

**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>	18 <sup>th</sup> July 2023	<b>NON-EXEMPT</b>

<b>Application number</b>	P2022/2893/FUL
<b>Application type</b>	Full Planning Application – Major
<b>Ward</b>	Bunhill
<b>Listed building</b>	N/A
<b>Conservation area</b>	Within 50 metres of Bunhill Fields and Finsbury Square;
<b>Development Plan Context</b>	Central Activities Zone (CAZ); City Fringe Opportunity (Finsbury Local Plan Policy BC8); Bunhill & Clerkenwell Core Strategy Key Area; Employment Priority Area 20 (General) (Epworth Street/Old Street); Article 4 Direction B1c to C3 (CAZ); Article 4 Direction A1-A2 (Rest of Borough); Moorfields Archaeological Priority Area;  Emerging:  Site Allocation BC48
<b>Licensing Implications</b>	N/A
<b>Site Address</b>	Castle House, 37 - 45 Paul Street, Fitzroy House 13-17 Epworth Street and 1-5 Clere Street
<b>Proposal</b>	Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

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

## 1. RECOMMENDATION

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

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

## 2. SITE LOCATION

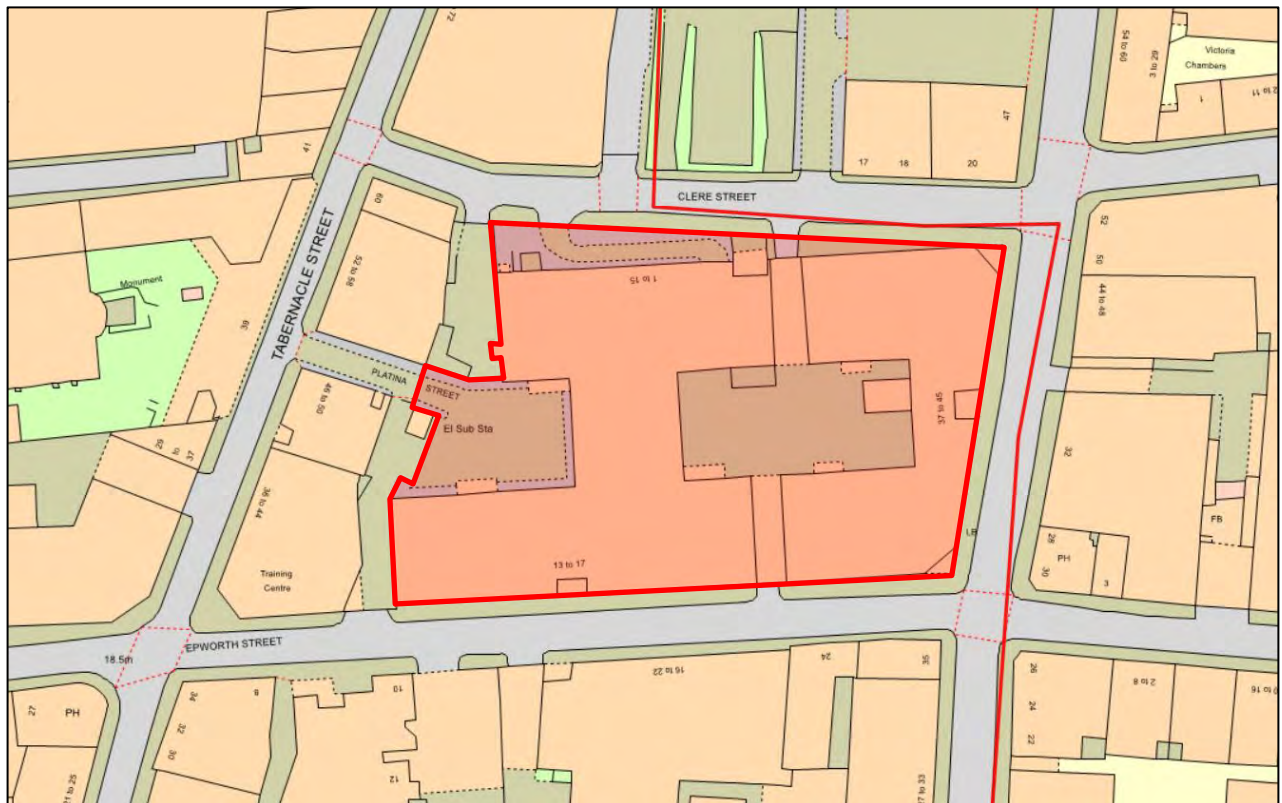


Figure 1: Site Location Plan

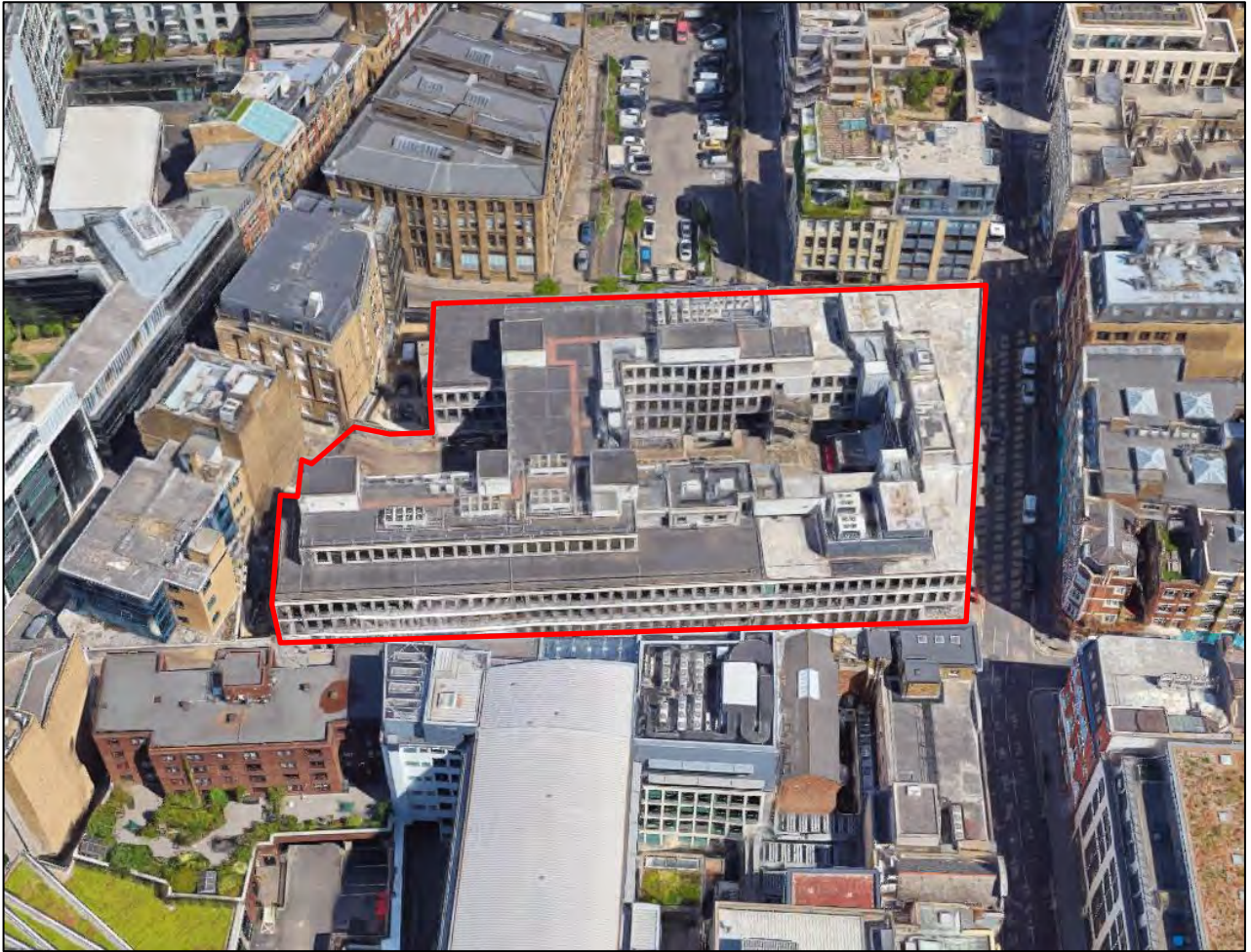


Figure 2: Aerial view of site (in red) from the south looking north

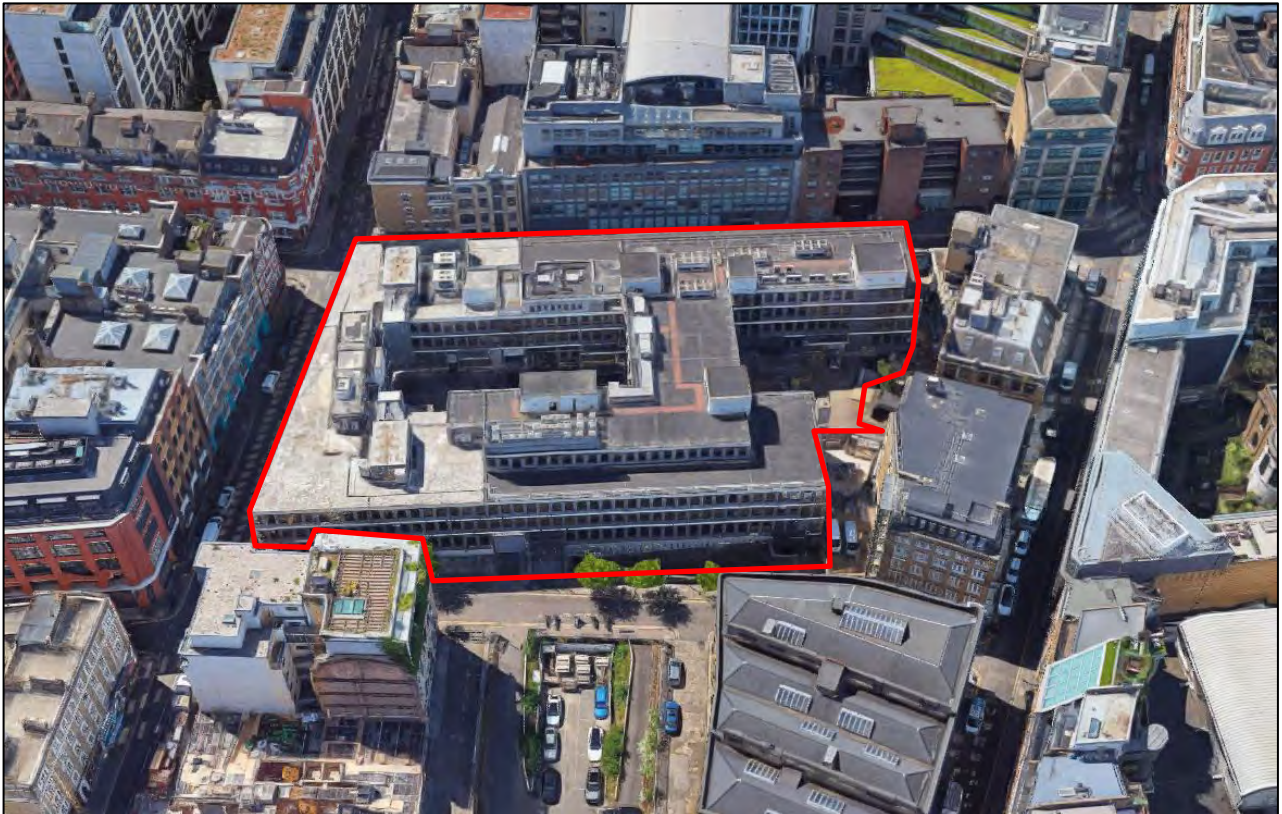


Figure 3: Aerial view of site (in red) from the north looking south

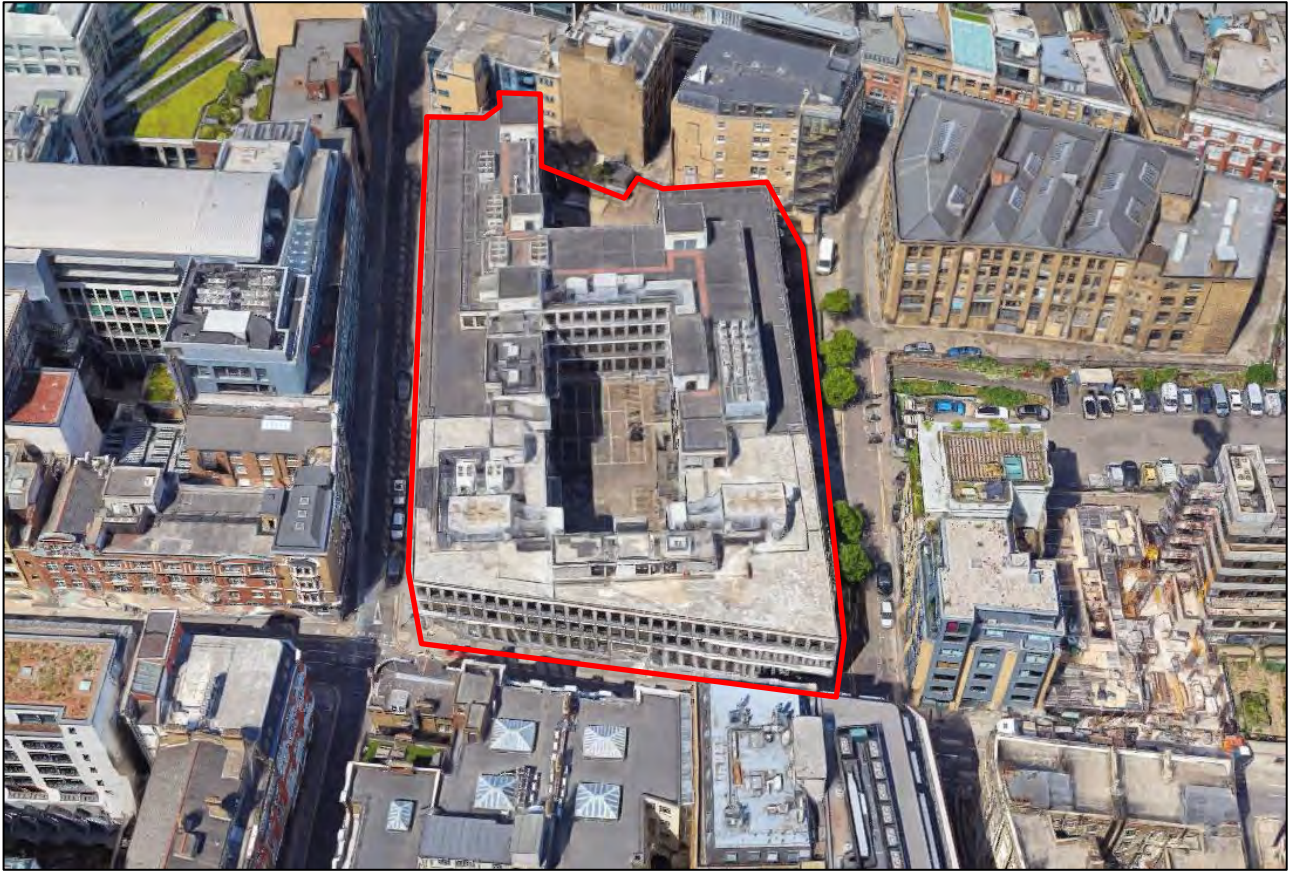


Figure 4: Aerial view of site (in red) from the east looking west



Figure 5: Aerial view of site (in red) from the west looking east

### 3. SUMMARY

- 3.1 This application seeks full planning permission for the redevelopment of the site, with the demolition of the existing building and construction of a 7 storey building, plus two basement levels.
- 3.2 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, active frontage with retail (including food and beverage) and gym at ground/lower ground floor level is in accordance with the policy thrust for these designations.
- 3.3 The scale, height, design and appearance of the proposal is considered acceptable within its setting and would not cause detriment to the nearby heritage assets. Further, it 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.
- 3.4 The proposed development would lead to the reduction of daylight and sunlight to neighbouring residential properties, namely along Epworth Street and Clere Street. The transgressions have been investigated by officers within this report and whilst they would weigh against the scheme but the weight given is low by officers following inspection of the results and context of the neighbouring properties affected within the prevailing Central London urban context. The impact to neighbour amenity is not considered to be such as to recommend refusal of the application when considered in the wider planning balance.
