

**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>	19 March 2024	<b>NON-EXEMPT</b>

<b>Application number</b>	P2023/2345/S73
<b>Application type</b>	Removal/Variation of Condition (Section 73)
<b>Ward</b>	Bunhill
<b>Listed building</b>	n/a
<b>Conservation area</b>	n/a
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity Area; Policy SP1 - Bunhill & Clerkenwell Key Area;
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	1 Pear Tree Street, London, EC1V 3SB
<b>Proposal</b>	<p>Variation of conditions 2, 3, 4, 8, 11, 16, 19, 20, 21, 24, 27 and 30 of planning permission reference: P2018/0909/S73 dated: 01/11/2018. Amendments seek the following:</p> <p>Amendments to Conditions 2 and 11 include: Internal - Relocate the SME space to the first floor to provide a better quality and an increased SME area; Repositioning of bicycle storage area with increased capacity; Insertion of a small mezzanine floor to provide fully accessible end of journey facilities (showers and changing rooms); Adjust slab-to-slab heights to accommodate a more sustainable energy system; and increased reception area.</p> <p>External - Increase in slab-to-slab heights resulting in a cumulative maximum height increase of the Approved Scheme building of 1.00 metre; Changes to the proposed roof level with relocation of the lift core and changes in the proposed energy system; and changes to the elevational design and appearance of the Pear Tree Street façade.</p> <p>Further amendments include - revision to the Energy Strategy (Condition 24), 4. Variation of Condition 8 (Obscured Windows) to confirm timing of compliance for office windows being obscured; Variation of Conditions 16 (Solar Photovoltaic Panels), 21 (Acoustic Report) and 27 (Bat and Bird Boxes) to amend the timing of when details should be submitted and approved by the LPA; and Variation of Conditions 3 (Small/Micro Workspace requirements), 4 (Small/Micro Workspace amalgamation), 19 (Cycle Storage) and 20 (Refuse/Recycling) to amend specific plan and drawing references.</p>

<b>Case Officer</b>	Simon Roberts
<b>Applicant</b>	c/o Agent
<b>Agent</b>	Gerald Eve

## 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

## 2. SITE LOCATION



Figure 1: Site Location Plan



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



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



*Figure 4: Site photo from street*



*Figure 5: Existing entrances to site*

### **3. SUMMARY**

- 3.1 This application seeks material amendments (under section 73) to the previous planning permission P2018/0909/S73 dated 01/11/2018. Permission P2018/0909/S73 was a section minor-material amendment 73 application to the original planning permission P2015/4725/FUL.
- 3.2 It is considered by officers that planning permission: P2018/0909/S73 has been implemented and is currently under construction as planning obligation contributions and measures have been fulfilled and the ground floor has been partially completed and depot is operational.
- 3.3 The application seeks a number of amendments to the consented development at 1 Pear Tree Street. The proposed amendments include the increase in overall height of the building (by approximately 1. metre) through the increase in floor to ceiling heights of each of the storeys. The proposal would not increase the number of storeys and floors of the development.
- 3.4 The amendment also seeks to amend the trigger points (e.g. from 'prior to occupation of the whole development' to 'prior to occupation of the office floorspace') of a number of conditions so that the development can be built and occupied in a phased manner. The proposed amendments to these conditions are considered acceptable to officers.
- 3.5 The site is located within the Central Activities Zone, the City Fringe Opportunity Area and the Bunhill and Clerkenwell Key Area. As such, the proposed land use of significant office floorspace is in accordance with the policy thrust for these designations.
- 3.6 The increased scale, height, design and appearance of the proposal when compared to the approved scheme is considered acceptable within its setting and would not cause detriment to the nearby heritage assets. Further, the proposed development is considered to be well-designed, responding successfully to the prevailing context.
- 3.7 The proposal would deliver high quality office accommodation in an area of high demand. As such, the proposal is considered to be a sustainable form of development on brownfield land and in accordance with the land use thrust for the Central Activities Zone and City Fringe Opportunity Area. All other matters relevant to planning are also considered to be acceptable.
- 3.8 The application proposes a number of energy efficiency measures and a reduction in carbon emissions which represent an improvement to the consented scheme.
- 3.9 As such, the proposal is considered to be acceptable and consistent with the approved scheme. It is recommended for approval subject to conditions and a deed of variation to the section 106 legal agreement to secure suitable planning obligations and financial contributions in order to mitigate the impacts of the development.

### **4. SITE AND SURROUNDINGS**

- 4.1 The application site is located on the northern side of Pear Tree Street between Goswell Road (to the west) and Central Street (to the east). The site is currently in use as by Cadent as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, originally a car park and small single and two storey buildings on site associated with the National Grid operation.
- 4.2 The surrounding area is mixed with residential apartments (many in recently completed developments) to the east along Pear Tree Street and in the adjacent buildings on Goswell Road. There are offices to the ground floor of some of the recent developments and a printing/packaging premises opposite the site on the southern side of Pear Tree Street.
- 4.3 The site is located close to the Hat and Feathers Conservation Area to the west, with the adjacent Silverdale Court and properties along Goswell Road falling within the Conservation Area. The site is

also within Bunhill & Clerkenwell Core Strategy key area, the Central Activities Zone and the Great Sutton Street Employment Priority Area (General).

- 4.4 The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent) due to its proximity to Goswell Road, Old Street and City Road. The site is within a resident only Controlled Parking Zone ('Zone A') with restricted parking operating 0830 – 1830 on weekdays and 0830 – 1330 on Saturdays, whilst no restrictions are in place on Sundays and Public Holidays.
- 4.5 The application site was phase 2 of the previous Local Plan site allocation BC16 and adjacent to site allocation BC15 at the Seward Street playground.
- 4.6 The previous Site Allocation BC16 included a larger site on Pear Tree Street and the application site fell within the western end (phase 2). The eastern end has recently been developed as phase 1 of BC16 with residential buildings known as the Orchard Building and Dance Square and a new public square/route connecting Pear Tree Street and Seward Street (reference: P110653). The site allocation acknowledged that planning permission has been granted for the eastern end as a phase 1 and refers to the western end as phase 2. For phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space was expected. The site allocation refers to the following with regard to the design considerations and constraints on the entire site:
- New buildings should respect the wider context and intimate character of Pear Tree Street;
  - Care will need to be taken with the relationship of new buildings with TPO trees located in the Seward Street playground;
  - Buildings should provide a positive frontage and overlooking onto Seward Street playground; and
  - Improved north-south access linking Pear Tree Street to Seward Street playground should be provided.
- 4.7 Phase 2 has consequently been divided further, with the narrow street frontage building on Pear Tree Street being recently redeveloped with a 5 storey building with commercial office space at ground and first floor and 8 flats to the upper floors (P120025 see planning history below). The application site is the remainder of phase 2, being bounded by the side and back elevations of surrounding developments (the Courtyard Building to the north, Silverdale Court to the west, the phase 2 street frontage building to the south and the Orchard Building/Dance Square to the east).

## 5. PROPOSAL (IN DETAIL)

- 5.1 This s73 proposal seeks to amend the approved schemes (P2018/0909/S73 dated 01/11/2018) through a number of amendments. For ease, these are broken down into the following elements:

Internal and external alterations: Variation of Condition 2 (approved plans) – internal and external alterations, including relocation of the SME floorspace from ground floor to first floor; introduction of a mezzanine level between ground and first floor level to provide for cycling changing facilities; increase in floor to floor height of each floor which in total increases the height of the building by 1 metre; alterations at roof level with relocation of lift core and energy system; alteration of floorplates and layouts on site to the upper levels; and alteration to the elevational design including appearance and materials.

Further, variation of Condition 9 (cycle storage) and 20 (refuse/recycling) – to amend the approved drawing numbers outlined within these conditions following the proposed internal reconfiguration.

Amendments to roof top plant equipment/lift over runs: Variation of Condition 11 (rooftop structures/enclosures) – Following the amendment to condition 2 with regards to internal and external alterations, details of the rooftop structures will be updated and should be reflected in the condition.

Securing the Small and Micro Enterprise workspace: Variation of Conditions 3 (SME workspaces), 4 (SMEs – no amalgamation of units) outlining SME floorspace location – due to the relocation of SME floorspace from the ground floor to the first floor.

Update to Energy Strategy: Variation of Condition 24 (energy strategy) – update to the energy strategy due to internal and external fabric/material amendments.

Timing of detail conditions: Variation of Conditions 8 (obscured windows), 16 (solar photovoltaic panels), 21 (acoustic report) and 27 (bird/bat box) to amend the trigger points from prior to occupation of the development (full) to prior to occupation of the office floorspace.

5.2 The proposal seeks to amend the level of floorspace of the development as follows:

<b>Approved Scheme Land Use</b>			
<i>Use Class</i>	<i>GEA</i>	<i>GIA</i>	<i>NIA</i>
Office – E(g)(i)	4,006 sqm	3,750 sqm	3,071.5 sqm
<b>Proposed Scheme Land Use</b>			
<i>Use Class</i>	<i>GEA</i>	<i>GIA</i>	<i>NIA</i>
Office – E(g)(i)	4,741 sqm (+735 sqm)	4,141 sqm (+391 sqm)	3,029 (-42 sqm)



*Figure 6: Rendered image CGI of the proposed main entrance to Pear Tree Street*





*Figure 7: Rendered CGI of side and rear elevation of building as seen from neighbouring Orchard Building.*

## 6. RELEVANT PLANNING HISTORY

### Planning Applications:

- 6.1 The Site has been subject to a number of applications. The following list are considered relevant to the planning permission and current proposed amendments:
- 6.2 **P2015/4725/FUL:** “Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use”.  
Granted with Conditions and Legal Agreement on 30 August 2017 following Planning Committee Meeting of 19 April 2016.
- 6.3 **P2018/0909/S73:** “Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), conditions 6 and 7 (restrictions on use of depot area) and 27 (bird and bat boxes) of planning permission ref: P2015/4725/FUL. The proposed minor material amendments relate to changes to the floorplans to remove reference to Cadent/National Grid occupying office space on the upper floors, and to alter the condition wording to allow the ground floor parking and storage area to be used in association with Cadent/National Grid operations in office space on an adjoining site. Additionally, there would be minor changes to glazing, and additional windows installed. There is also a change to the trigger point for submission of bird/bat box information”.  
Granted with Conditions and Legal Agreement on 1 November 2018.

- 6.4 **P2023/1817/NMA:** “Application for Non-Material Amendment (s96a) to planning permission ref: P2015/4725/FUL dated 30/10/2017. The amendment seeks to remove the defined office floorspace area and update the Use Class Order within the Description of Development”.  
Non-Material Agreement(s) agreed 8 August 2023.
- 6.5 Further, a number of Discharge of Condition Applications have also been submitted to and decided by the Council, as follows:
- 6.6 **P2018/1257/AOD:** Condition 9 (boundary treatments) – Approved 21/08/2018;
- 6.7 **P2017/4390/AOD:** Condition 12 (construction routes) – Approved 28/11/2017;
- 6.8 **P2017/4390/AOD:** Condition 13 (construction environmental management plan) – Approved 28/11/2017;
- 6.9 **P2018/1539/AOD:** Condition 15 (facing materials) – Approved 24/07/2018;
- 6.10 **P2018/0818/AOD:** Condition 24 (energy strategy) – Approved 01/11/2018;
- 6.11 **P2018/1257/AOD:** Condition 25 (green and brown roofs) – Approved 21/08/2018;
- 6.12 **P2018/1257/AOD:** Condition 26 (landscaping) – Approved 21/08/2018;
- 6.13 **P2017/4652/AOD:** Condition 28 (sustainable urban drainage system) – Approved 21/12/2017;
- 6.14 **P2018/1659/AOD:** Condition 29 (rainwater/greywater recycling) – Approved 24/07/2018;

### **Pre-Application Advice:**

#### **London Borough of Islington:**

- 6.15 Pre-Application engagement between the Applicant and the Council was undertaken prior to the submission of the current planning application under reference: Q2023/0030/MJR. It was advised that with regards to design, appearance and impact upon heritage, officers outlined that in principle, the proposed amendments could be supported, subject to detailed analysis.
- 6.16 Concerns were however raised with regards to the reduction of NIA office floorspace, whilst the GIA and GEA increased. It was advised that further details and justification would be required to ensure that the proposal was not contrary to the aims and objectives of ‘usable’ employment space within the CAZ and EPA.
- 6.17 It was also outlined that a full identification and assessment of the impacts on neighbouring residents is required and this will further inform the assessment of acceptable height and bulk at the upper levels with regards to impact upon increased sense of enclosure, loss of outlook, loss of privacy through overlooking and loss to daylight/sunlight to neighbouring habitable rooms.
- 6.18 Finally, officers outlined that the proposed amendments to a number of conditions, relating to trigger points, could be supported in principle.

