 Following the deferral of the application at the 18 July 2023 Committee Meeting, the Applicant has provided additional information to support the proposal. Officers' (including GLA officers) have assessed and reviewed this information and are content that it addresses the reasons for deferral. Officers' recommendation for approval subject to conditions and completion of a legal agreement, remains.
- 14.2 It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in Appendix 1 – RECOMMENDATIONS.

# APPENDIX 1: RECOMMENDATIONS

## RECOMMENDATION A

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

- p. Provision of 2,008sqm affordable workspace unit at lower ground and ground floor level to be leased to the Council at peppercorn rent in perpetuity and a service charge of no more than 50%;
- q. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- r. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of (number to be confirmed by TfL) and carried out at the Applicant's expense;
- s. Submission of a full Travel Plan;
- t. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- u. Facilitation, during the construction phase of the development, of the following number of work placements: 16x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £80,000;
- v. A contribution of £464,500 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- w. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- x. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been

provided), the development can be connected to a local energy network if a viable opportunity arises in the future;

- y. Compliance with the Code of Employment and Training;
- z. Compliance with the Code of Local Procurement;
- aa. Compliance with the Code of Construction Practice, including a monitoring fee of: £21,265 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- bb. Contribution towards employment and training for local residents of a commuted sum of: £183,777; and
- cc. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

*Transport for London*

- dd. Contribution (TBC by TfL prior to Stage 2) towards improvement to the carriageway of Wilson Street and Paul Street (Cycleway 1);

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:

<b>1</b>	<b>COMMENCEMENT OF DEVELOPMENT</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p>



A284-MCO-XX-XX-DR-A-05001 rev: P03 - Location Plan;  
A284-MCO-XX-XX-DR-A-05010 rev: P03 - Site Plan;  
A284-MCO-XX-B2-DR-A-06108 rev: P03 - Proposed Basement Floor Plan;  
**A284-MCO-XX-B1-DR-A-06109 rev: P04 - Proposed Lower Ground Plan;**  
**A284-MCO-XX-L0-DR-A-06110 rev: P04 - Proposed Ground Floor Plan;**  
A284-MCO-XX-L1-DR-A-06111 rev: P03 - Proposed L1 Floor Plan;  
A284-MCO-XX-L2-DR-A-06112 rev: P03 - Proposed L2 Floor Plan;  
A284-MCO-XX-L3-DR-A-06113 rev: P03 - Proposed L3 Floor Plan;  
A284-MCO-XX-L4-DR-A-06114 rev: P03 - Proposed L4 Floor Plan;  
A284-MCO-XX-L5-DR-A-06115 rev: P03 - Proposed L5 Floor Plan;  
A284-MCO-XX-L6-DR-A-06116 rev: P03 - Proposed L6 Floor Plan;  
A284-MCO-XX-R1-DR-A-06117 rev: P03 - Proposed R1 Floor Plan;  
A284-MCO-XX-R2-DR-A-06118 rev: P03 - Proposed R2 Floor Plan;  
A284-MCO-XX-XX-DR-A-06201 rev: P03 - Proposed North Elevation;  
A284-MCO-XX-XX-DR-A-06202 rev: P03 - Proposed East Elevation;  
A284-MCO-XX-XX-DR-A-06203 rev: P03 - Proposed South Elevation;  
A284-MCO-XX-XX-DR-A-06204 rev: P03 - Proposed West Elevation;  
A284-MCO-XX-XX-DR-A-06301 rev: P03 - Proposed Long Section;  
A284-MCO-XX-XX-DR-A-06302 rev: P03 - Proposed Short Section;  
0209853-HLE-XX-B2-DR-CS-10001 rev P01 - Combined Services Plant Layout Basement 2;  
Acoustic Report 29065/AS-Stage2/Rev1 dated 15 July 2022;  
Access Comments Response Document A284-10.01-107-RevA dated 03/02/2023;  
Air Quality Assessment dated July 2022;  
**Affordable Workspace Update - A284-MCO-XX-XX-DS-A-04002 dated 11 August 2023;**  
Archaeological desk-based assessment dated July 2022;  
Biodiversity Impact Assessment dated June 2022;  
BS5837 Tree Survey and Arboricultural Impact Assessment dated July 2022;  
Castle & Fitzroy House - Demand Report dated July 2022;  
Castle & Fitzroy House: additional view analysis (addendum) dated 9 January 2023  
Design And Access Statement rev P3 - A284-MCO-XX-XX-DS-A-01000 dated July 2022;  
Economic Regeneration Statement;  
Energy Statement rev 03 dated 25.04.2023 and SKE-0209853-7C-HL-20221110-Future DEN  
Connection dated 14/11/2022;  
Environmental Noise Survey Report 29065/ES1/Rev1 dated 15 July 2022;  
Fire safety statement for planning – Castle & Fitzroy House;  
Flood Risk Assessment & SuDS Strategy Report dated 17 May 2022 and FRA & SuDS Strategy  
Report Addendum dated 22/05/2023;  
Ground floor plan-exceedance flows dated 23/02/2023;  
Health Impact Assessment dated July 2022;  
Landscape Statement A284-MCO-XX-XX-DS-A-01000;  
Odour Assessment revision 02 dated 15 July 2023;  
Outline Delivery and Servicing Plan dated July 2022;  
Operational Waste Management Plan dated February 2023;  
Preliminary Ecological Appraisal dated July 2022;  
Proposed Drainage Strategy dated 16/02/2023;  
Retail Impact Assessment dated July 2022;  
Retrofit vs New Build Briefing Notes rev P02 dated 3 January 2023;  
Site Investigation and Contaminated Land Assessment Report dated 30 May 2022;  
Structural Method Statement (SMS) Report dated 20 July 2022;  
Sustainability Statement rev 02 dated July 2023;  
Townscape, Heritage and Visual Impact Assessment dated July 2022;  
Transport Assessment dated July 2022 and Stage 1 Report – Applicant Response (Transport)  
dated 18 January 2023;  
**Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215\_Castle and  
Fitzroy House\_wlca\_assessment\_template\_planning\_Rev08;**  
**Circular Economy Statement revision 08 dated 28 September 2023 and  
gla\_circular\_economy\_statements\_template\_Castle Fitzroy House\_Rev05;**