- 3.5 The site has excellent public transport accessibility level (PTAL) due to its proximity with Old Street and Barbican railway and underground stations. The proposal would be car-free development however an internal service yard is proposed at ground floor level which allows for servicing and deliveries to take place safely, with sufficient space to enter and exit in a forward gear. There would be sufficient cycle parking facilities on-site. No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.6 The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, which are to be secured via conditions and planning obligations.
- 3.7 The application is supported by a comprehensive s106 legal agreement and contributions related to and mitigating impacts of the scheme.
- 3.8 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. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

#### Departure from Local Plan

- 3.9 The application proposal represents a tall building, being over 30 metres in height. Islington Development Management Policy DM2.1 details that *“the only locations in Islington where tall buildings may be suitable are set out in the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell)”*. The application site is not located within the area covered by policy BC9 of the Finsbury Local Plan and therefore represents a departure from the adopted development plan.
- 3.10 Draft Islington Local Plan policy DH3, as modified in the Main Modifications for Consultation (June 2022), details that buildings of more than 30 metres are only acceptable in principle on sites identified as potentially suitable for tall building under this policy and must not exceed the maximum building heights for that specific tall building location, as set out in the site allocation. The application site does not form a site allocation within the Draft Islington Local Plan – Site Allocations (September

2019). Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

- 3.11 The proposed rooftop plant enclosure takes the height of the building to total of 34.85 metres. As such, the proposal would represent a departure from the draft Local Plan. The proposed building shoulder height is 20.83 metres, rising to 25.05 metres and 29.2 metres to the setback floors above.
- 3.12 The assessment of the tall building is outlined in paragraphs 9.49 – 9.80 below.