## **7. CONSULTATION**

### **Public Consultation:**

- 7.1 A site notice was erected, an advert placed in the local press and letters were sent to occupants of 73 adjoining and nearby properties, with public consultation expiring on 8<sup>th</sup> October 2023.

- 7.2 It is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.3 At the time of the writing this report, **34** public/neighbour representations were received on the application. The points raised within the representation are summarised below [*with the case officer response and reference to which sections of this report address those concerns indicated in brackets*]:

#### **Statutory Consultation**

- A planning letter should be sent to all neighbouring residents so that all are aware of this application and additional time allowed.  
*[Officer response: As outlined in paragraph 7.1 above, extensive public consultation has been undertaken by the Council in accordance with statutory requirements and officers will continue to consider representations received up until the date of decision.]*

#### **Design and appearance**

- The proposal is too tall in what is a narrow and heavily built up street;
- The proposed changes involve alterations to floor-to-ceiling heights of each storey and an overall increase in the height of the building, coupled with the addition of a considerable amount of rooftop plant and machinery and associated construction at what is effectively sixth floor level;
- The approved scheme was not in proportion to the adjoining residential developments and the proposed amendments exacerbates this;
- it is clear from the Design and Access Statement (p. 90) that there are very substantial rooftop plant and machinery and associated structures envisaged that have the effect almost of adding a 6<sup>th</sup> storey to the development (and undermine the developers' claim of only a circa 1 metre height difference).
- The proposed development is out of context with the local character of the surrounding area due to its overall height, massing, appearance, materials and detailed design. Proposal is an overdevelopment of the site;  
*[See paragraphs 9.39 – 9.75 for consideration of scale, design and appearance.]*

#### **Impact on Neighbouring Amenity**

- Loss of privacy because of overlooking from office windows and terraces. Further, the increase in height of each of the floors lifts the roof terraces and therefore exacerbate;  
*[See paragraphs 9.87 – 9.90 for consideration to loss of neighbouring privacy and overlooking.]*
- Increased sense of enclosure and intrusion leading to loss of outlook.  
*[See paragraphs 9.91 – 9.96 for consideration of the proposal upon outlook and sense of enclosure to neighbouring residents.]*
- Loss of daylight and sunlight to neighbouring properties;  
*[See paragraphs 9.103 – 9.143 which outline and consider the transgressions to neighbouring properties in relation to reductions to daylight and sunlight.]*
- Impact of noise and disturbance upon neighbouring amenity from roof terraces. Risk that the commercial occupiers would use the terraces for large and noisy gatherings inside and outside of normal business hours;  
*[See paragraphs 9.97 – 9.101 which address noise and disturbance.]*
- Construction would bring noise and disturbance. There are a number of ongoing and future constructions already approved in the surrounding area;  
*[See paragraph 9.102 which address construction.]*

## **External Consultees:**

- 7.4 **Transport for London Crossrail Safeguarding** – It is confirmed that the site is outside the limits of Crossrail Safeguarding Direction and no comment is therefore required.
- 7.5 **Transport for London Spatial Planning** – The proposed car free development is supported. In regard to Condition 19 (cycle storage), TfL welcome the newly proposed cycle parking of 60 standard spaces, 4 spaces for larger /adapted cycles and the facilities provided including lockers and showers. For the larger / adapted cycles TfL requirements are that accessing the parking area should involve passing no more than two sets of doors, with a recommendation that the external door has a width of 2 meters. The lift to access the cycle parking should be accessible for all forms of cycle with dimensions of 1.2 by 2.3 meters.

*[Officer Response: Noted, Condition 19 will be reimposed and amended ensuring cycle parking is secured prior to occupation of the office floorspace.]*

## **Internal Consultees:**

- 7.6 **Access and Inclusive Design Officer** – The application is greatly supported in principle, offering a range of inclusive design improvements that will create an environment more comfortable and safer to use by all.

Detailed information relating to landscaping and furniture to the terraces, such as seating, lighting and materials should be secured through condition.

Step free access is achieved throughout the development, including all floor levels, with a number of lifts to the main stair core and lifts.

The agreed inclusive design measures should be secured through condition.

*[Officer Response: Inclusive design and accessibility measures and request for further details will be secured through condition 18.]*

- 7.7 **Design and Conservation** – This is a very well-designed scheme that makes a more effective use of the site, is more sustainable than that originally consented, and is of a superior architectural design that the earlier consented scheme. The celebration of the entrancing modules onto Pear Street are particularly successful adding not just legibility to the scheme itself but an animated and characterful addition to the streetscape. As such there are no design or conservation objections.

*[Officer Response: Noted and further detailed commentary on the scale, height, massing and detailed design of the proposal is provided at paragraphs 9.39 – 9.75 of the below assessment0].*

- 7.8 **Energy Services** – No objection. When compared to the original energy statement and data submitted, the proposal is an improvement to the approved energy statement.

*[Officer Response: Noted, paragraphs 9.159 – 9.172 consider the energy credentials of the proposal.]*

- 7.9 **Planning Policy (Land Use)** – The proposal seeks a net increase in Gross External Area ('GEA') and Gross Internal Area ('GIA') in overall office floorspace, however there would be a small reduction in Net Internal Area ('NIA'). This is due to the introduction of the mezzanine space with showers and changing facilities for cyclists, increased size of shared office entrance, amenity space and core (stairway/lift) including lobby spaces, which do not count towards NIA floorspace.

In relation to the reduction of NIA the wider policy benefits of the proposal should be considered. The introduction of facilities for cyclists supports active travel use. Making the stair lobbies more attractive for users also encourages use over lifts with both health and environmental benefits. Other benefits include better located bin store and a larger entrance lobby. Also, the SME space is improved in terms of both quality and quantity.

Therefore, in this instance the overall improvement in floorspace for SME, the wider benefits of the changes in floorspace and the context of a gross increase in commercial floorspace, should all be considered to mitigate the small net loss of NIA of the office floorspace.

*[Officer Response: Noted, paragraphs 9.13 – 9.32 consider the energy credentials of the proposal.]*

## **8. RELEVANT POLICIES**

- 8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance);
- 8.2 National Planning Policy Framework (NPPF) 2023, Paragraph 11 highlights that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay..."
- 8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental. Further, at paragraph 9, the NPPF states that: "these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race,

religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 8.9 The Development Plan is comprised of the London Plan (2021), Islington's Local Plan: strategic and development management policies (2023), Bunhill and Clerkenwell Area Action Plan 2023 and Site Allocations (2023). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 8.10 The site has the following designations under the London Plan (2021) and Islington's Local Plan (2023):
- Central Activities Zone ('CAZ');
  - Bunhill & Clerkenwell Key Area;
  - Bunhill & Clerkenwell Area Action Plan;
  - 'Civil War Defences' Archaeological Priority Area (APA)

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

- 8.11 The SPGs and/or SPDs which are considered relevant are listed in **Appendix 2**.

### **Environmental Impact Assessment (EIA)**

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

## **9. OFFICER ASSESSMENT**

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

- Procedural and legal context;
- Background of permissions;
- Land use in principle;
- Design and appearance;
- Impact upon heritage assets;
- Accessibility and inclusive design;
- Neighbouring amenity;
- Transport and highways;
- Energy and sustainability;
- Planning Obligations; and
- Overall planning balance;

### **Procedural and Legal Context (Section 73)**

- 9.2 Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA 1990) provides local planning authorities with the power to vary or remove conditions associated with a planning permission. Government Guidance on "minor material Amendments" does not define what changes may be treated as "minor material."

- 9.3 A judgement on "materiality" in any particular case is one of fact and degree, along with consideration of the likely impact of the amendment on the local environment. "Materiality" is considered against the development as a whole, not just part of it. The basis for forming a judgement on "materiality" is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.
- 9.4 There cannot be a set of prescriptive rules to what is or is not "material", as each case is different and considered on its individual merit. This is a matter for the Local Planning Authority to decide.
- 9.5 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.
- 9.6 'Minor material amendments' (MMA) to a planning permission may be sought by making an application under Section 73 of the Town and Country planning Act 1990 to vary or remove a condition attached to that permission. There is no statutory definition of an MMA although the Planning Practice Guidance (PPG) explains that an MMA 'is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

## **Background**

- 9.7 The original application approved (P2015/4725/FUL) sought the demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.
- 9.8 The application was heard at the 19 May 2016 Planning Committee meeting. The minutes of the original application approved (P2015/4725/FUL) state that within the discussion of the application by members, the following points were made:
- A mirror image test had been carried out using the windows of the building next door to measure the daylight and sunlight.
  - The application fitted the site allocations policy and provided the optimum use for the site.
- 9.9 The application was resolved and planning permission be granted subject to conditions, informatives and completion of the section 106 legal agreement securing planning obligations. The application was subsequently granted on 30 October 2017. The committee report, decision notice and committee minutes for P2015/4725/FUL are appended to this report at Appendices 3, 4 and 5 for reference.
- 9.10 A subsequent minor material application s73 (removal/variation of conditions) was submitted in 2018 under reference P2018/0909/S73. This sought changes to the floorplans to remove reference to Cadent/National Grid occupying office space on the upper floors, and to alter the condition wording to allow the ground floor parking and storage area to be used in association with Cadent/National Grid operations in office space on an adjoining site. Additionally, there were minor alterations to glazing and additional windows proposed. The trigger point for submission of bird/bat box information was also amended.
- 9.11 The proposed amendments were considered minor and the application was approved on 01 November 2018. The officer report and decision notice to P2018/0909/S73 are appended to this report at Appendices 6 and 7 for reference.

- 9.12 Further, a non-material amendment application (P2023/1817/NMA) was submitted in 2023 and sought to remove the defined office floorspace area (in sqm) and update the Use Class Order within the Description of Development. The non-material amendment was agreed on 8 August 2023.

## **Land Use**

### Policy Context

- 9.13 This section of the report sets out the policy context against which the proposal will be assessed regarding existing and proposed land use.
- 9.14 The National Planning Policy Framework ('NPPF') (2023) states that in building a strong, competitive economy, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 9.15 The site is located in the Central Activities Zone ('CAZ') as set out within the London Plan. London Plan policy SD4 'The Central Activities Zone'. The CAZ is an internationally and nationally significant office location. The unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses, should be promoted and enhanced.
- 9.16 Further, London Plan policy SD5 'Offices, other strategic functions and residential development in the CAZ' indicates that given their strategic importance, as a general principle, offices and other strategic functions are to be given greater weight relative to new residential development within this area of the CAZ.
- 9.17 London Plan policy E3 'affordable workspace' outlines the need for supplying sufficient affordable business space to generate a wide range of economic and other opportunities, to ensure that London is a fairer, more inclusive and more equal city. The policy outlines that London Boroughs, in their Development Plans, should consider detailed affordable workspace policies in light of local evidence of need and viability.
- 9.18 The site is located in the Bunhill & Clerkenwell spatial strategy area as defined within Islington's Local Plan – Strategic and Development Management Policies 2023 policy SP1 and the Bunhill and Clerkenwell Area Action Plan 2023.
- 9.19 The definition of "business" floorspace/buildings/development/uses provided in the glossary of the Local Plan 2023, with business floorspace accommodates office, research and development and light industrial activities as well as industrial uses B2 general industrial and B8 storage and distribution, and Sui Generis industrial uses. Sui Generis uses which are akin to business floorspace, such as depots or builders merchants, can be classed as business floorspace for the purposes of the Local Plan. The definition of "employment" floorspace/buildings/development/uses includes development where the majority of floorspace is for employment uses.
- 9.20 Local Plan policy B1 'Delivering business floorspace' seeks to encourage and secure employment space for businesses within the Borough. Part B of policy B1 encourages employment floorspace, in particular business floorspace, to locate in the CAZ, the Bunhill and Clerkenwell AAP area, Priority Employment Locations, and Locally Significant Industrial Sites. Policy B1 also seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals.
- 9.21 Local Plan Policy B2 'New business floorspace' encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. The policy states that all proposals must maximise the provision of business floorspace and that proposals which are not considered to maximise business floorspace will not be permitted. Policy B2 states that office uses are the clear priority within the CAZ.