	<p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant, and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Detail and Samples)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses for all facing bricks;</li> <li>b) render (including colour, texture and method of application);</li> <li>c) windows and doors (including sections and reveals);</li> <li>d) roofing materials (including facing materials);</li> <li>e) any balustrading treatment (including sections); and</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the amenity of neighbouring residents is not adversely affected.</p>
<b>5</b>	<b>Refuse and Recycling (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>7</b>	<b>Flat Roofs (Compliance)</b>
	<p>CONDITION: Notwithstanding the identified roof terrace amenity areas within the approved plans, the flat roofs of the development hereby approved, including the identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>The roof terraces shall not be used outside the hours: 0800 – 2000.</p>

	REASON: To ensure that the amenity of residents is not adversely affected.
<b>8</b>	<b>Internal Lighting and Roller Blinds (Details and Compliance)</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to):</p> <ul style="list-style-type: none"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul> <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.</p>
<b>9</b>	<b>External Lighting (Details)</b>
	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works above ground of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
<b>10</b>	<b>Delivery and Servicing Plan (Compliance)</b>
	<p>CONDITION: Prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL). The plan shall include details of all servicing and delivery requirements of the site (including a booking system and measures to reduce impact upon neighbouring amenity), delivery and servicing times, measures to encourage sustainable methods of delivery (e.g. cargo bikes), waste and recycling collection and management against misuse.</p> <p>No deliveries or servicing, except by foot or cargo bike, shall take place within the hours of 1600 – 1900 and 2200 – 1000.</p> <p>The approved details shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
<b>11</b>	<b>Demolition, Construction and Environmental Management Plan (Details)</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p>

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

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

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

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

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

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>13</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Energy Strategy identifying further improvements on how the development will achieve a reduction of 27% in total (regulated and unregulated) emissions against Part L 2013 baseline and a full feasibility study of connections to a Decentralised Energy Network, shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved.</p> <p>The measures identified in the approved strategy shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Green Roofs (Details and Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> <li>a) substrate base depth;</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>15</b>	<b>Urban Greening Factor (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
<b>16</b>	<b>Bird and Bat Boxes (Details and Compliance)</b>
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to</p>