#### GLA referral

- 3.13 With respect to the process involved with assessing this type of application, the Mayor of London is consulted on all planning applications that are of Potential Strategic Importance ('PSI') by the Mayor of London Order 2008. These are commonly described as 'referred' applications. The proposal would meet the criteria for a referable application as set out in the London Order (2008), Schedule 2 and 7 'PSI Applications and categories of development', Part 1 'Large Scale Development', as follows:
- Category 1B – 1.(b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres; and
  - Category 1C – 1.(c) the building is more than 30 metres high and is outside the City of London;
- 3.14 The proposal seeks a total floorspace (GEA) of 34,256 square metres and the maximum height is over 30 metres (outside of the City of London).
- 3.15 The Greater London Authority have responded within Stage 1 and is outlined in paragraph 7.6 below.

## **4. SITE AND SURROUNDINGS**

- 4.1 The site is located on the boundary of the borough, close to the London Borough of Hackney to the north (Clere Street) and east (Paul Street). It is located to the north of Epworth Street, south of Clere Street and west of Paul Street. The site measures approximately 80 metres wide and 55 metres deep, with an area of approximately 4,625 sqm (0.46 hectares).
- 4.2 Although the site reads as one large building, it is divided into Castle House (37-45 Paul Street) which is the eastern part of the site, and Fitzroy House (13-17 Epworth Street) which is the western part of the building. To the centre of the site, a courtyard area comprising of 6 parking spaces and ancillary single storey buildings serving the buildings. The buildings were constructed in the late 1960s.
- 4.3 The site is not located within a Conservation Area and does not contain any statutory listed buildings/structures. The site is, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area (CA22).
- 4.4 The surrounding area is considered to be mixed in use, with commercial (including office, retail, food and beverage, public house/bar etc.) and residential uses. The buildings along Tabernacle Street and Paul Street include many nineteenth and twentieth century buildings, often built as warehouses and offices. More contemporary and modern commercial and residential buildings are located along Epworth Street and Clere Street.
- 4.5 The site has a Public Transport Accessibility Level (PTAL) rating of 6b (Excellent) due to its proximity to Old Street, Shoreditch High Street and Moorgate stations. The site is within a resident only Controlled Parking Zone ('Zone C') with restricted parking operating 24 hours a day on weekdays and Saturdays, and between 0000 and 0600 on Sundays.