- 9.22 Part G requires development proposals for non-industrial business floorspace to have regard to the following:
- i) Business floorspace must allow for future flexibility for a range of occupiers;
  - ii) Provision of a good level of amenity for occupiers;
  - iii) The development of new business floorspace must incorporate the highest inclusive design standards achievable;
  - iv) Applicants must clearly demonstrate how the design of proposals individually and cumulatively contribute to providing the range of spaces required to support the primary function/sector of the particular area in which it is located.
- 9.23 Bunhill and Clerkenwell Area Action Plan (2023) policy AAP1 'Prioritising office use' is an area wide policy. It highlights that's given the significant evidenced need to provide office floorspace to cater for projected jobs increases and secure inclusive economic growth, office floorspace is the clear priority land use across the entire Bunhill and Clerkenwell AAP. Office floorspace must be maximised where possible.
- 9.24 Bunhill and Clerkenwell Area Action Plan policy AAP7 'Central Finsbury' is a spatial strategy area incorporating a mix of land uses. The key aim for the Central Finsbury spatial strategy is to balance protection of this mixed-use character with high quality new development, and to ensure that the area is permeable and well connected with an accessible, high quality public realm.

### Assessment

- 9.25 Although there is a reduction in NIA of 42.5sqm, this is considered de minimis to the overall office floorspace provided, which is considered to be improved due to increased floor to ceiling heights, ancillary facilities for cycle parking and improved energy and sustainability credentials.
- 9.26 The proposal would be in accordance with the new Local Plan policies PLAN1, B1 and B2, and Bunhill and Clerkenwell Area Action Plan Policies AAP1 and AAP7 as it would intensify office use within the CAZ and the Bunhill and Clerkenwell Key Area to enhance the area's role in supporting London's strategic business role is a priority.
- 9.27 It is considered necessary by Officers to amend Condition 5 in relation to office use restrictions and removing permitted development rights.

### Quality of the proposed office space

- 9.28 A key issue encountered has been where commercial floorspace provided fails to respond adequately to demand and therefore is not marketable. This can lead to space being unoccupied and being vulnerable to conversion to other non-work related uses later.
- 9.29 Paragraph 4.35 which is supporting text to Policy B2 of the Local Plan outlines that the design of business floorspace should be fixable and wherever possible seek to provide floor to ceiling heights of at least 3 metres of free space and strategic layout of entrances, entry cores, lift cores, loading facilities and fire escapes, mixing of uses within the building and grouping of services (such as plumbing, electrics, cabling, communications infrastructure and circulation).
- 9.30 The proposed office space floorspaces at first floor level and above would achieve floor to ceiling heights of 3 metres and above.
- 9.31 The proposal is considered to be in accordance with Local Plan policy B2(e) with regards to allowing for flexibility for a range of occupiers, roof level of amenity for occupiers (including adequate levels of daylight and sunlight, access to communal/ancillary facilities such as meeting rooms), incorporates the highest of inclusive design standards and demonstrates provision of a range of spaces relevant to the primary function/sector of the particular area (in this instance being within the CAZ).

## Land use summary

- 9.32 The proposals are broadly consistent with the approved scheme in terms of land use and would result in the intensification of office use within the CAZ and the Bunhill and Clerkenwell AAP area thereby enhancing the area's role in supporting London's strategic business role. It is therefore considered that the proposals would be in accordance with the London Plan and the local development plan.

## **Affordable Workspace**

- 9.33 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.
- 9.34 Islington 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.
- 9.35 In the approved scheme, 2 units for Small to Medium Enterprises ('SME') totalling 161sqm were secured at ground floor level, which equated to 5% of the office floorspace. It is noted that these units did not benefit from natural light as they are located centrally within the ground floor as approved.
- 9.36 The proposal seeks to relocate the SME floorspace to first floor level and increase the total provision by 20sqm to total 181sqm. The two SME units would include fenestration with natural light and external outlook. The proposed provision is therefore an improvement on the area previously approved.
- 9.37 The SME units would be accessed from either staircase 1 (which includes 2x lifts) or staircase 2, whilst also having access to cycling and end-of-journey facilities at ground floor level. As such, the affordable workspace unit would have the same access to the shared facilities as the other market office floorspace.
- 9.38 The proposal is therefore considered to be in accordance with London Plan policy E1 and Islington Local Plan policy B4. Conditions 3 and 4 are recommended to be reimposed and amended to reflect the proposed relocation of the SME floorspace, to ensure SME office space is not amalgamated with the remainder of the office floorspace.

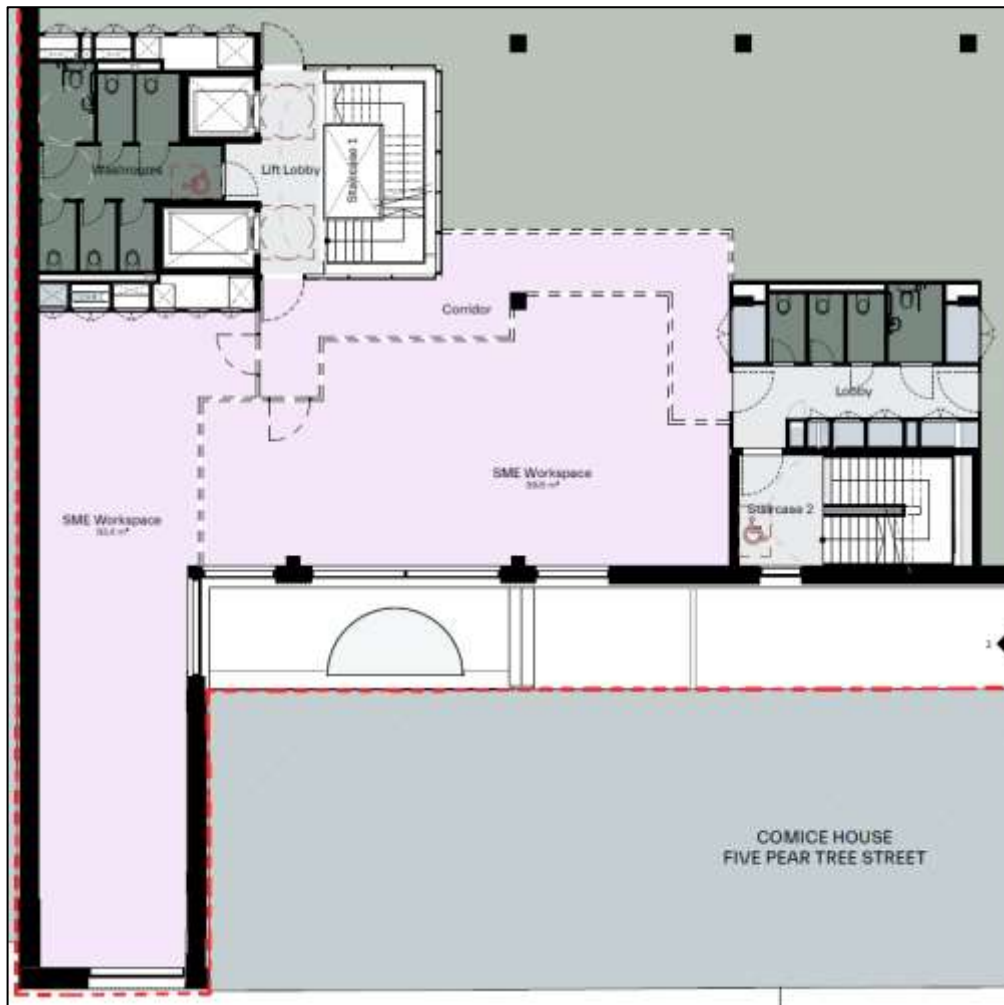


Figure 8: Proposed relocated dedicated SME floorspace

## **Design, appearance, and impact upon heritage assets**

### Policy Context

- 9.39 Paragraph 126 of the NPPF 2021 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.40 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. Paragraph 133 goes on further to state that in assessing application, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.
- 9.41 Paragraph 134 states that Permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 9.42 Planning policies relevant to design are set out in chapter 3 of the London Plan (2021). The London Plan Policy D3 (Optimising site capacity through the design-led approach) states developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 9.43 London Plan Policy D4 (Delivering good design) expects the design of development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.
- 9.44 London Plan Policy HC1 (Heritage conservation and growth) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Further, development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.
- 9.45 The national and regional policies are supported locally by Islington Local Plan Policy PLAN1, which states that all forms of development are required to be of a high quality and make a positive contribution to local character, legibility and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. Furthermore, the policy requires for all new developments to be contextual, connected, inclusive and sustainable in order to ensure that the wider objectives of the Local Plan are realised.
- 9.46 Local Plan Policy DH1 supports innovative approaches to development, contextual design of buildings at an appropriate scale and height in consideration of site specifics as well as a human scale and massing.
- 9.47 The above policy makes it clear that the relationship between the height of buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street.
- 9.48 Further, Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and facilities, and shopfront design.

### Height

- 9.49 The permitted scheme is for a 5 storey building in total, with the tallest element located behind the existing building which fronts Pear Tree Street. It was considered that the permitted building would have barely been visible from the streetscene of Pear Tree Street and surrounding streets.
- 9.50 The proposed amendments seek to increase the floor-to-floor height from 3.45 metres to 3.60 metres. This increase is described by the Applicant as necessary to optimise the energy strategy for the building with the use of an underfloor heating/cooling system which requires a larger void than the approved scheme provided (250mm as approved v 350mm as proposed).
- 9.51 The increase in height is considered by officers to be an imperceptible alteration given the scale and height of the approved scheme, the dense urban context of the site, and the predominant storey height ambient.



Figure 9: The approved scheme to the top and the proposed scheme at the bottom.

### Layout

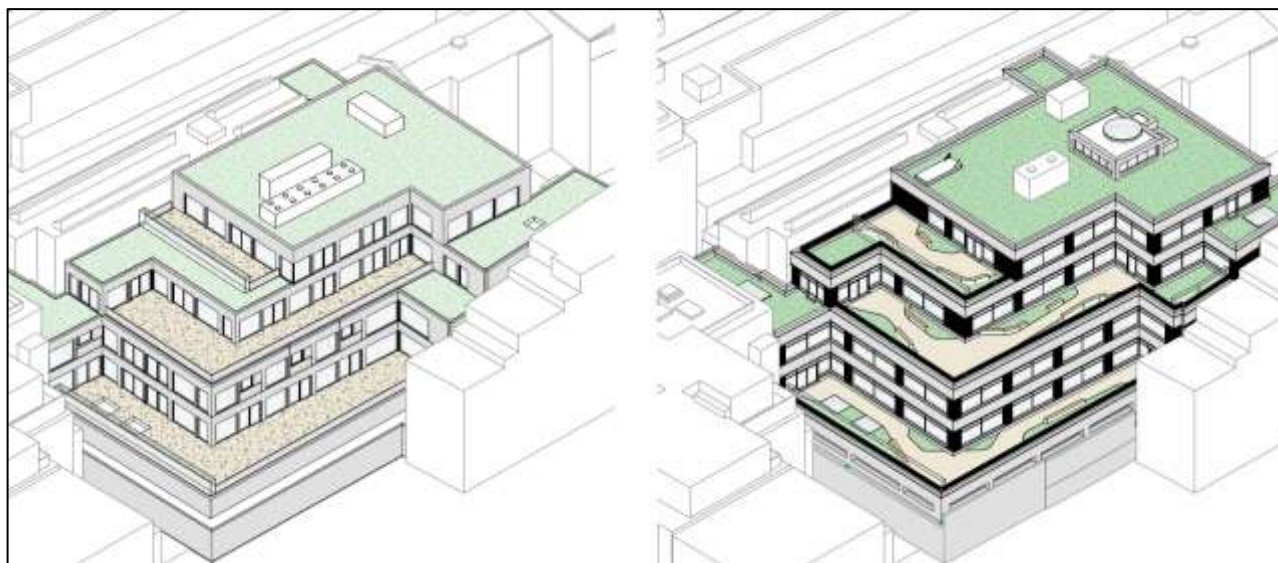


Figure 10: Layout of the rear of the building as approved (left) and proposed (right)

### Materials and appearance

- 9.52 The principal elevation which fronts on to Pear Tree Street is proposed to be amended to celebrate a 'gatehouse' entrance to the office element of the building and the vehicular access to the ground floor depot. The two inserted modules facing onto the street aid in legibility as well as enriching the character of the streetscape. They are considered to introduce a fine new architectural language and expression that enriches the approved scheme, adding to the character and quality of the site and its relationship with the streetscape. As such these elevational changes are supported by officers.
- 9.53 The proposal seeks to reduce the extent of glazing to the rear elevations of the building, which has led to a more 'solid' appearance in the bays. This sees a change to a horizontal language of brick

bands and vertical piers, both being thicker in appearance in the structural gridline, as shown in the below 'bay studies'. This is reflected internally as the approved scheme saw floor to ceiling height fenestration whilst the proposed seeks an upstand of circa 0.4m.