	<p>the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The hereby approved Inclusive Design and Accessibility shall be installed and operational prior to first occupation of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>18</b>	<b>Sustainable Urban Drainage (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Flood Risk Assessment &amp; SuDS Strategy outlining further measures to achieve a QBAR greenfield rate (0.7 l/s) and shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved. The final strategy and measures shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>19</b>	<b>Piling Method Statement – Thames Water (Details)</b>
	<p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
<b>20</b>	<b>Basement Excavation (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (SMS) Report dated 20 July 2022, unless otherwise agreed in writing. The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>21</b>	<b>Restriction of approved Uses and Removal of Permitted Development Rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place unless otherwise agreed in writing by the Local Planning Authority.</p>

	<p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the Central Activities Zone, Employment Growth Area and wider Borough. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
<b>22</b>	<p><b>Restriction of PD Rights - Class E to residential (Compliance)</b></p>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location.</p>
<b>23</b>	<p><b>Contaminated Land (Details)</b></p>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> <li>d. A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</li> <li>e. A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</li> <li>f. Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</li> </ul>

	<p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
<b>24</b>	<b>Fire Safety Strategy (Compliance)</b>
	<p>CONDITION: The details and measures set out in the Fire safety statement prepared by Hoare Lee shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
<b>25</b>	<b>Whole Life Carbon (Details)</b>
	<p>CONDITION: An updated Whole Life Carbon Assessment shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>a) Prior to demolition works and relating to the demolition phase; and b) Prior to construction works</p> <p>The updated assessment shall include/address:</p> <ul style="list-style-type: none"> <li>• Further carbon reduction quantification through the detailed design stage material selection and specification;</li> <li>• Completed Updated GLA Whole Life-Cycle Carbon Assessment</li> <li>• 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;</li> <li>• Details of life cycle of embodied carbon and finite resources relating to the enabling works stage and end of life approach;</li> <li>• 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;</li> <li>• Consideration of end-of-life de-construction;</li> <li>• Cost premiums, supply chain limits and structural constraints for the proposal and Implications of Key Performance Indicators not being met; and</li> <li>• Updated targets for Bill of Materials;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b), and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>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.</p>
<b>26</b>	<b>Whole Life Carbon Post -Construction Assessment Report (Details)</b>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a whole life carbon post-construction assessment report shall be submitted to approved by the Local Planning Authority.</p>



	<p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>27</b>	<p><b>Circular Economy (Details)</b></p> <p>CONDITION: An updated Circular Economy Statement shall be submitted to, and approved in writing by, the Local Planning Authority as follows:  c) Prior to demolition works and relating to the demolition phase; and  d) Prior to construction works</p> <p>The updated statement shall include outstanding information including the reporting of key metrics and commitments to achieve London Plan policy targets. The information and specific commitments shall demonstrate how the development will achieve Circular Economy actions and principles identified.</p> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b) and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>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.</p>
<b>28</b>	<p><b>Circular Economy Post-Construction Report (Details)</b></p> <p>CONDITION: Within 3 months of practical completion of the development hereby approved, a post-construction circular economy report shall be submitted to the Local Planning Authority for approval in writing.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that circular economy principles have been incorporated into the design, construction and management of the approved development in accordance with London Plan Policy S17.</p>
<b>29</b>	<p><b>External Signage (Details)</b></p> <p>CONDITION: Prior to occupation of the development hereby approved, details of all external signage shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such permanently thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
<b>30</b>	<p><b>Opening Hours – Retail (Compliance)</b></p> <p>CONDITION: The hereby approved retail units (Use Class E(a)) shall be operational only between the following hours:</p> <p>Monday to Saturday: 0700 – 2300  Sunday and Public Holidays: 0800 – 2000</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>