Figure 6: Paul Street elevation, looking south



Figure 7: Epworth Street elevation, looking west



Figure 8: Clere Street elevation, including vehicular ramp to lower ground, looking east



Figure 9: View down Platina Street from Tabernacle Street





*Figure 10: Existing central courtyard*

## 5. PROPOSAL (IN DETAIL)

- 5.1 The proposal seeks the construction of a 7-storey building above ground level with two levels of basement being proposed beneath the building. The proposal would result in a significant uplift in Gross Internal Area of 20,809 sqm. The proposed floorspace of the mixed-use development are as follows:

Use Class	NIA	GIA	GEA
Retail – sales (E(a))	710	1,149	1,209
Retail – food and beverage (E(b))	458	667	702
Gym (E(d))	1,567	2,284	2,405
Office (E(g)(i))	17,611	28,411	29,940
<b>Total:</b>	<b>20,346</b>	<b>32,541</b>	<b>34,256</b>

- 5.2 The primary entrance to the building is located on Paul Street with secondary entrances on Clere Street and Epworth Street. A dedicated cycle entrance leading to stairs (with wheel channels) and a cycle lift is located from Platina Street, accessed from Tabernacle Street.
- 5.3 The mix of retail sales and retail food and beverage is proposed at ground and basement floor level, with access to the basement floorspace achievable via the atrium. Office floorspace is proposed to part of the basement and ground floor (as part of the affordable workspace unit), first, second, third, fourth, fifth and sixth floor levels.
- 5.4 The lower ground floor level would include the significant requirement for cycle storage for the above office, gym staff and retail staff. Further, changing and shower facilities are located next to the cycle storage areas.
- 5.5 The proposed gym would have its entrance at ground floor level onto Epworth Street, with stairs and a lift down to the lower ground level where the changing facilities are located, whilst the basement would provide the main floorspace for the gym (i.e. equipment and classes etc.).



Figure 11: Proposed Southern (Epworth Street) Elevation



Figure 12: Proposed East (Paul Street) Elevation



Figure 13: Proposed Northern (Clere Street) Elevation

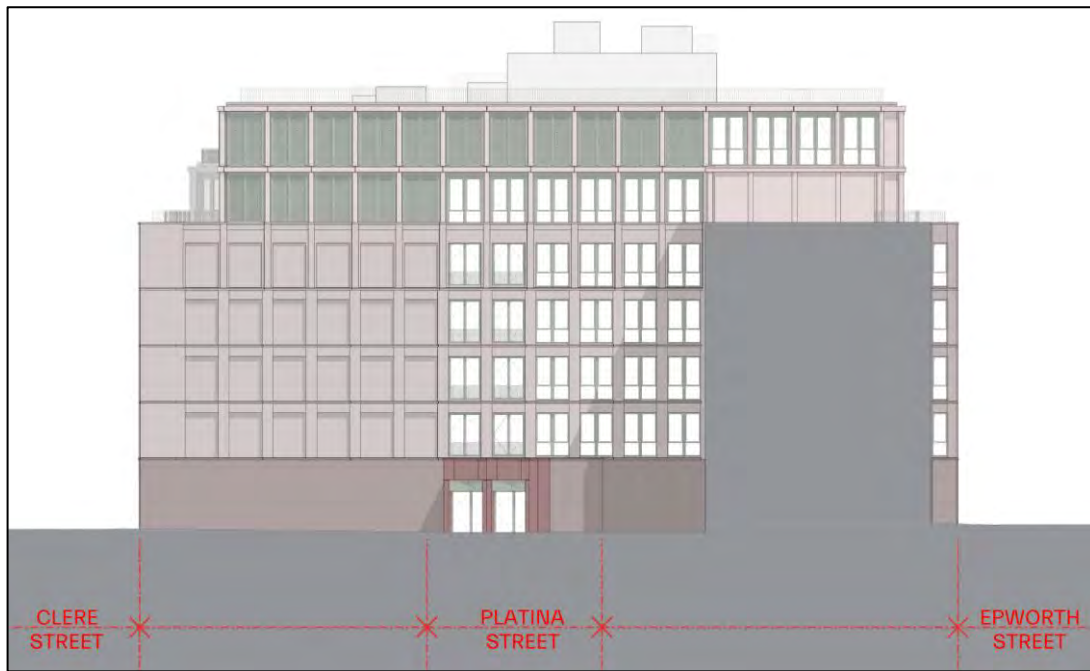


Figure 14: Proposed West (Platina Street) Elevation



Figure 15: CGI of the proposed 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 current proposal:
- 6.2 **P2013/3399/FUL:** “Refurbishment of the existing entrance steps and foyer to include a DDA compliant platform lift”. Approved with Conditions – 12/11/2013.
- 6.3 **P2013/1448/FUL:** “Use of part of roof space as terrace and installation of associated opaque glass privacy screen/balustrades.” Approved with Conditions – 08/08/2013.
- 6.4 **P111274:** “Installation of a automated sliding entrance door to the Epworth Street elevation of the building, other minor associated works proposed. Window alterations to a single window on the Clere Street elevation of the building involving the replacement of a single glass pane with louvres”. Approved with Conditions – 28/07/2011.
- 6.5 **P110884:** “Erection of replacement entrance canopy and alterations to the external corner alcoves of the existing office building”. Approved with Conditions – 10/06/2011.
- 6.6 **P091726:** “Replacement plant located on the roof”. Approved with Conditions – 20/10/2009.
- 6.7 **P091630:** “Minor alterations to external elevations”. Approved with Conditions – 13/10/2009.
- 6.8 **P090660:** “Removal of existing plant and installation of new plant at roof level”. Approved with Conditions – 12/06/2009.
- 6.9 **950932:** “Erection of three flagpoles at first floor level”. Approved with Conditions – 04/09/1995.
- 6.10 **931744:** “Continued use of the building for offices (Class B1)”. Approved with Conditions – 07/02/1994.
- 6.11 **890398:** “Alterations to the existing building comprising 1. Erection of rooftop air conditioning plant 2. Erection of vertical distribution duct enclosure 3. Erection of electrical switchgear room”. Approved with Conditions – 03/07/1989.
- 6.12 **870937:** “Additional roof plant for air conditioning and replacement windows”. Approved with Conditions – 27/11/1987.
- 6.13 **862083:** “Single storey extension (140 sq.m.) for new loading bay and storage area”. Approved with Conditions – 14/04/1987.
- 6.14 **860802:** “Use for collection editing storage processing and distribution of financial data and the production storage and distribution of computer software and systems (use previously granted with personal condition - request is effectively for a similar permission without such a personal condition)”. Appeal made against non-determination: Appeal Allowed with Conditions – 19/02/1987.
- 6.15 **851818:** “Erection of additional roof level plant room and replacement of all existing windows by windows with dark anodised frames and tinted glazing”. Approved with Conditions – 21/01/1986.
- 6.16 **850149:** “Change of use of whole building (approx.7500sq.m.) from use for Class X (warehousing) and ancillary activities to use for computerised collation and distribution of information falling within Class II of the Town and Country Planning (Use Classes) Order 1972”. Approved with Conditions – 19/09/1985.