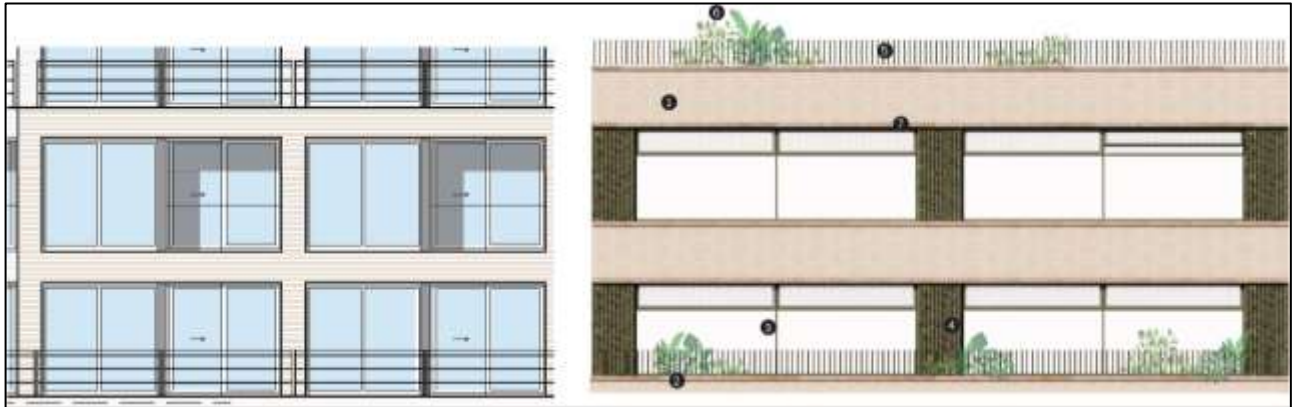


Figure 11: Bay study of the approved scheme (left) and the proposed (right)



Figure 12: Proposed appearance of the rear elevations

- 9.54 The importance of using high quality materials is stressed within Islington's Urban Design Guide, within paragraphs 5.111 – 5.123. The guidance specifically advises in para 5.112 that: " *The choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area*".
- 9.55 The approved scheme façade included London stock brickwork, white Lancaster limestone to lintels/slab edge facings and soffits. The approved material palette was considered to be in keeping with surrounding buildings.



Figure 13: Left – London stock brickwork; middle – lintel/slab facings

- 9.56 The proposed amendments seek similar horizontal bands of brickwork which is paler than the approved, to be supported and capped by precast concrete and stone cills and lintels. Between these bands are the polyester powder finished aluminium metalwork, louvres/mullions, panels and window/terrace door frames.



Figure 14: Proposed material palette

- 9.57 The proposed amendments are considered to be beneficial to the scheme and to the broader streetscape. They introduce a fine new architectural language and expression that enriches the scheme and adds to the character and quality of the site and its relationship with the streetscape. The two inserted modules facing onto the street aid in legibility as well as enriching the character of the streetscape. As such these elevational changes are supported and the final proposed material palette is considered an improvement over the approved scheme.
- 9.58 In summary, the detailed design, appearance and materiality of the proposed building is considered to be of high-quality architecture. Condition 15 is recommended to be reimposed to ensure that the finalised schedule and samples of the material palette is submitted to and approved by officers.

### Impact upon Heritage assets

- 9.59 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 9.60 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.
- 9.61 The NPPF defines a “heritage asset” as: “A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”.
- 9.62 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing).
- 9.63 ‘Significance’ is defined within the NPPF as being: “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset’s physical presence, but also from its “setting”.
- 9.64 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 9.65 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 9.66 In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been undertaken by Council Officers, who have identified that less than substantial harm would be caused by the proposal, due to its impact on the setting of character and appearance of the neighbouring Conservation Area and setting of the listed buildings.
- 9.67 Where the decision-maker concludes that there would be some harm to a heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 9.68 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 9.69 Where more than one heritage asset would be harmed by the proposed development, (for example the impact upon a listed building and the character and appearance of a Conservation Area) the decision-maker also needs to ensure that when the balancing exercise is undertaken, the ‘cumulative effect’ of those harms to individual assets is properly considered. Considerable



importance and weight must be attached to each of the harms identified and to their cumulative effect.

- 9.70 What follows is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the applicant as part of its submission.
- 9.71 The site is not within a Conservation Area nor is it adjacent to any listed buildings. It is however located near to the eastern edge of the Hat and Feathers Conservation Area.
- 9.72 Given the proposed architectural improvements to the scheme, particularly to the two frontage modules to Pear Tree Street, it is considered that there will be no negative impacts on the setting, character or quality of the Conservation Area.

### *Archaeology*

- 9.73 The application site is located within the designated 'Civil War Defences' Archaeological Priority Area (APA). Local Plan policy DH2 outlines that in Islington's Archaeological Priority Areas, proposals which have the potential to affect archaeological remains and/or heritage assets of archaeological interest, are required to include an Archaeological Assessment and, where necessary Field Evaluation. Where Important archaeological remains are found, they must be retained in situ. Substantial harm to, or loss of, nationally important archaeological remains will be strongly resisted. Where this cannot be achieved measures must be taken to mitigate the impact of proposals through archaeological fieldwork to investigate and record remains in advance of works, and subsequent analysis, publication and dissemination of the findings. Where appropriate, public benefits should be sought by revealing and/or interpreting archaeological discoveries. A condition requiring details to be submitted was not included within the original permission, whilst the approved development has been implemented by way of constructing the ground floor depot.

### Design and Heritage summary

- 9.74 The proposed amendments present a very well-designed scheme that makes a more effective use of the site, is more sustainable than that originally consented, and is of a superior architectural design than the consented scheme. The celebration of the entrancing modules onto Pear Street are particularly successful adding not just legibility to the scheme itself but an animated and characterful addition to the streetscape.
- 9.75 As such there are no design or conservation objections and the proposal is considered to be in accordance with the Planning (Listed Building and Conservation Area) Act, NPPF, the London Plan and Islington's Local Plan.

### Accessibility and Inclusive Design

- 9.76 Policy GG1 of the London Plan 2021 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promotes the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.
- 9.77 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy PLAN1 of the Islington Local Plan (2023), which requires new developments to be adaptable, functional and resilient, and able to respond to the spatial, social and economic needs of the borough's increasingly diverse communities and their different and evolving demands. This includes sustaining and reinforcing a variety and mix of uses in line with any relevant

land use priorities of the Local Plan. Islington's Inclusive Design SPD provides further details and specifics.

- 9.78 Local Plan policy B2 outlines how new business floorspace must incorporate the highest inclusive design standards achievable in context and meet the travel and transport needs of those for whom public transport remains inaccessible.
- 9.79 The proposed amendments both internally and externally to the scheme have allowed for further improvements to accessibility and inclusivity, over those secured within the approved scheme as follows:
- the introduction of an evacuation lift to the primary core;
  - provision of automated doors at ground floor level;
  - increased generosity of landing areas on each floor outside the lifts for improved circulation;
  - provision of handed layouts of fully wheelchair accessible toilets per floor;
  - provision of oversized and ambulant accessible toilets alongside wheelchair accessible toilets to all floors; and
  - increased number of accessible cycle parking spaces.
- 9.80 The proposal maintains level access across the site to all entrances at ground floor level. There are several lifts allowing for level access to all floors of the proposed building. The proposed cycle parking provision to include dedicated 4x accessible cycle storage and end-of-journey facilities is an improvement over the permitted scheme.
- 9.81 Policy D5 of the London Plan requires a minimum of at least one lift per core to be a suitably sized fire safety lift so that all people can evacuate in the event of a fire. The proposal includes two staircases and lifts. The accessibility measures set out are to be secured through condition.
- 9.82 For the uplift in employees on site, for every 33 additional employees, an accessible car parking bay is required. The approved scheme would see an uplift in employees on the site of circa 231 and, as such, 7x accessible parking bays were required. The development is to be car-free (except for operational parking) with no on-site personal parking proposed for occupiers. Where provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £34,000 would be resecured through a deed of variation to the agreed section 106 agreement.

### **Neighbouring Amenity**

- 9.83 Chapter 12 of the NPPF details that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, outlook and an increased sense of enclosure. A development's likely impact in terms of air quality, vibration, dust, safety, security, noise and disturbance is also assessed.
- 9.84 London Plan Policy D1 states that development design should deliver appropriate outlook, privacy and amenity. London Plan Policy D6 states that the design of development should provide sufficient daylight and sunlight for new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outdoor space. London Plan Policy D13 seeks to reduce, manage and mitigate noise to improve health and quality of life.
- 9.85 Local Plan Policy PLAN1 Part B(i) requires that developments provide a good level of amenity must, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution

(such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

- 9.86 There are immediate residential occupiers to the subject site, including the Orchard Building and Dance Square to the east and north east, Springwell Court to the north, Silverdale Court to the west and City University student accommodation to the south.

### **Overlooking and privacy**

- 9.87 The supporting text for Local Plan policy PLAN1 states that a minimum distance of 18 metres between windows of habitable rooms should be maintained to protect the privacy of residential properties. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. Any increased overlooking will occur across a public highway and the proposed development is therefore considered acceptable in terms of overlooking and privacy.
- 9.88 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. Nevertheless, there is potential for windows which serve the proposed commercial building to adversely affect the privacy of neighbouring residential buildings.
- 9.89 As noted in the Officer's Committee Report for the original P2015/4725/FUL application, there are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, due to:
- The frontage building at 1 Pear Tree Street was designed with no habitable room windows to the rear elevation. The windows on the rear elevation which face the application site serve the corridor to access the flats and a secondary kitchen/dining/living room window to two flats, which have a main window to the front elevation as well. There are windows which face this elevation and condition 8 ensured these to be obscure glazed;
  - The only residential windows that face the site are those in the Orchard Building to the rear which are 20m away from the proposed office windows (these windows are approximately 13m away from the shared boundary and the proposed building is then set back a further 7m from the boundary);
  - The balconies at the Orchard Building are projecting and are therefore closer to the application site but there is still a total distance of 19m between the proposed office windows and the balconies;
  - Both the approved and proposed first floor roof terrace is 12m away from the first floor balconies at the Orchard Building and 14m away from the first floor windows at the Orchard Building at its closest point. There are different floor to ceiling heights proposed at the application site to the Orchard Building so the proposed terrace is approximately 1.5m higher than the Orchard Building balcony. To minimise overlooking, condition 9 required planting or screening to be erected along the side boundary of this terrace. Details were submitted and approved in pursuant to Condition 9, however these are now considered irrelevant due to the increase in height of the building and elevation amendments. The proposed Landscaping Plan shows that planting and privacy screen 'climbers' are proposed as boundary treatment to the first floor terrace. The details will be secured through condition 9. As such, Condition 9 is to be reimposed seeking boundary treatment to be in place prior to occupation of the office floorspace.
  - The approved terraces to the rear at 3rd floor level were approximately 7m away from the 4th floor roof terrace at The Courtyard to the rear and the windows approximately 10.5m away at their closest point. Condition 9 required planting or screening to be erected along this boundary to prevent any overlooking. As such, Condition 9 is to be reimposed ensuring the boundary treatment to be in place prior to occupation of the office floorspace;
  - The proposed terraces at 3rd floor level to the side are approximately 19m away from the 4th floor balconies at the Orchard Building and 20m from the 4th floor windows at the Orchard Building; and
  - The proposed windows at 4th floor level are approximately 4.3m away from an existing roof terrace at The Courtyard. These windows are at a higher level and are approximately 2.5m

above the roof terrace. Condition 8 to be reimposed requires these windows to be obscure glazed.