<b>31</b>	<b>Amplified Music (Details)</b>
	<p>CONDITION: No amplified music shall be played either internally or externally until an Noise Report which assesses the cumulative impact of music and crowd noise has been submitted and approved by the Local Planning Authority.</p> <p>REASON: To ensure that an appropriate standard of neighbouring residential accommodation is provided.</p>
<b>32</b>	<b>Archaeological Written Scheme of Investigation</b>
	<p>CONDITION: No demolition or development shall take place until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing, by the Local Planning Authority. For land that is included within the Stage 1 WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by the stage 1 WSI, then for those parts of the site which have archaeological interest, a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is the Stage 2 WSI, no demolition or development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:</p> <p>The statement of significance and research objectives, the programme and methodology of site investigation, recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>Where appropriate, details of a programme for delivering related positive benefits;</p> <p>The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in Stage 2 WSI.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>33</b>	<b>Building Operation Management Plan (Details)</b>
	<p>CONDITION: An Operation Management Plan providing details of how access to and management of the roof-top amenity space is to be achieved shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and disturbance.</p>
<b>34</b>	<b>Digital Connectivity (Details)</b>
	<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>
<b>35</b>	<b>Tree Protection (Details)</b>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s)(TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> <li>q. Specific issues to be dealt with in the TPP and AMS:</li> <li>r. location and installation of services/ utilities/ drainage;</li> <li>s. methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;</li> <li>t. details of construction within the RPA or that may impact on the retained trees;</li> </ul>

	<ul style="list-style-type: none"> <li>u. a full specification for the installation of boundary treatment works;</li> <li>v. 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;</li> <li>w. 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;</li> <li>x. a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;</li> <li>y. a specification for scaffolding and ground protection within tree protection zones;</li> <li>z. tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</li> <li>aa. 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;</li> <li>bb. boundary treatments within the RPA;</li> <li>cc. methodology and detailed assessment of root pruning;</li> <li>dd. reporting of inspection and supervision;</li> <li>ee. methods to improve the rooting environment for retained and proposed trees and landscaping; and</li> <li>ff. veteran and ancient tree protection and management.</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
<b>36</b>	<p><b>Roof Terrace/Balcony furniture or structures (Details)</b></p> <p>CONDITION: Details of any roof terrace/balcony furniture or structures (including seating, planters, fencing, wind breaks, umbrellas and heaters) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The details shall include the location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof top plant ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>

**List of Informatives:**

<b>1</b>	<b>Section 106 agreement</b>
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Construction Works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday, excluding event

	<p>days including football games, where the site must not be operational 2.5 hours prior to kick-off and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
<b>3</b>	<b>Highway Requirements</b>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p>
<b>4</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>5</b>	<b>Tree Works Specification</b>
	<p>The following British Standards should be referred to:</p> <ol style="list-style-type: none"> <li>a. BS: 3882:2015 Specification for topsoil</li> <li>b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li> <li>c. BS: 3998:2010 Tree work – Recommendations</li> <li>d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li> <li>e. BS: 4043:1989 Recommendations for Transplanting root-balled trees</li> <li>f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li> <li>g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</li> <li>h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</li> <li>i. BS: 8601:2013 Specification for subsoil and requirements for use</li> </ol>
<b>6</b>	<b>Thames Water (1)</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.</p>

	The developer should take account of this minimum pressure in the design of the proposed development.
<b>7</b>	<b>Thames Water (2)</b>
	<p>The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Water's underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.</p> <p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>.</p> <p>Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a></p>
<b>8</b>	<b>Definition of Superstructure and Practical Completion</b>
	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>9</b>	<b>Alterations to the highway</b>
	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 <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a> Any damage or blockages to drainage will be repaired at the cost of the developer. 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.