**Relevant Neighbouring Sites:**

**36 – 44 Tabernacle Street**

- 6.17 **P2018/1410/FUL:** Partial demolition of existing four storey B1(a) office building, and construction of a new part-5, part-6 storey 3,592 sqm B1(a) office building. Approved with conditions and legal agreement 29/07/2019. It should be noted that this permission has now expired.



*Figure 16: CGI of the Approved development at neighbouring 36-44 Tabernacle Street, the subject site as existing is marked in red.*

Zimco House, 16-28 Tabernacle Street and 10-14 Epworth Street

- 6.18 **P2018/0523/FUL:** Demolition of the existing building (in Use Classes B1(a) offices, and B8 storage and distribution). Erection of a new building of 6 storeys, including retention of existing basement, plus rooftop plant and enclosure; and associated works, to provide 9,221 square metres (GIA) for use as B1(a) offices. Resolution to Grant at Islington Planning Committee – 10/09/2018. Approved with Condition and legal agreement – 22/07/2019.



*Figure 17: CGI of the Approved neighbouring development at 16-28 Tabernacle Street and 10-14 Epworth Street, looking south along Tabernacle Street*

## Neighbouring London Borough of Hackney:

### Maldron Hotel, 49-51 Paul Street

- 6.19 **2018/2104:** Redevelopment of the site by the erection of a building up to 10 storeys in height to accommodate a 145 room hotel (C1 Use Class), and a 147sqm restaurant/café (A3 Use Class) at ground floor level, with roof plant enclosure and other associated works. Granted subject to Conditions and legal agreement – 27/03/2019. It is noted by officers that this is currently under construction.



*Figure 18: Indicative image of the approved development at 49-51 Paul Street from Clere Street looking east.*



56-64 Leonard Street (Development House)

- 6.20 **2017/4694:** Demolition of existing office building (B1) and construction of new ten storey office building (B1) with flexible retail use (A1/A3) at ground floor, terraces and other associated works. [Re-consultation for 14 days to account for (1) additional set-back to the Leonard Street north elevation upper level setback façade (levels 05-08) by approximately 2.5m; (2) additional set back to the taller element of the Kiffen Street Western façade (levels 05-08) by approximately 550mm; and (3) an increase in the area of office provision in the lower ground level by moving plant down to the basement level]. Granted with conditions and legal agreement – 28/03/2019.
- 6.21 **2022/1680:** Demolition of existing office building and construction of a new ten storey office building (Use Class E(g)(i)) with flexible retail (Use Class E(a)) and restaurant (Use Class E(b)) at ground floor, terraces and other associated works. **Still under consideration by London Borough of Hackney.** It is noted within the submission details that the proposal does not “change the form, massing, height design aesthetic of the 2019 permission and subsequent section 73 application”.



Figure 19: Indicative view of the west elevation (along Kiffen Street) of Development House as seen from Clere Street, as approved and as currently proposed.

69 - 77 Paul Street (Telephone House)

- 6.22 **2022/1165:** Demolition to ground floor level of existing building; erection of building to maximum height of ten storeys around a central courtyard to provide office accommodation (Use Class E(g), ground floor retail space (Use Class E), a basement event space (Sui Generis) and associated facilities, landscaping to include visitor cycle spaces. **Still under consideration by London Borough of Hackney.**



*Figure 20: Indicative view of the southern elevation (Leonard Street) of Telephone House as seen from Clere Street, as proposed.*

**Pre-Application Advice:**

**London Borough of Islington:**

- 6.23 Pre-Application engagement between the Applicant and the Council was undertaken prior to the submission of the planning application under reference: Q2021/1737/MJR. It was advised that the intensification of employment floorspace, and specifically office development, within the CAZ and Bunhill and Clerkenwell Area Action Plan could be supported in land use terms.
- 6.24 In terms of design, officers raised concern with regards to the impact of height, and the massing of this height, associated with such an extensive amount of plant, as it was read as an additional storey to the building, with a height upwards of 30 metres.
- 6.25 It was advised that the indicative materiality, architectural language and detailing proposed, positively displayed many of the elements required to achieve the level of design quality and richness demanded by this historic context, echoing but not replicating the language of the past. Officers advised that further Design Review Panel be undertaken given such substantive changes to the form and to the materiality have been undertaken since the Design Review Panel on 16 November 2021.
- 6.26 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 increased sense of enclosure, loss of outlook, loss of privacy through overlooking and loss to daylight/sunlight to habitable rooms.

### Design Review Panel

- 6.27 At pre-application stage, the proposal was presented to the Design Review Panel ('DRP') on two occasions, on the 16 November 2021 and 24 May 2022. The Panel's pre-application stage written comments are appended as **Appendix 3 and 4** to this officer report.
- 6.28 In summary of the scheme presented to the 24 May 2022, the most critical point that the Panel made relates to the impact of the scheme on the setting of the Wesley's Chapel and Bunhill Fields. The Panel advised the design team to seriously think about addressing the form of the building in order to lessen the impact on these critically important heritage assets. This was considered the priority of the Panel.
- 6.29 A further challenge outlined by the Panel was the need to look at the atrium's form and impact on the quality of the internal environment with regard to the introduction of light, air and amenity for the office users. There may currently be too much internal focus rather than exploring the potential for a wider contribution to the overall form and function of the building.
- 6.30 With regard to the debate about the castellated beams, while complimenting the sustainability undertaken in the designs, the Panel highlighted that it is equally important that the character and spatial generosity of contextual historic industrial buildings is also captured. The Panel commented that there was something rather wonderful about the structure within the factories and showrooms of Shoreditch – including the way it contributes to the robust and utilitarian architecture. Therefore, it was outlined that there is a challenge whereby the joy of the interiors needs to be captured as well as embedding sustainable design requirements.
- 6.31 Some concern about the extent of the double basement remains and the applicant was advised to consider whether it could be reduced.
- 6.32 Much more detail is needed with regard to energy – efficiencies and generation, sustainability, and the circular economy going forward in order to match the positive rhetoric.
- 6.33 The Panel concluded that the success of the building will undoubtedly be in its detail. The design team were commended for approaching the site, and scheme design, in a very responsible, tactile and sympathetic way. The Panel considered it important that the architects be retained to RIBA Stage 4 and beyond in order to ensure that the building delivers on its promise.