- 9.90 Given the prevailing Central London urban context, officers do not consider that the proposal would give rise to undue privacy concerns consistent with the character of the local area. In addition, the relationship to surrounding properties has already been considered as being acceptable through previous consents and it is not considered that there have been material changes in the surrounding context to justify a different interpretation to those consented arrangements.

### **Outlook and sense of enclosure**

- 9.91 The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.
- 9.92 In view of the degree of separation to the nearest residential properties, and given the surrounding built up urban context, it was considered that the approved scheme would not result in any harmful impacts in terms of outlook or sense of enclosure at the time of the original application. Whilst some small amendments to the building's massing are proposed, it is not considered that the proposals would result in any change to the neighbouring residences' outlook/sense of enclosure when compared to the originally approved scheme.
- 9.93 As outlined in the assessment of the original planning application, the proposal will clearly be visible from the windows to the rear elevation of the frontage building but these windows serve the corridor to access the flats and a secondary kitchen/dining/living room to two flats. It is therefore considered that there will not be an unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these neighbouring residential units.
- 9.94 Further, there are stepped roof terraces at The Courtyard at 4th and 5th floor level to the rear of the site (equivalent to 3rd and 4th floor levels at the application site because of the different floor to ceiling heights). These have windows and doors in the east elevation facing the roof terrace and have amenity space of approximately 3m on the roof terrace areas. At the 4th floor level (2nd/3rd floor at the application site), as per the approved scheme, the proposed building extends approximately 4m along the side boundary of the roof area. Due to the different floor levels at both sites the approved height was 1.4m in height along this boundary and it was considered in the approved scheme that this was consistent with a garden wall or fence. At 5th floor level (3rd/4th floor at the application site) the proposed building extends approximately 7.5m along the side boundary of the roof terrace. Because of the different floor levels the approved drawings show a 2.4m height along this boundary. This was also considered similar in height to a high garden wall or fence and the existing windows to this terrace have uninterrupted views the other way across the Seward Street playground as well as large windows serving the same unit along most of the northern elevation.
- 9.95 To the Orchard building, the proposal will continue to share a rear building line where the two buildings adjoin each other. The side facing elevation of the Orchard Building is approximately 14 metres from the boundary with the application site. As such, at first and second floor levels, the windows of the proposed scheme would be at a minimum separation distance in excess of 20 metres to the side facing windows of the Orchard Building. At third floor, the separation distance between the side elevations of the application site and the Orchard Building would increase to in excess of 16 metres, and at fourth floor level, the separation distance increases further to in excess of 32 metres.
- 9.96 It is therefore considered that there will be no further unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these residential units.

## **Noise and disturbance**

- 9.97 Local Plan policy DH5 states that all development proposals which have the potential to cause or exacerbate unacceptable noise and vibration impacts on land uses and occupiers in the locality must fully assess such impacts. Where noise and/or vibration impacts are identified suitable mitigation measures must be put in place to reduce these impacts to acceptable levels.
- 9.98 The proposed amendments continue to enclose the parking/equipment storage/refuse storage area and to re-provide office floorspace at first floor and above. As highlighted within the committee report of the original permission, any noise from vehicles using the original car park site, equipment being moved around on site, refuse collections etc. would therefore have been greatly reduced, because the ground floor use was entirely enclosed.
- 9.99 It is noted that the site is located within a Central London location given its designation within the CAZ. Office use is unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers, given that workers at their desks within offices do not typically generate significant noise and are compatible with residential uses.
- 9.100 The proposal includes roof terraces at first, third and fourth floors, whilst the roof is to be for plant and equipment only. At first floor level, the roof terrace is approximately 12 metres from the residential balconies of the Orchard Building. The potential for noise and disturbance may carry to neighbouring residential properties. As such, in line with the approved scheme, condition 10 limiting the hours of use (to between 0800 and 2000 only) of the roof terraces which would secure mitigation of noise and disturbance to neighbouring amenity, is to be reimposed.
- 9.101 In regards to noise and disturbance from plant and equipment associated with the proposed building, Condition 22 is recommended to be reimposed which outlines that 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. Further, Condition 21 is also recommended to be reimposed and seeks the submission and approval of a report which assesses the noise from any mechanical plant and equipment on site is compliant with the noise levels set out in Condition 22.

## **Construction impacts**

- 9.102 It is anticipated that the construction of the proposed development would inevitably cause some degree of noise and disruption affecting neighbouring residents and businesses. A final 'Demolition and Construction Environmental Management Plan' would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be resecured by reimposing conditions 12 and 13. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

## **Daylight, Sunlight and Overshadowing**

- 9.103 With specific regard to daylight and sunlight, the NPPF states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.
- 9.104 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment ('BRE') document 'Site layout planning for daylight and sunlight – A guide to good practice' (2022) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

- 9.105 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in '*Rainbird vs Tower Hamlets [2018]*'.
- 9.106 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.107 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.
- 9.108 Whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings (such as schools, hospitals, hotels and hostels, small workshops, and some offices) where occupants have a reasonable expectation of daylight.

#### Daylight Guidance

- 9.109 The BRE Guidelines (2022) stipulate at 2.2.23 that... "the diffuse daylighting of the existing building may be adversely affected if either:
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
  - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution)."
- 9.110 At paragraph 2.2.7 of the BRE Guidelines it states: "*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.*"
- 9.111 At paragraph 2.2.10 of the BRE Guidelines state: "*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside*".
- 9.112 Paragraph 2.2.13 states: "*Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.*" The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 9.113 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is "*in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would*

*correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.*

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

### Sunlight Guidance

9.115 The BRE Guidelines (2022) state in relation to sunlight at paragraph 3.2.13: *“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

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

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

9.117 The guidelines go on to state at paragraph 3.2.3: *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. Normally loss of sunlight need not be analysed to kitchens and bedrooms, except for bedrooms that also comprise a living space, for example a bed sitting room in an old people’s home”.*

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

### Overshadowing Guidance

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

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

## Assessment of Daylight, Sunlight and Overshadowing

- 9.121 The applicant has submitted a 'Daylight and Sunlight' report (ref: CR/SM/ROL00962 Rev B) dated 27 July 2023 and prepared by Antsey Horne. The report and appendices consider the impacts of the proposed development on the residential neighbours in accordance with the latest 2022 Building Research Establishment (BRE) Guidelines.
- 9.122 In modelling the assessment, 'Antsey Horne' have attempted to obtain the floor plans of the nearest neighbouring properties identified, outlining that various online resources have been searched, including Local Planning Authority planning records, online real estate agencies, and council tax/valuation office agency records.
- 9.123 It is also noted that two assessments have been undertaken within the report. Firstly, the 'existing v proposed' measures the impact the development would have on neighbouring buildings as currently in situ. A second assessment has been undertaken, the 'approved v proposed' outlines the difference between the approved scheme if it were built against this current proposed scheme.
- 9.124 The below figure shows the neighbouring residential receptors identified and tested within the Daylight & Sunlight Report:

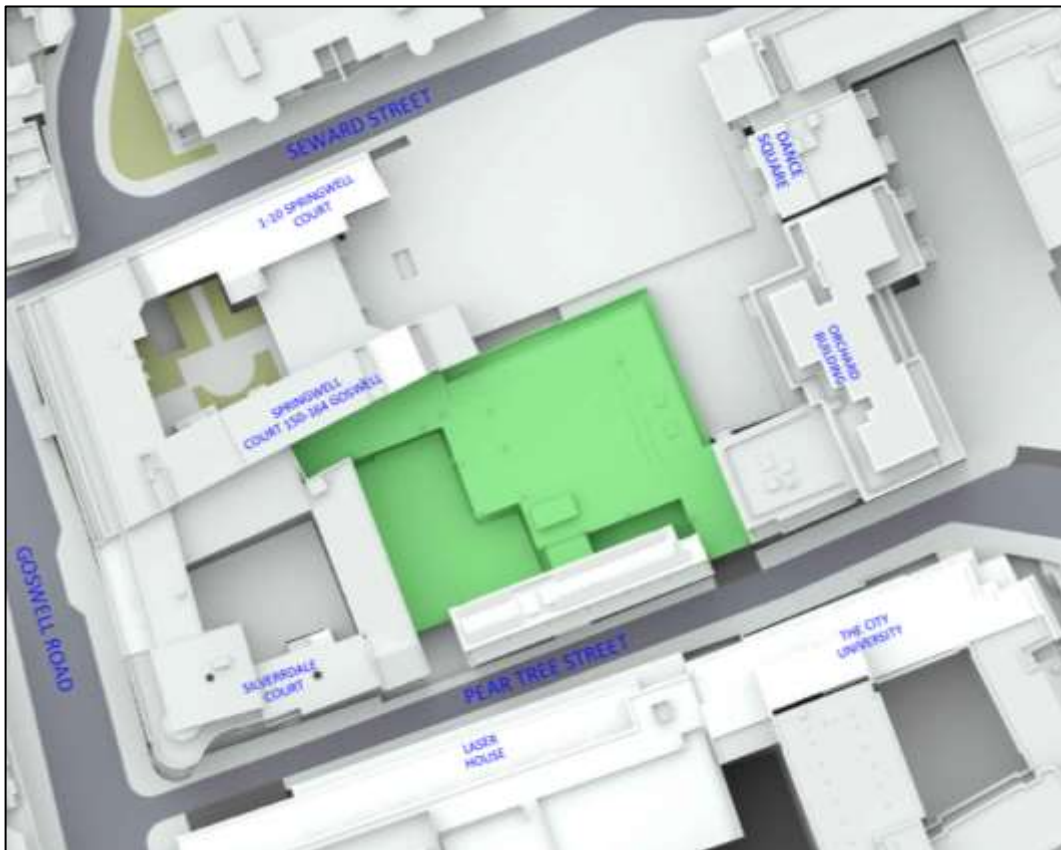


Figure 15: Map of the site and identified neighbouring properties

- 9.125 The submitted Daylight & Sunlight report concludes that several neighbouring properties relevant for assessment fail to adhere to the relevant BRE daylight and sunlight tests.



## Impacts to Daylight

9.126 The report indicates that a total of 9 windows tested would transgress BRE guidance relating to VSC and 23 of the rooms tested would see reductions beyond BRE guidance relating to NSL.