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

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

### Development Plan

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

<b>A) The London Plan 2021 - Spatial Development Strategy for Greater London</b>	
<p><b>1. Planning London's Future - Good Growth</b>  <b>Policy GG2</b> Making the best use of land  <b>Policy GG5</b> Growing a good economy</p> <p><b>2. Spatial Development Patterns</b>  <b>Policy SD4</b> The Central Activities Zone  <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ</p> <p><b>3. Design</b>  <b>Policy D1</b> London's form, character and capacity for growth  <b>Policy D3</b> Optimising site capacity through the design led approach  <b>Policy D4</b> Delivering good design  <b>Policy D5</b> Inclusive design  <b>Policy D8</b> Public Realm  <b>Policy D10</b> Basement development  <b>Policy D11</b> Safety, security and resilience to emergency  <b>Policy D12</b> Fire safety  <b>Policy D13</b> Agent of Change  <b>Policy D14</b> Noise</p> <p><b>6. Economy</b>  <b>Policy E1</b> Offices  <b>Policy E2</b> Providing suitable business space  <b>Policy E3</b> Affordable Workspace  <b>Policy E11</b> Skills and opportunities for all</p>	<p><b>7. Heritage and Culture</b>  <b>Policy HC1</b> Heritage conservation and growth</p> <p><b>8. Green Infrastructure and Natural Environment</b>  <b>Policy G5</b> Urban Greening  <b>Policy G6</b> Biodiversity and access to nature  <b>Policy G7</b> Trees and woodlands</p> <p><b>9. Sustainable Infrastructure</b>  <b>Policy SI1</b> Improving air quality  <b>Policy SI2</b> Minimising greenhouse gas emissions  <b>Policy SI4</b> Managing heat risk  <b>Policy SI5</b> Water infrastructure  <b>Policy SI7</b> Reducing waste and supporting the circular economy  <b>Policy SI12</b> Flood risk management  <b>Policy SI13</b> Sustainable drainage</p> <p><b>10. Transport</b>  <b>Policy T2</b> Healthy Streets  <b>Policy T3</b> Transport capacity, connectivity and safeguarding  <b>Policy T4</b> Assessing and mitigating transport impacts  <b>Policy T5</b> Cycling  <b>Policy T6</b> Car parking  <b>Policy T6.2</b> Office parking  <b>Policy T7</b> Deliveries, servicing and construction</p>
<b>B) Islington Local Plan Strategic and Development Management Policies 2023</b>	
<p><b>1. PLAN01</b> Site appraisal, design principle and process</p> <p><b>2. Area Spatial Strategies</b>  <b>Policy SP1</b> Bunhill &amp; Clerkenwell</p> <p><b>4. Inclusive Economy</b>  <b>Policy B1</b> Delivering a range of affordable business floorspace  <b>Policy B2</b> New business floorspace  <b>Policy B4</b> Affordable workspace  <b>Policy B5</b> Jobs and training opportunities  <b>Policy R8</b> Location and Concentration of uses</p>	<p><b>7. Public Realm and Transport</b>  <b>Policy T1</b> Enhancing the public realm and sustainable transport  <b>Policy T2</b> Sustainable Transport Choices  <b>Policy T3</b> Car-free development  <b>Policy T4</b> Public realm  <b>Policy T5</b> Delivery, servicing and construction</p> <p><b>8. Design and Heritage</b>  <b>Policy DH1</b> Fostering innovation while protecting heritage  <b>Policy DH2</b> Heritage assets  <b>Policy DH3</b> Building heights  <b>Policy DH4</b> Basement development</p>

<p><b>5. Green Infrastructure</b>  <b>Policy G4</b> Biodiversity, landscape design and trees  <b>Policy G5</b> Green roofs and vertical greening</p> <p><b>6. Sustainable Design</b>  <b>Policy S1</b> Delivering Sustainable Design  <b>Policy S2</b> Sustainable Design and Construction  <b>Policy S3</b> Sustainable Design Standards  <b>Policy S4</b> Minimising greenhouse gas emissions  <b>Policy S5</b> Energy Infrastructure  <b>Policy S6</b> Managing heat risk  <b>Policy S7</b> Improving Air Quality  <b>Policy S8</b> Flood Risk Management  <b>Policy S9</b> Integrated Water Management and Sustainable Drainage  <b>Policy S10</b> Circular Economy and Adaptive Design</p>	<p><b>Policy DH5</b> Agent-of-change, noise and vibration</p>
<p><b>C) Bunhill and Clerkenwell Area Action Plan</b></p>	
<p><b>2. Area wide policies</b>  <b>Policy AAP1</b> Prioritising office use</p> <p><b>Site Allocations</b>  <b>BC48:</b> Castle House, 37-45 Paul Street, and Fitzroy House, 13-17 Epworth Street and 1-15 Clere Street</p>	<p><b>3. Area Spatial Strategies</b>  <b>Policy AAP3</b> City Fringe Opportunity</p>

## Designations

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

- Central Activities Zone ('CAZ');
- Bunhill & Clerkenwell Core Strategy Key Area;
- Employment Priority Area 14 (General) (Great Sutton Street);
- Article 4 Direction B1c to C3 (CAZ);
- Article 4 Direction A1-A2 (Rest of Borough);