### Greater London Authority

- 6.34 Pre-application engagement between the Applicant and the GLA was undertaken in October 2020 and August 2022. Regarding Land Use, the GLA response surmised that the proposals are broadly supported in principle with regard to providing an office-led redevelopment on a site designated for employment uses. However, robust justification for the loss of non-designated industrial floor space and explanation as to why the existing B8 data centre use is not being re-provided in accordance with London Plan Policy E7 would be required. The affordable workspace offer should also be maximised to ensure the scheme is consistent with London Plan Policies E1 and E3, and to help offset the proposed loss of non-designated industrial floor space.
- 6.35 The GLA response highlighted that the pre-application proposal would see localised breaches of 30 metres. It was advised that any planning application must address and comply with the criteria set out under London Plan policy D9 (part C), with respect to the visual functional, environmental, and cumulative impact of a tall building.
- 6.36 It was considered that the key design elements – namely the layout; massing; architectural approach; and façade design – are generally well-considered, following rigorous and logical design process through discussions with Islington. It was considered that the proposal would be an excellent addition to the townscape and fits in well with the existing context. The GLA supported the approach to vertical

and horizontal articulation of the façade in line with surrounding buildings. Further, the DRP recommendations should be used to inform design refinement as part of the continuing pre-application process.

- 6.37 The pre-application response concluded that any future planning application will also need to address issues raised in this report in regards affordable workspace; urban design; transport; sustainable development; and environmental issues to ensure accordance with the London Plan.

## 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 1,346 adjoining and nearby properties on 5 September 2022 and expired on 29 September 2022.
- 7.2 The application was reconsulted on 17 October 2022 and expired on 10 November 2022 in order to clarify the site address following a number of representations received.
- 7.3 Further, the application was reconsulted on 16 March 2023 and expired on 09 April 2023 as follows: *“Reason for re-consultation: Clarification of site address, clarification that the proposal is a Departure from the Development Plan (maximum height exceeds 30 metres) and submission of revised drawings and documents”.*
- 7.4 It is the Council’s practice to continue to consider representations made up until the date of a decision.
- 7.5 At the time of the writing this report, **103** 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**

- No information has been advertised about the application;
- The deadline for comments was not publicised;

*[Officer response: As outlined in paragraphs 7.1 – 7.4 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.]*

#### **Land Use**

- The proposed development would result in an almost 300% increase in the amount of commercial floorspace on the site (from 11,475m<sup>2</sup> currently to 32,541m<sup>2</sup> GIA as proposed). However, the applicant has not provided any compelling need-based justification for the resultant increase in floorspace and how this would align with post-covid office demand/supply in the area;
- The inclusion of additional hospitality/eating establishments can only be detrimental to existing local independent establishments within the area;

*[See paragraphs 9.1 – 9.42 for consideration with regards to land use.]*

#### **Tall building**

- The proposal is deemed a tall building as its maximum height exceeds 30 metres;
- The proposed development fails to comply with the Council’s tall buildings policy;
- The proposed development would be visually dominant and overbearing in its immediate and wider townscape context;
- The development proposes floorspace which is three times larger than the existing building;

*[See paragraphs 9.49 – 9.80 for consideration of a tall building on this site.]*

## **Design and appearance**

- The proposal is very clearly a tall building in an area that is not designated a tall building area;
- 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;  
*[See paragraphs 9.81 – 9.127 for consideration of scale, design and appearance.]*

## **Impact upon heritage assets**

- The application fails to adhere to the Conservation Area Design Guide for Bunhill Fields and Finsbury Square Conservation Area (CA22) and does not acknowledge that no.24 Epworth Street is part of the Conservation Area;  
*[See paragraphs 9.128 – 9.160 for consideration of heritage assets.]*

## **Impact on Neighbouring Amenity**

- Loss of privacy because of overlooking;
- The increased footfall in the area would lead to loss of privacy;  
*[See paragraphs 9.168 – 9.172 for consideration to loss of neighbouring privacy and overlooking.]*
- Increased sense of enclosure and intrusion leading to loss of outlook.  
*[See paragraphs 9.173 – 9.176 for consideration of the proposal upon outlook and sense of enclosure to neighbouring residents.]*
- Loss of daylight and sunlight to neighbouring properties;  
*[See paragraphs 9.186 – 9.252 which outline and consider the transgressions to neighbouring properties (including those on Epworth Street, Paul Street, Tabernacle Street and Clere Street) in relation to reductions to daylight and sunlight.]*
- The development will lead to restricted access for occupiers of 10 Epworth Street;  
*[See paragraphs 9.177 – 9.184 which address the impact of the development upon neighbouring access.]*
- The application has failed to examine the impact of noise and disturbance upon neighbouring amenity from roof terraces;
- Noise and disturbance from commercial uses (including food and beverage) at ground floor level;  
*[See paragraphs 9.177 – 9.198 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 9.185 which address construction.]*

## **Transport and highways**

- The proposal would lead to the loss of car parking spaces for residents;  
*[See paragraphs 9.273 – 9.276 which address the impact of the development upon neighbouring access.]*

## **Flooding**

- The basement would lead to flooding as the site is located within a 'Critical Drainage Area';  
*[See paragraphs 9.318 – 9.320 which address the impact of the development upon flood risk and sustainable urban drainage.]*

## **Energy efficiency**

- Islington Council declared a climate emergency in 2022. The building would not be energy efficient;  
*[See paragraphs 9.283 – 9.306 which address energy efficiency.]*

## **Sustainability**

- The existing buildings are both structurally sound built 50 more years later than neighbouring Zetland House. The existing offices are listed on various agent's sites as "comprehensively refurbished", modernised and suitable for immediate occupation;
- Demolition has a far more negative carbon impact than refurbishment. It is well documented that the greenest buildings are those that already exist;
- The proposed development would not comply with circular economy principles and the case for demolition has not been properly or adequately justified relative to an alternative retrofit/refurbishment option;