9.127 Transgressions are reported to the neighbouring properties confirmed to be residential as follows:

- Silverdale Court;
- Orchard Building; and
- City University (Student Accommodation)

### *Silverdale Court*

Silverdale Court is a part four part five-storey building located to the west of the application site. 62 windows which face the site, which serve 55 rooms, were tested. 61 of the 62 windows (98%) would meet BRE guidance on VSC, whilst 50 of 55 rooms (91%) would meet BRE guidance on NSL. The transgressions beyond BRE guidance are reported for reference in Table 1 below:

Room / Window	Room Use	Vertical Sky Component				No Skyline (Daylight Distribution)				
		Existing (%)	Proposed (%)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme
<b>First Floor</b>										
R8 / W8	Unknown	16.3	16	2%	2%	16.4	13.5	7.8	42%	39%
R9 / W9	Unknown	15.2	14.8	3%	3%	21.4	16.8	10	40%	35%
R12 / W13	Unknown	19.1	16	16%	16%	9.3	4	2.5	38%	35%
<b>Second Floor</b>										
R7 / W8	Unknown	21.3	21	2%	2%	16.4	15.8	10.8	32%	27%
R8 / W9	Unknown	19	18.6	2%	2%	21.4	20	13.3	33%	27%
R8 / W10		14.3	14	2%	2%					
R11 / W13	Unknown	15.2	12	21%	18%	9.3	4.8	4	16%	11%

9.128 As shown in Table 1 above, 1 window would see a reduction in VSC beyond BRE guidance, whilst 5 rooms would see reductions in NSL beyond BRE guidance. The one window at second floor level which would now see a reduction beyond BRE guidance in VSC would minimally transgress guidance at 21%, an increase from 18% within the approved scheme. The 5 rooms which continue to see transgressions in NSL, would see minimal increased reductions.

## Orchard Building 25 Pear Tree Street

9.129 The Orchard Building at 25 Pear Tree Street is a six to seven storey building adjoining the east of the site.

9.130 77 windows which face the site, which serve 68 rooms, were tested. 69 of the 77 windows (90%) would meet BRE guidance on VSC, whilst 64 of 68 rooms (94%) would meet BRE guidance on NSL. The transgressions beyond BRE guidance are reported for reference in Table 2 below:

Table 2: Orchard Building		Vertical Sky Component				No Skyline (Daylight Distribution)				
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme
<b>Ground Floor</b>										
R4 / W4	Unknown	20.9	19.3	7%	7%	11.9	11.6	8.3	29%	19%
R5 / W5	Unknown	23.9	18.9	21%	15%	15.4	14.9	10.6	29%	21%
R6 / W6	Unknown	7.4	3.4	55%	42%	17.2	17	6	65%	54%
R7 / W7	Unknown	11.3	8.1	28%	23%	12.1	9.3	8.9	6%	5%
<b>First Floor</b>										
R3 / W3	Unknown	21.4	21.4	0	0	23.3	23.2	22.6	3%	3%
R3 / W4		14.2	10.5	26%	21%					
R6 / W7	Unknown	9.2	5.6	39%	32%	17.2	17.1	9.5	45%	32%
R7 / W8	Unknown	12.4	9.7	21%	17%	12.1	0	0	0	0
R12 / W13	Unknown	14.1	9.5	33%	26%	15	14.8	14.6	1%	1%
<b>Second Floor</b>										
R6 / W7	Unknown	11	8.2	25%	20%	17.2	17.1	14.7	14%	7%

9.131 As shown in the table above, 8 windows would see reductions beyond BRE guidance on VSC, whilst the approved scheme saw 5 transgressions. The windows which would now see reductions beyond BRE guidance are minimal transgressions of between 21% and 25%.

City University student accommodation

9.132 This is 6 to 9 storey building to the south of the application site and is a purpose built student accommodation building. The impact of the approved development on this building was not considered within the committee report at the time of decision.

**Table 3: City University Student Accommodation**

Room / Window		Vertical Sky Component				No Skyline (Daylight Distribution)				
		Existing (%)	Proposed (%)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%) Proposed Scheme	Reduction (%) Approved Scheme
<b>Ground Floor</b>										
R1 / W1	Studio	14.4	11.9	19%	19%	20.9	20.5	7.3	64%	63%
R2 / W2	Studio	15	12	20%	20%	19.2	19.1	6.8	65%	63%
R3/ W3	En-Suite	14.6	12	18%	18%	13.7	10.8	6.3	42%	40%
R4 / W4	En-Suite	13.8	12	13%	13%	14.3	10.7	6.6	39%	37%
<b>First Floor</b>										
R1 / W1	Studio	19.8	16.4	17%	17%	20.9	19.6	4.9	75%	74%
R2 / W2	Studio	20.2	16.4	19%	19%	19.2	18.7	4.5	76%	75%
R3/ W3	En-Suite	19.4	16.2	16%	16%	13.7	10	4.2	59%	56%
R4 / W4	En-Suite	18	16	11%	11%	14.3	8.6	4.2	51%	49%
<b>Second Floor</b>										
R2 / W2	Studio	19.8	19.8	0	0	18.8	10.4	7	33%	30%
R3 / W3	Studio	21.2	21	1%	1%	19	16.1	8	51%	47%
R4 / W4	Studio	22.4	21	6%	6%	20.9	20.1	8.4	58%	54%
R5 / W5	Studio	23.8	21.4	10%	10%	19.2	18.9	7.9	58%	53%
R6 / W6	En-Suite	23.2	21	9%	9%	13.7	10.5	6.9	35%	29%
R7 / W7	En-Suite	22	20.6	6%	6%	14.3	9.2	6.8	27%	22%

9.133 As shown in Table 3 above, there would be no transgressions to windows in regards to VSC, however 14 rooms would see reductions in NSL beyond BRE guidance.

Summary of Daylight Impacts

9.134 The submitted Daylight and Sunlight report highlights transgressions beyond BRE guidance and transgressions which are greater in both quantum and quality when compared with the original planning permission. There are a number of instances where there are reductions in either VSC or NSL, but not both.

## Impacts to Sunlight

9.135 The submitted report indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. As such, there is only a requirement for windows at Silverdale Court, Springwell Court/The Courtyard 150-164 Goswell Road, 263-274 Dance Square Apartments, Orchard Building 25 Pear Tree Street and City University student accommodation to be tested. There are transgressions reported to neighbouring Orchard Building 25 Pear Tree Street only, as follows:

<u>Table 3: Sunlight Transgressions</u>		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
<b>Orchard Building</b>								
<i>Ground Floor</i>								
R5 / W5	Unknown	28	18	10	36%	2	0	100%
R6 / W6	Unknown	13	6	7	54%	0	0	0
R7 / W7	Unknown	10	5	5	50%	0	0	0
<i>First Floor</i>								
R6 / W6	Unknown	15	10	5	33%	2	1	50%

9.136 As shown above, there are 4 windows which would see transgressions beyond BRE guidance to Annual Probable Sunlight Hours. All 4 windows are located to the south-western elevation of the adjoining Orchard Building, with all 4 windows directly facing the subject site.

9.137 It is noted that 1 of these windows (at ground floor R6 W6) is recessed from the main building line and is located beneath an overhead balcony which officers acknowledge restrict sunlight availability as existing. This is evident in the very low WPSH as existing and, as such, the windows are highly susceptible to reductions through the development of the subject site.

### Overshadowing (sunlight on ground)

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

9.139 Only the external amenity spaces at 263-274 Dance Square Apartments and the Orchard Building 25 Pear Tree Street have been identified as neighbouring residential with external amenity expectation of sunlight on ground within close proximity to the site. To 263-274 Dance Square Apartments, there would be no change in the amenity area lit. To the Orchard Building 25 Pear Tree Street, as existing, 34.5% of the amenity area is currently lit, and this would have reduced to 17% representing a 49% reduction. Within the proposed scheme, the area of amenity that would be lit is 12%. This represents a 65% reduction.



Figure 16: Existing sunlight on ground to neighbouring amenity spaces (left) and Proposed sunlight on ground to neighbouring amenity spaces (right)

9.140 Further, Seward Street Playground is located directly north of the site. As existing, 89.6% of the playground is lit, and this would reduce to 77.2% following the proposed development. This represents a 14% reduction. As such, at least half of the amenity space would continue to receive sunlight in accordance with BRE guidance.

### Daylight, Sunlight and Overshadowing Summary

9.141 A comprehensive assessment of the proposed development on surrounding windows and rooms to nearby dwellings has been undertaken in accordance with BRE guidance and practice. 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.

9.142 It is noted that the proposed amendments, due to the increase in height of the building and other increases in the massing to the rear of the building, would lead to further reductions in daylight and sunlight to neighbouring residential windows and rooms.

9.143 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 against the prevailing Central London urban context.

### Neighbouring Amenity Summary

9.144 The impact of the proposed development upon neighbouring amenity has been carefully considered by officers. A number of conditions are proposed to mitigate impacts of the development such as noise and disturbance from plant, equipment and use of amenity spaces.

9.145 It is acknowledged by officers that there is a degree of conflict with Local Plan policy relating to the impact upon neighbouring amenity, specifically in relation to the level of daylight and sunlight reductions beyond BRE Guidance. This has been carefully examined and whilst impacts are acknowledged to weigh against the scheme, these are considered within the wider planning balance. The overall conclusion is that the scheme accords with the development plan as a whole.

## **Highways and transport**

- 9.146 The NPPF (2023) Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.
- 9.147 London Plan (2021) Chapter 10 sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, development proposals should not increase road danger.
- 9.148 The application site has a PTAL of 6a, which is considered 'excellent', due to its proximity to bus routes along Goswell Road and Central Street, and to nearby train/underground stations Old Street and Barbican.
- 9.149 It is noted that Pear Tree Street is one-way traffic only, with vehicles entering from Goswell Street and travelling east to Central Street.

## **Cycles and Pedestrian Movements**

- 9.150 London Plan policy T5 (Cycling) suggests that barriers to cycling can be removed and that a healthy environment in which people choose to cycle can be created through appropriate levels of cycle parking which are fit for purpose, secure and well-located.
- 9.151 Local Plan Policy T2 requires major developments to provide cycle parking in accordance with the minimum standards set out in Appendix 4 and end-of-trip facilities for cyclists in accordance with best practice. End-of-trip facilities are required to be provided at a level proportionate to the size of the development and the required level of cycle parking.
- 9.152 Within the originally permitted scheme, cycle parking provision consisted of 44 parking spaces and did not include any ancillary facilities. The proposal seeks to increase the cycle parking spaces from 44 to 60, with additional 4 spaces for larger/adapted accessible cycles.
- 9.153 The introduction of mezzanine level between ground and first floor level has allowed for the addition of end-of-journey facilities such as 40 lockers, showers and changing rooms, and a maintenance stand. Transport for London have commented on the proposed amendments and advise that the improved provision and quality is welcomed. Officers consider that the increase in provision and end-of-journey facilities is an improvement to the permitted scheme and is therefore supported.

## **Vehicle parking**

- 9.154 The development would be car free, (in terms of the office upper floor office space) whilst operational vehicle parking is at ground floor level, as per the permission. In order to ensure that the parking area is not used for general parking, condition 6 is to be reimposed.
- 9.155 Footway and highway reinstatement works may be necessary following completion of the proposed development and is resecured through a deed of variation to the section 106 legal agreement.

## **Servicing, deliveries and refuse collection**

- 9.156 Local Plan policy T5 states that delivery and servicing should be provided off-street where feasible for commercial developments of over 200sqm, make optimal use of sites, demonstrate that servicing and delivery vehicles can enter and exit in a forward gear, ensure that there are no adverse impacts on existing/proposed refuse and recycling facilities, ensure that there are no adverse impacts on existing/proposed refuse and recycling facilities, ensure that the cumulative impact on sustainable

transport modes is identified and suitably mitigated/prevented, and investigate potential for delivery and servicing by non-motorised sustainable modes, such as cargo cycle, and 'clean' vehicles.

- 9.157 Within the originally permitted scheme, refuse and recycling storage is provided at ground floor level and will continue to be provided at ground floor level within the revised scheme. The development is to be serviced from Pear Tree Street. No condition was included within the original or previous s73 permissions securing a Delivery and Servicing Plan. As such, condition 32 is recommended in order to secure acceptable details in regards to 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).

### Summary on transport and highways

- 9.158 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions. The application continues to set out adequate provision for servicing and deliveries, waste collection, accessibility, cycling, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The proposal would be acceptable in highways terms and would comply with London Plan (2021) Policies T4, T5, T6 and T7 and Islington Local Plan (2023) Policies T2, T3, T4 and T5. The proposal is therefore acceptable in terms of transport / highways subject to reimposition of conditions and S106 contributions.