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

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

### **London Plan**

Accessible London (2014)  
Character and Context SPG  
Culture & the night time economy (2017)  
Sustainable Design & Construction (2014)  
Use of planning obligations in the funding of Crossrail,  
and the Mayoral Community Infrastructure Levy (2013)  
Fire Safety draft LPG

## APPENDIX 4 – 12 October 2023 Planning Committee minutes

### 82 CASTLE HOUSE, 37-45 PAUL STREET, FITZROY HOUSE - 13-17 EPWORTH STREET & 1-15 CLERE STREET LONDON (Item B1)

Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

(Planning application number: P2022/2893/FUL)

In the discussion the following points were made:

- At the meeting of 18th July 2023, the Committee resolved to defer consideration of the application without hearing it, so as to provide both officers and applicants sufficient time to address concerns regarding the quality of affordable workspace, the whole life carbon assessment, and the impact to the protected characteristics of residents of Epworth Street, under the Equality Act. All of these issues had the potential to result in major redesigns of the scheme which would have made it difficult for the Committee to consider.
- The Planning Officer informed the meeting that since the Committee's deferral in considering the application, the applicant had worked closely with Council officers and the Greater London Authority (GLA) to revise the affordable workspace unit, whole life carbon assessments, and circular economy workspace statements.
- The meeting was also informed that the public sector equality duty concerning the protected characteristics of Epworth Street residents had been addressed in the addendum to the Committee Report at section five.
- Since the publication of the Committee report, there had been thirty-seven further objections made to the application, bringing the total to 170.
- The Planning Officer noted that Islington's Full Council adopted the new Local Plan on 28th September 2023. The application put forward to the Committee of 18th July 2023, had referred to policy that was current at that time. Officers have advised that the application had now been considered in light of the new Local Plan policies, which carry full weight, and have reached the same conclusions.
- The meeting was informed that the site was located within the Central Activities Zone, the City Fringe Opportunity Area the Bunhill and Clerkenwell Key Area, and an Employment Priority Area. It was presently an existing three to four storey building, in use as offices (Class E(g)), adjoining Epworth Street, Paul Street and Clere Street, which also bordered the London Borough of Hackney on two sides of the site.
- The meeting was informed that the key planning considerations included Land Use, Design and Appearance, Neighbouring Amenities, Transport and Highways, and Energy and Sustainability. The site had been designated Site Allocation BC48, highlighting the opportunity to intensify office use, provide level access and create an active frontage to the street.
- The Planning Officer also advised that there was to be a 13% uplift in affordable workspace, exceeding the 10% required in the Council's Local Plan. The affordable workspace unit was to be located at ground and basement level. This had been revised by way of an additional lightwell to the rear, and also relocating and expanding the lightwells to the front. Both the ground and basement level were accessible from Epworth Street and/or internally from the central atrium.
- The Planning Officer also noted that the proposed building was not located in an area designated suitable for tall buildings in the Local Plan, but that the building would have maximum height of 34.85 metres to the centre of the building. The building therefore represented a departure from the Local Plan as the maximum height did exceed 30 metres. Officers have considered proposals in line with the London Plan, and the Council's Local



Plan. Both officers of the Council and the Greater London Authority considered the visual impact and functional impact of the proposal (subject to mitigation from conditions) were acceptable and would not warrant a refusal.