*[See paragraphs 9.307 – 9.317 which address sustainability, whole life carbon and circular economy.]*

## **Structural stability**

- The proposal, to include basement excavation, would harm the structural integrity and stability of neighbouring properties;

*[See paragraphs 9.336 – 9.342 which address structure and basement developments.]*

## **Biodiversity and ecology**

- A number of trees are being removed from the street;

*[See paragraphs 9.321 – 9.330 which address the impact of the development upon neighbouring trees. No trees are to be removed.]*

## **Other**

- The proposed building will negatively impact property values of neighbouring residential properties;
- The proposed building will impact the view for a number of homes on the streets;

*[Officer response: The impact of a development upon property values and the perceived loss of a view are not material planning considerations].*

## **External Consultees:**

- 7.6 **Greater London Authority (GLA) – Stage 1 Response** (attached as **Appendix 5**): London Plan policies on non-designated industrial floorspace; affordable workspace; equalities impact; urban design and tall buildings; fire safety; inclusive design; heritage; transport; sustainable development; and environmental issues are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

**Land use:** The proposed redevelopment for an office with affordable workspace and ancillary retail and gym uses within the CAZ and City Fringe Opportunity Area is supported in land use terms.

**Affordable Workspace:** Prior to Stage 2, the Council should confirm whether it is satisfied with the proposed affordable workspace offer. The Council should ensure that the affordable workspace offer is robustly secured through a s106 agreement, and that the affordable workspace offer is in accordance with the definition set out in Paragraph 6.3.2 of the London Plan.

*[Officer Response: Affordable workspace provision is addressed at paragraphs 9.43 – 9.48 below.]*

**Equality:** Additional information is required prior to Stage 2 to confirm the National Deaf Children's Society would not be unfairly disadvantaged by the proposals.

*[Officer Response: The existing building is in use as offices and as such the NDCS are a market tenant of the building. It is not considered that the NDCS would be unfairly disadvantaged given their lease terms etc.]*

**Urban Design:** Additional information is required relating to fire safety; and the functional impact assessment for tall buildings.

*[Officer Response: The GLA and Council are satisfied that the submitted fire statement has been prepared by a suitably qualified third-party assessor, the fire statement lacks details relating to where building occupants could evacuate to, the ongoing maintenance and monitoring of fire access for fire*

*service personnel and equipment. This has been agreed by the GLA to be secured through condition.]*

**Heritage:** The proposed development would not harm the significance of the adjacent conservation areas or Wesley buildings. A further verified view is requested with regards to proposed building in the background of the Church of St Michael; Clergy House to west of Church of St Michael; and St Michael's Church School to enable officers to fully understand the impact of the proposals on the setting of these listed buildings.

*[Officer Response: An additional view has been submitted () which outlines the development in the background of Church of St Michael; Clergy House to west of Church of St Michael; and St Michael's Church School, in which the development would not be visible.]*

**Transport:** Additional information is required regarding Healthy Streets and Active Travel Zone assessment; travel planning; cycling infrastructure; cycle parking; trip generation; and deliveries and servicing.

*[Officer Response: The Applicant has been working with the GLA with regards to acceptable details on transport and highways. TfL raise no objection to the proposed cycle parking, healthy streets assessment and active travel zone assessments. Travel planning is to be secured through legal agreement. Deliveries and servicing is to be mitigated through condition.]*

**Energy and Sustainability:** Further information is required regarding the energy strategy; whole life-cycle carbon; and circular economy.

*[Officer Response: The Applicant has been working with the GLA with regards to acceptable details on the energy strategy, whole-life carbon and circular economies statements. See paragraphs 9.307 – 9.317.]*

**Environment:** Further information is required regarding urban greening; air quality; and clarification on whether proposed planting would comprise a green wall.

*[Officer Response: The Council's Environmental Health officer raises no objection to the proposal with regards to Air Quality.]*

- 7.7 The applicants have shown a high level of engagement with the Local Planning Authority and Greater London Authority since the Stage 1 letter was issued. There is no objection to the scheme being presented to committee and it will be further reviewed by the GLA at Stage 2 of the process.
- 7.8 **London Borough of Hackney** – Content that the design, scale and size of the proposed development is appropriate to the location and does not result in any harm to the buildings on the opposite side of Paul Street which are mostly identified as positive contributors to the Shoreditch Conservation Area (*located within Hackney*). However, objection to the impact the proposed building would have on the 2 existing residential buildings located to the north of the site on Clere Street. The proposal would result in a significant loss of natural light leading to a harmful loss of amenity for the occupiers of those buildings.
- [Officer Response: Noted there is no objection in relation to design, scale and size of the proposed and it's impact upon heritage assets within Hackney. The impact of the development upon neighbouring amenity, specifically daylight and sunlight, is addressed from paragraphs 9.167 below.]*
- 7.9 **Health and Safety Executive (Fire Safety)** – No comment to make.
- 7.10 **Historic England (Planning and Listed Buildings)** – No comment to make, the Council's own Heritage Officer should assess the impact upon the Listing.
- 7.11 **Historic England (GLAAS)** – It is recommended that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Recommended Conditions.

*[Officer Response: Condition 31 would secure the necessary evaluation of archaeological interest.]*

7.12 **London Fire & Emergency Planning Authority** – The Brigade will be satisfied subject to the application meeting the access requirements of Approved Document B5 of the Building Regulations.

7.13 **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.

7.14 **Transport for London Spatial Planning** – The proposed car free development is supported.

Following justification from the Applicant, the location and provision of both long-stay and short-stay cycle parking is accepted. All cycle parking, in line with London Cycle Design Standards (LCDS), should be located in easily accessible and safe locations.

TfL has carried out an internal Cycle Route Quality Criteria Check of Cycleway 1. This noted that the road surface quality is currently extremely poor making it unpleasant to cycle over. Similar new developments nearby have contributed Section 278 works to address this and we expect a similar approach to be applied in this case.

*[Officer Response: Noted, however Transport for London have not outlined the required contribution amount or formula. This is therefore TBC.]*

Concerns are raised with the entrance of the cycle storage Platina Street. Cycling access via Platina Street raises concerns about potential for conflict with servicing vehicles and does not represent the best opportunity for convenient and direct access from Cycleway 1 (Paul Street). Cyclists from Cycleway 1 (Paul Street) would have to navigate Clere Street, where primary servicing is required.