### Energy and Sustainability

- 9.159 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.160 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 9.161 The now superseded Core Strategy Policy CS10 required onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. Latest Islington policy, Local Plan policy S4, adjusts this for Building Regulations 2013 to reductions of 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 9.162 The permitted scheme achieved a BREEAM of 'excellent' and was secured through condition 23. The permitted scheme's 'Sustainable Design and Construction Statement' (dated 10/03/16) stated that a 35% reduction in CO2 emissions (regulated) and a 23% reduction in CO2 emissions (regulated and unregulated based on 2013 Building Regulations baseline) would be achieved, with a Carbon offset financial contribution of £80,831 secured. An area of 250sqm for Solar PVs for the renewable energy was also approved. Further, the permitted scheme was able to show that it could connect to the Bunhill Heat Network and this was secured by legal agreement within the section 106.
- 9.163 An Energy Statement Addendum has been submitted in support of the application, which builds upon the approved Energy Strategy. The revision to the Energy Strategy relates to revised and improved Heating Ventilation & Air Conditioning (HVAC). The submission outlines that HVAC is confined to the open plan office areas and is a change from a centralised boiler and refrigerant based system to

a displacement-based system served via Air Source Heat Pumps. Further, it outlines that an increased reduction in regulated emissions from 55% (permitted) to 65% (as amended). The solar panel array is to continue to be located at main roof level, and maximised where possible, to achieve maximum efficiency.

- 9.164 In summary, the proposed amendments to the approved energy strategy improves the energy efficiency. As such, it is considered acceptable to amend condition 23 to replace reference of the previously approved energy strategy with the revised energy strategy.

#### *Whole Life Carbon*

- 9.165 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.
- 9.166 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).
- 9.167 The submission and acceptability of a whole life-cycle carbon ('WLC') assessment was not a policy requirement at the time of the original planning permission being granted. Officers accept this approach given the extant permission has been partially implemented.

#### *Circular Economy*

- 9.168 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.
- 9.169 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.
- 9.170 A Circular Economy Statement was not a policy requirement at the time the original planning permission was granted and therefore has not been submitted. Officers accept this approach given the extant permission has been partially implemented.

#### Sustainable Urban Drainage (SUDs)

- 9.171 Local Plan Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.
- 9.172 A Sustainable Urban Drainage System was approved within an approval of details application (P2017/4390/AOD) and as such Condition 28 is recommended to be reimposed.

#### Landscaping, greening and trees

- 9.173 London Plan (2021) policy G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building



design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

- 9.174 Local Plan policy G4 states that all developments are required to minimise impacts on existing trees, hedges, shrubs and other significant vegetation, and provide sufficient space for the crowns and root systems of existing and proposed trees and their future growth. Developments within proximity of existing trees are required to provide protection from any damage during development.
- 9.175 The permitted scheme included the provision of green roofs at fourth floor and the main roof level.
- 9.176 There are no trees on the site as existing, whilst there are street trees near to the site along the pavement Pear Tree Street.
- 9.177 The proposal includes green/brown roof, to the main roof of the building. Condition 25 of the approved scheme outlines that the development shall be constructed in accordance with the details of biodiversity green/brown roof submitted and approved prior to any superstructure works commencing on site. Discharge of Condition application: P2018/1257/AOD approved the requested details of the biodiversity green/brown roof(s). As the proposal seeks to amend the roofspace of the approved building, P2018/1257/AOD is no longer considered relevant. As such, Condition 25 is recommended to be reimposed from the original permission (P2015/4725/FUL) requiring submission of full details of the brown/green roofs.
- 9.178 Local Plan policy G4 states that all developments are required to minimise impacts on existing trees, hedges, shrubs and other significant vegetation, and provide sufficient space for the crowns and root systems of existing and proposed trees and their future growth. Developments within proximity of existing trees are required to provide protection from any damage during development.
- 9.179 In regards to trees, Condition 14 outlines that the development is to be constructed in accordance with approved Arboricultural Impact Assessment (April 2016 1140\_05\_APIII). The proposal has been implemented to the ground floor level. The details approved regarding tree protection are to be secured through reimposed condition 14.

### Urban Green Factor (UGF)

- 9.180 London Plan Policy G5 requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage to increase the overall urban greening factor of sites.
- 9.181 Local Plan policy G4 requires all developments to protect, enhance and contribute to the landscape, biodiversity value and growing conditions of the development and surrounding area. All developments must protect and enhance site biodiversity, including wildlife habitats, trees and measures to reduce deficiencies in access to nature.
- 9.182 The application was not subject to the Urban Green Factor ('UGF') requirement policy when originally permitted. The whole curtilage of the site is covered by either hardstanding materials for car parking as existing and the ground to first floor of the building. The site currently has no ecological activity for soft landscaping as existing. The numerous flat roofs of the proposed building offer an opportunity to enhance the biodiversity by providing green roofs.
- 9.183 The submitted Section 73 Landscape Report dated August 2023 highlights that the proposal, through the amendments, will achieve a UGF score of 0.36 due to intensive green roofs with a substrate and planters which act as boundary treatment privacy screens. The inclusion of policy requirement UGF is welcomed and shall be secured through Condition 31.

## **Air Quality**

- 9.184 London Plan Policy SI1 sets out requirements for developments to be air quality neutral. The purpose of the London Plan's requirement that development proposals be 'air quality neutral' is to prevent the gradual deterioration of air quality throughout Greater London. An air quality assessment has been carried out to demonstrate that the building and transport related emissions associated with the Proposed Development are both below the relevant benchmarks. The proposed development complies with the requirement that all new developments in London should be at least air quality neutral.
- 9.185 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour). Condition 13 is to be reimposed which ensure the development is constructed in accordance with the approved CEMP. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

## **Fire Safety**

- 9.186 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement which is an independent fire strategy produced by a suitably qualified assessor. The original planning permission did not provide a fire safety statement as it was not a policy requirement at the time.
- 9.187 A fire safety statement has been submitted which was prepared by a qualified third party assessor (Hoare Lee) with listed qualifications. The fire safety statement provides details relating to construction methods; materials; means of escape provision; features incorporated to enhance fire safety and to reduce the risk to life; access for fire services personnel and equipment; fire appliance access; and protection of the base build in the context of future modifications.
- 9.188 In line with Policy D5 of the London Plan, the fire statement states that evacuation lifts and a firefighting lift is to be provided directly into staircase 1. Condition 30 ensures that the development should only be occupied and managed in accordance with the submitted fire strategy.

## **Planning Conditions**

- 9.189 The conditions of the previous decision notice should be re-imposed to the decision notice including those conditions to be varied in accordance with the above assessment and those which have been discharged. Further, the previously approved s73, which is sought to be varied in this application is bound to comply with various plans and supporting documents which would need to be referenced in any subsequent permission. The application does seek to amend approved drawings of the original planning permission and as such they would be reapplied and/or amended where required.
- 9.190 A number of the conditions are to be varied so that the trigger point for submission of details is prior to occupation of the office floorspace, and not development, given the ground floor depot has been constructed.
- 9.191 Further, additional conditions are recommended to secure fire safety, urban green factor and delivery and servicing, these are reflected in conditions 30, 31 and 32.

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

- 9.192 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the

terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

- 9.193 The original application was subject to a legal agreement to mitigate against the impacts of the development in particular relating to securing SME floorspace onsite, financial contribution towards accessible parking, feasibility of connection to a Decentralised Energy Network (DEN) connection, construction management and adherence to Code of Practice for Construction Sites, highway works and travel planning. Numerous financial contributions associated with the aforementioned obligations are to be resecured.
- 9.194 As this application requires the issue of a new/fresh planning permission the applicant has agreed to re-apply the previously agreed Heads of Terms of the original legal agreement to this new planning permission. This is important as it ensures those obligations originally agreed are once again secured in the case of the implementation of the current application.
- 9.195 The application would be subject to a Deed of Variation to the original (reference: P2018/0909/S73) section 106 legal agreement. Subject to the inclusion and adherence of the previously agreed planning obligations, the development would sufficiently mitigate any impacts and secure compliance with the Development Plan.

## **10. SUMMARY AND CONCLUSION**

- 10.1 Although the proposed design revisions result in an increased height and massing, it is considered that the amendments would result in a scheme which improves inclusive design and accessibility, design and appearance, and sustainable transport with regards to cycle storage and end-of journey facilities.
- 10.2 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. It is noted that the proposed amendments, due to the increase in height of the building and other increases in the massing to the rear of the building, would lead to further reductions in daylight and sunlight to neighbouring residential windows and rooms. These transgressions weigh against the scheme, and must be considered in the planning balance.
- 10.3 The proposal would deliver high quality office accommodation contributing to the stock of business use floorspace within the Borough, the Central Activities Zone and the Bunhill and Clerkenwell Key Area, areas which are of high demand as outlined by the Local Plan framework.
- 10.4 Following the revisions, the proposed development is considered to be well-designed, responding successfully to its immediate and surrounding context and maintaining the setting of nearby heritage assets. It is considered that there would be no harm to nearby heritage assets.
- 10.5 The proposal would see the improvement to end-of-journey facilities and storage for cyclists, whilst other amendments outlined above culminate in providing a more attractive offer to building tenants.
- 10.6 The revised energy strategy represents an improvement over the approved energy strategy, and therefore comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, secured via conditions and planning obligations.
- 10.7 The proposed amendments are, therefore, considered to be consistent with the operative part (description) of the planning permission. As such, the proposal is considered acceptable in planning terms and it is recommended that planning permission be granted subject to conditions and

completion of a deed of variation to the s106 legal agreement securing relevant planning obligations as set out in **Appendix 1** – Recommendations.

# APPENDIX 1: RECOMMENDATIONS

## RECOMMENDATION A

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

- a. For proposals with an increase in office floorspace in the CAZ, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £264,000;
- b. Securing the provision of small/micro workspace at first floor level as per the approved plans;
- c. A contribution towards Crossrail of £462,000;
- d. The provision of 7 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £14,000;
- e. Submission of a draft framework Travel Plan with the planning application, or a draft full Travel Plan for Council approval prior to occupations and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- f. CO2 offset contribution of £80,831;
- g. Connection to the Bunhill heat network;
- h. Payment towards employment and training for local residents of a commuted sum of £33,175.
- i. Compliance with Code of Employment and Training including delivery of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000.
- j. Compliance with the Code of Local Procurement.
- k. Compliance with the Code of Construction Practice, including a monitoring fee of £3,800 and submission of a 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.
- l. Green Performance Plan.
- m. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- 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

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>	<p><b>Commencement of development</b></p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than 30 October 2020.</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>	<p><b>Approved plans</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA13C; PA14D; PA15E; PA23APA40; Arboricultural Impact Assessment 1140_05_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design &amp; Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.</p> <p><del>Additional plans also hereby approved: 4515/S73/07a, 4515/S73/06a, 4515/S73/05a, 4515/S73/11, 4515/S73/08, 4515/S73/04, 4515/S73/03, 4515/S73/02, 4515/S73/01, 4205/PA01.</del></p> <p><b>Additional plans also hereby approved:</b>  <b>00001 revision P03 – Site Location Plan</b>  <b>06101 revision P02 – Proposed Mezzanine Plan</b>  <b>06102 revision P02 – Proposed First Floor Plan</b>  <b>06103 revision P02 – Proposed First Floor Plan</b>  <b>06104 revision P02 – Proposed Second Floor Plan</b>  <b>06105 revision P02 – Proposed Third Floor Plan</b>  <b>06106 revision P02 – Proposed Fourth Floor Plan</b>  <b>06110 revision P02 – Proposed Roof Plan</b>  <b>06201 revision P02 – Proposed South Elevation (Pear Tree Street)</b>  <b>06202 revision P02 – Proposed Lightwell and West Elevations</b>  <b>06203 revision P02 – Proposed North and East Elevations</b>  <b>06300 revision P02 – Proposed Sections</b></p>