- The site was not located within a conservation area and does not contain any statutory listed buildings/structures. The site was, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area. Heritage assets that may be affected by the proposal included the Grade I listed Church of St Michael, the Grade I-listed Wesley's Chapel, and the Grade I listed park and burial ground of Bunhill Fields.
- Members of the Committee asked whether the daylight reduction had been considered in the equalities impact assessments, to which the Committee were told that this had been undertaken as part of the Council's duty under the Equality Act, which had shown that residents would not be disproportionately or unacceptably impacted.
- Members of the Committee highlighted that the departure from the Local Plan had been justified by national policy framework allowing for this where a proposal would contribute significantly to the economy and asked for further detail. In response, the Planning Officer referred to the uplift in office and affordable workspace, as evidence of this.
- In response to Members' concerns that the scheme's benefits were nothing more than compliance with policy, the Planning Officer advised that site allocation does not have a target in terms of amount of floorspace to be provided, just an increase; that there would be an increase in accessibility, an increase in employment space and an active frontage at street level.
- Officers also cited the proximity of other consented schemes in the vicinity of similar height and massing.
- Objections were heard that included, that there had been inadequate consultation and engagement with the local community; that there had been miscommunication about the site already having received consent; that there had been a lack of site notices placed in the vicinity of the building; and that the departure from the Local Plan was contradictory to the Council's green policies.
- Objectors noted that they were not opposed to the development of the site in principle, but that it should preferentially be a retrofit/refurbishment rather than a rebuild, and that the scale and mass of development should be appropriate to the context of the local area and surrounding sites, as it was felt that this area was unsuitable for tall buildings and that the size and mass of the building outweighed any potential community value.
- The Committee also heard objections regarding the direct impact to 10 Epworth Street, specifically that through the adverse impact of daylight reduction and noise disruption, the proposed scheme would be of considerable harm to the block's high proportion of housebound residents, and that the developer's offer of access to the proposed new roof balcony was not enough to mitigate harm caused by the development.
- The Committee also heard from an elected member of Hackney Council, Councillor Kam Adams for Hoxton East & Shoreditch Ward, who voiced objections on the grounds of the proposals not being in the best interest of the wider community, on there being a lack of community feedback being taken into consideration, and on the proposal needing more time to be analysed and scrutinised.
- The written representation of a member of Islington Council, Councillor Valerie Bossman-Quarshie for Bunhill Ward, was read out by the Chair, in which their objection also referenced the harm to the Council's declaration of a climate emergency, the environmental impact from a rebuild, and a high office vacancy rate in the locality.
- In their response, the applicants informed the meeting that they were a family-owned business that had owned Fitzroy House for several decades and the decision to redevelop the site wasn't taken lightly.
- The applicant stated that they were aware of local concerns, but their assessments had concluded that the current building was not compliant with market demands or EPC rules and in poor physical condition.
- The applicant went on to note that their proposal would boost employment and attract high-profile businesses, and that they had a construction management plan that would ensure regular, consistent and effective communication with stakeholders during the process.

- Members noted that objectors had indicated a willingness to work alongside the applicants; in response, the applicant stated that they had engaged with local stakeholders and that while their consultation was extensive, their door remained open to further discussion.
- In response to questions from the Committee regarding the need for office space, the applicant stated that the site was in one of the most sustainable locations and that there was demand.
- In response to questions from the Committee concerning changes made based on consultation feedback, the applicant cited the revisions to height, the upper levels of the building, and the increased width of the pavement.
- The Planning Officer confirmed there was only a 5% difference for the site in terms of overall carbon cost between retrofit and redevelopment for a comparable scheme of equivalent area and accessibility.
- The Planning Officer confirmed that requests for copies of representations had unfortunately only been provided to objectors on the day of the meeting (12th October), due to both the significantly high volume and the requirement for officers to ensure that each complied with Data Protection regulations (redaction of all individual correspondent details) prior to disclosure. It was also clarified that objections form part of the application file and are made available on request.
- The applicants stated that they had explored how the design of the building could be architecturally sympathetic to its surroundings and went on to state that this scheme was the best means for this site to achieve national, Net Zero targets.
- The Chair requested advice of the Committee's Legal Advisor, with regard to the Public Sector Equality Duty. In response the Committee were advised that it was their duty, as the decision-making body, to have due regard to any adverse impacts on those with protected characteristics before reaching their decision.
- In deliberation, the Committee considered the protected characteristics of nearby residents, the revisions made to affordable workspace, additional lightwells and improved lighting and the argument of retrofit compared to redevelopment.
- The Committee also considered the strong imperative to deliver workspace at this location and the proximity of consented, neighbouring schemes of a similar design.

The Committee also expressed the view that the benefits of the scheme were not much greater than policy compliance, and that the scheme still had the potential to cause considerable harm to neighbouring residents.

Councillor North proposed a motion to defer to allow for further assessments on the impact to neighbouring properties. This was seconded by Councillor Hamdache.

Councillor Klute proposed that the top two floors are set back to a point to where they were not visible to the public realm. This was seconded by Councillor Clarke. Councillor Klute proposed a motion to defer to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements, the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and for the applicants to revisit their consultation with local stakeholders. This was seconded by Councillor Hamdache and carried.

**RESOLVED:**

That consideration of the application be deferred for the reasons outlined above.