	<p><b>Design and Access Statement 22001-MCO-XX-XX-DS-A-01001 revision P05 dated 10 August 2023;</b>  <b>Energy Statement Addendum prepared by Flatt dated 13/07/2023 prepared by Flatt;</b>  <b>Fire safety statement for planning. 1 Pear Tree Street prepared by Hoare Lea;</b>  <b>S73 Landscape Report prepare by Farrer Huxley dated Augst 2023</b>  <b>Site Waste Management Plan July 2023 SWMP-07/23;</b>  <b>Sustainable Design &amp; Construction Statement v2 prepared by Flatt dated 13July 2023;</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>
3	<p><b>Small/Micro workspaces (sizes) (Compliance)</b></p> <p>CONDITION: The small/micro workspace on the <del>ground</del> <b>first</b> floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. <del>This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</del></p>
4	<p><b>Small/micro workspaces (no amalgamation) (Compliance)</b></p> <p>CONDITION: The small/micro workspace located on the <del>ground</del> <b>first</b> floor shall not be amalgamated with the remainder of the office floorspace in the building.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. <del>This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</del></p>
5	<p><b>Permitted Development Rights restriction (Compliance)</b></p> <p><del>CONDITION: Notwithstanding the provisions of Classes I, O or T of Part 3 or Class D or E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the business office floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.</del></p> <p><b>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 office (E(g)i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class, unless otherwise agreed in writing by the Local Planning Authority.</b></p> <p><b>Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and 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.</b></p> <p><del>REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013).</del></p>

	<p><b>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.</b></p>
<b>6</b>	<p><b>Ground Floor Parking Usage (Compliance)</b></p> <p>CONDITION: The ground floor vehicle parking and equipment storage area hereby approved shall be used by Cadent plc only, or an organisation performing the same functions as Cadent, in association with their occupation of the commercial premises at Comice House, 1 Pear Tree Street, London, EC1V 3SB only and shall not be used independently or in association with the general office floorspace hereby approved or in Comice House. The ground floor vehicle parking area shall provide a maximum of 14 marked out vehicle spaces only and a maximum of 14 vehicles shall be parked at any one time.</p> <p>REASON: To ensure that the ground floor vehicle parking and equipment storage area is not used for general staff parking and to promote sustainable modes of transport.</p>
<b>7</b>	<p><b>Ground Floor Occupation (Compliance)</b></p> <p>CONDITION: The ground floor depot vehicle parking and equipment storage area shall be provided prior to the occupation of the remainder of the ground floor space hereby approved, and shall then be permanently retained in accordance with the approved plans thereafter.</p> <p>REASON: The ground floor vehicle parking and equipment storage area is considered to form an essential element of the depot use, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
<b>8</b>	<p><b>Obscured Glazing (Compliance)</b></p> <p>CONDITION: All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the <del>development</del> <b>office floorspace:</b></p> <ul style="list-style-type: none"> <li>- Eastern and South eastern elevation at all levels facing the lightwell between the frontage building at 1 Pear Tree Street.</li> <li>- Part of the north western elevation at fourth floor level facing the existing roof terrace at The Courtyard</li> </ul> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>9</b>	<p><b>Boundary Screens (Compliance)</b></p> <p><del>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a boundary screens to terraces previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).</del></p> <p><b>The hereby approved boundary screens to roof terraces of a minimum 1.7m high screen or planters and planting, as outlined in the 'Section 73 Landscaping Report dated August 2023, shall be installed prior to first occupation of the office floorspace.</b></p> <p><b>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</b></p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows or balconies.</p>
<b>10</b>	<p><b>Roof Terrace Use (Compliance)</b></p>



	<p>CONDITION: The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 on any day except in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To ensure that the amenity of <b>neighbouring</b> residents is not adversely affected <del>in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</del></p>
<b>11</b>	<b>Roof Level Structures/Enclosures (Details)</b>
	<p>CONDITION: Notwithstanding the hereby approved Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof terrace planting</li> <li>b) roof-top plant;</li> <li>c) ancillary enclosures/structure; and</li> <li>d) lift overrun</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 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>
<b>12</b>	<b>Demolition and Construction (Details)</b>
	<p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the demolition and construction vehicle routes and access strategy previously approved by the Local Planning Authority by decision dated 04 May 2018 (application reference P2017/4390/AOD).</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.</p>
<b>13</b>	<b>Construction Environmental Plan (Details)</b>
	<p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the Construction Environmental Management Plan (CEMP) previously approved by the Local Planning Authority by decision dated 04 May 2018 (application reference P2017/4390/AOD).</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
<b>14</b>	<b>Tree Protection (Compliance)</b>
	<p>CONDITION: The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (April 2016 1140_05_APIII) and the Construction Method Statement (undated) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
<b>15</b>	<b>Facing Materials (Details)</b>

	<p>CONDITION: <del>Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of facing materials previously approved by the Local Planning Authority by decision dated 24 July 2018 (application reference P2018/1539/AOD).</del></p> <p><b>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:</b></p> <p><b>a) brickwork, bond and mortar courses for all facing bricks;</b>  <b>b) render (including colour, texture and method of application);</b>  <b>c) windows and doors (including sections and reveals);</b>  <b>d) roofing materials (including facing materials);</b>  <b>e) rooftop plant and equipment enclosures and lift overrun cladding etc.; and</b>  <b>f) any other materials to be used.</b></p> <p><b>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</b></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>16</b>	<b>Solar panels (Details)</b>
	<p>CONDITION: Prior to first occupation of the <b>office floorspace</b> development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Seward Street:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including angle of panels and elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the <b>office floorspace</b> development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
<b>17</b>	<b>Plumbing, rainwater pipes or foul pipes (Compliance)</b>
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p>
<b>18</b>	<b>Accessibility and inclusive design (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby <b>approved plans and documents</b> <del>the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</del></p> <ul style="list-style-type: none"> <li><del>a) Vehicular and pedestrian gates that are suitable for use by disabled people;</del></li> <li><del>b) Flush thresholds to all entrances and gated entrances</del></li> <li><del>c) Accessible/adapted bicycle and tricycle spaces</del></li> </ul> <p><del>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</del></p> <p><b>Further details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</b></p> <ul style="list-style-type: none"> <li><b>a) main entrance doors, handles/latches and signage;</b></li> <li><b>b) terrace furniture: seating, lighting and materials; and</b></li> </ul>

	<p><b>c) a management plan, including a PEEP.</b></p> <p><b>The inclusive design measures shall be retained as such in perpetuity.</b></p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>19</b>	<p><b>Cycle storage (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) shown <del>on drawing No. 4515/S73/11</del> hereby approved, shall be secure and provide for no less than <del>17 bicycle spaces and 1 disability tricycle space</del> and shall be provided prior to the first occupation of the <b>office floorspace (Use Class E(g)i)</b> 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>20</b>	<p><b>Refuse and recycling provision (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) <del>shown on drawing no. 4515/S73/11</del> <b>hereby approved</b> shall be provided prior to the first occupation of the <b>office floorspace Use Class E(g)i)</b> 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>21</b>	<p><b>Fixed plant compliance report (Details)</b></p> <p>CONDITION: 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 with condition 22. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation <b>of the office floorspace</b> and any noise mitigation measures shall be installed before commencement of the <b>office floorspace uses</b> hereby permitted and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the neighbouring occupiers.</p>
<b>22</b>	<p><b>Fixed plant noise (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
<b>23</b>	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: The development shall achieve a <b>BREEAM rating of no less than 'Excellent'</b>.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>24</b>	<p><b>Energy strategy (Compliance)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the Energy Strategy previously approved by the Local Planning Authority by decision dated 31 October 2018 (application reference P2018/0818/AOD) <b>and Energy Street Addendum dated 13/07/2023 prepared by FLATT.</b></p>

	<p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>
<b>25</b>	<p><b>Green/brown roofs (Compliance)</b></p> <p><del>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a biodiversity (green/brown) roof(s) previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).</del></p> <p><b>Notwithstanding the hereby approved plans and documents, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the office floorspace. The biodiversity (green/brown) roof(s) shall be maximised and be:</b></p> <p><b>a) biodiversity based with extensive substrate base (depth 80-150mm);</b>  <b>b) laid out in accordance with and no less than shown on plans hereby approved; and</b>  <b>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,</b>  <b>and shall contain no more than a maximum of 25% sedum).</b></p> <p><b>The biodiversity (green/brown) roof(s) 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.</b></p> <p><b>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</b></p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>26</b>	<p><b>Landscaping (Compliance)</b></p> <p><del>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of landscaping previously approved by the Local Planning Authority by decision dated 21 August 2018 (application reference P2018/1257/AOD).</del></p> <p><b>The hereby approved landscaping plan for the roof terraces, as outlined in the ‘Section 73 Landscaping Report dated August 2023, shall be provided and completed prior to first occupation of the office floorspace.</b></p> <p><b>The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</b></p> <p><b>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</b></p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>27</b>	<p><b>Bird and Bat Boxes/Bricks (Details)</b></p> <p>CONDITION: Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of <b>the office floorspace (Use Class E(g)i) part of the development</b>. The details shall include the exact location, specification and design of the installations, and the boxes/bricks shall be installed prior to the first occupation <b>of the office floorspace (Use Class E(g)i)</b> and permanently retained thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>
<b>28</b>	<p><b>Sustainable Urban Drainage (Compliance)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a Sustainable Urban Drainage System previously approved by the Local Planning Authority by decision dated 21 December 2017 (application reference P2017/4390/AOD).</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>29</b>	<p><b>Rainwater Harvesting (Details)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall only be carried out in accordance with the details of a rainwater/greywater recycling system previously approved by the Local Planning Authority by decision dated 24 July 2018 (application reference P2018/1659/AOD).</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>30</b>	<p><b>Fire Safety (Compliance)</b></p> <p>CONDITION: The details and measures set out in the 'Fire safety statement for planning 1 Pear Tree Street' prepared by Hoare Lee, shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Strategy Report would need to be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the Fire Strategy Report 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>31</b>	<p><b>Urban Green Factor (Compliance)</b></p> <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>32</b>	<p><b>Delivery and Servicing (Details)</b></p> <p>CONDITION: Notwithstanding the hereby approved plans, prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority. 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 shall take place within the hours of 2300 – 0700.</p>

	<p><b>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.</b></p> <p><b>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</b></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>
	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).
	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.
	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> .
<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> <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</p>

within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk) Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

## 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 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 and Islington's Local Plan: Strategic and Development Management Policies 2023. 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><u>1. Planning London's Future - Good Growth</u>  <b>Policy GG2</b> Making the best use of land  <b>Policy GG5</b> Growing a good economy</p> <p><u>2. Spatial Development Patterns</u>  <b>Policy SD4</b> The Central Activities Zone  <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ</p> <p><u>3. Design</u>  <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><u>6. Economy</u>  <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><u>7. Heritage and Culture</u>  <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><u>9. Sustainable Infrastructure</u>  <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><u>10. Transport</u>  <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</b>	
<p><b>1. PLAN01</b> Site appraisal, design principle and process</p> <p><u>2. Area Spatial Strategies</u>  <b>Policy SP1</b> Bunhill &amp; Clerkenwell</p>	<p><u>7. Public Realm and Transport</u>  <b>Policy T1</b> Enhancing the public realm and sustainable transport  <b>Policy T2</b> Sustainable Transport Choices</p>



<p><u>4. Inclusive Economy</u>  <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><u>5. Green Infrastructure</u>  <b>Policy G4</b> Biodiversity, landscape design and trees  <b>Policy G5</b> Green roofs and vertical greening</p> <p><u>6. Sustainable Design</u>  <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 T3</b> Car-free development  <b>Policy T4</b> Public realm  <b>Policy T5</b> Delivery, servicing and construction</p> <p><u>8. Design and Heritage</u>  <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  <b>Policy DH5</b> Agent-of-change, noise and vibration</p>
<b>C) Bunhill and Clerkenwell Area Action Plan</b>	
<u>2. Area wide policies</u> <b>Policy BC1</b> Prioritising office use	<u>3. Area Spatial Strategies</u> <b>Policy BC3</b> City Fringe Opportunity

## Designations

The site has the following designations under the London Plan 2021 and Islington Local Plan 2023:

- Central Activities Zone ('CAZ');
- Bunhill & Clerkenwell Key Area;
- Bunhill & Clerkenwell Area Action Plan;
- 'Civil War Defences' Archaeological Priority Area (APA)

## 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