*[Officer Response: Servicing vehicles will not access the Development from Platina Street, all servicing vehicles will access the dedicated off-street delivery and servicing area directly via Clere Street. As such, there would be no direct conflict between servicing vehicles and cyclists entering/exiting the dedicated cycle access. Officers are content that the dedicated cycle access, from Platina Street is acceptable with regards to safety, security and convenience.]*

TfL welcomes the use of Scheduling/Booking of deliveries. We also request prevention of deliveries by condition during local active travel peaks (7-10am, 4-7pm) in order to minimise conflict between vehicles, cyclists and pedestrians in line with London Plan Policy T4 Part F.

*[Officer Response: Noted, Condition 10 seeks to restrict hours of delivery and servicing as requested.]*

7.15 **Thames Water** – No objection subject to informatives.

*[Officer Response: Condition 19 seeks further details requested by Thames Water in relation to submission of a piling method statement, to be agreed with Thames Water prior to commencement.]*

#### **Internal Consultees:**

7.16 **Access and Inclusive Design Officer** – Step free access is achieved throughout the development, including all floor levels, with a number of lifts to the main stair core and platform lifts to the affordable workspace unit.

The Applicant has confirmed that the atrium ‘elephant’ staircase, reception has been designed to include tactile warning measures. Further, increased footway width to the public realm along Clere Street, Paul Street and Epworth Street is welcomed. Sufficient mobility scooter and accessible cycle spaces have been provided within the development.

All entrance doors will either be automated or feature powered actuators. Personal Emergency Evacuation Plans will be prepared for users of the building by Facilities Management. In addition, the building App will provide a platform through which the evacuation plans can be accessed alongside providing a forum that all occupants of the building can communicate with building management.

The agreed inclusive design measures should be secured through condition.



*[Officer Response: Inclusive design and accessibility measures will be secured through condition 17.]*

- 7.17 **Biodiversity and Ecology Officer** – There will be some net gain for biodiversity as a result of this development. However, the success of this depends on the quality of the habitats created (in particular the green roofs and the green wall) and their management. It is agreed that the recommendation that an Ecological Management Plan should be Conditioned, to outline how the biodiversity improvements will be created and managed over a minimum 30 year period.

Agree with the recommendation that integrated bird boxes should be installed and request specific swift bricks, to be installed in groups of at least 3, at various points around the buildings.

*[Officer Response: Compliance with the submitted Ecological Management Plan and submissions of finalised details of bird and bat box will be secured through condition 16.]*

- 7.18 **Design and Conservation** – The proposal is for a well-designed development that recreates a large part of an urban block. It is a very significant improvement on the quality and appearance of the existing buildings on the site. By virtue of the high calibre of its architecture, the development will also improve the character and quality of the immediate and broader context within which the site is located.

This is a thoughtful, well considered, piece of architecture that pays a subtle homage to the history of the area with its playful application of pressed motifs within the precast concrete panels, and in its referencing of the language of productivity through an interpretation of the showroom and the factory typologies in recognition of the area's long history of furniture production and sales.

The height of the building is considered to be appropriate for this intensely urban context. The five storey 'base' sits comfortably with the prevailing storey height ambient of the more immediate context while the additional two floors, set back from the front façades and dressed in a lighter materiality, also adhere to the broader storey height ambient. Therefore, in terms of overall height, the scheme is considered to sit compatibly within this intensely urban context.

Planning policy emphasises the importance of good quality design and of adding beauty to the built environment. This proposal is considered to achieve both these significant objectives.

There are therefore no design objections to the proposal.

*[Officer Response: Noted and further commentary on the scale, height, massing and detailed design of the proposal is provided within the 'Design' section of the below assessment. Condition 3 seeks the submission of schedule and samples of materials to be approved prior to commencement of the development.]*

- 7.19 **Highways and Transport** – Epworth Street and Platina Street are managed and maintained by London Borough of Islington, whilst Clere Street and Paul Street are managed and maintained by London Borough of Hackney.

The proposed internal delivery and servicing yard, which can be entered and exited in a forward gear, allowing for safe loading/unloading to service the development, is supported.

Transport for London's suggestion to provide short-stay cycle parking, along with potential further public realm/tree planting by replacing existing parking bays on Epworth Street, can be supported in principle and should be secured via legal agreement.

*[Officer Response: Paragraphs 9.264 – 9.282 consider this in further detail.]*

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

*[Officer Response: Noted, paragraphs 9.283 – 9.306 consider the energy credentials of the proposal.]*

- 7.21 **Environmental Health (Acoustic)** – The proposal includes new plant to be installed on the roof. The accompanying noise report has only background sound survey and advised noise criterion, with

no confirmation of the plant or assessment of the impact as yet. As such, a condition should be attached to an approval of permission in order to minimise noise impacts, with control on overall noise levels and a subsequent verification report.

*[Officer Response: Noted, paragraphs 9.177 – 9.184 consider the impacts of noise and disturbance, whilst condition 4 relates to noise mitigation measures as recommended.]*

**7.22 Environmental Health (Contamination)** – The application includes a Phase 1 desktop study which highlights the need for a intrusive site investigation informing the contaminated land response. No objection subject to condition.

*[Officer Response: Noted, in regards to the impacts of contamination, condition 23 relates to securing investigation and any required remediation works as recommended.]*

**7.23 Planning Policy (Land Use)** – The scheme provides a large addition of office floorspace which is supported and prioritised by the Local Plan. The supporting uses at ground floor level, allowing active frontage, will contribute to the mix and balance of uses in the area and improve the leisure and retail offer which is important in creating attractive locations for businesses to locate.

**7.24 Sustainability** – Whole Life Carbon: Since the submission of the application, the Applicant team have prepared two reports aiming to address questions raised by Islington Council and the GLA. Rather than showing how the scheme has prioritised retention and retrofit, rather these documents focus on justifying demolition and redevelopment. The submitted WLC assessment fails to identify the feasibility of different opportunities and specific commitments necessary to carry out actions to reduce WLC emissions. As such, this detail should be secured prior to commencement.

*[Officer Response: Noted, Condition 26 will secure the revised and further details in relation to Whole Life Carbon assessment.]*

Circular Economy: The submitted Circular Economy statement is in broad compliance with emerging Local Plan Policy. However, it is highlighted that the SDCS and the Emerging Local Plan Policy S10 part G requires that the impact of construction on the environment is minimised by complying with Islington's Code of Practice for Construction Sites. Further information and stronger commitments are sought to demonstrate how the development will carry out the actions stated within the GLA Circular Economy Template.

*[Officer Response: Noted, Condition 28 will secure the revised and further details in relation to Whole Circular Economy assessment.]*

The drainage design, proposed discharge rate and blue roof attenuation storage are welcomed and policy compliant. The details provided in the Flood Risk Assessment and Drainage Report should be secured via condition.

*[Officer Response: Noted, Condition 18 will secure the drainage details outlined in the Applicants submission.]*

The proposal would achieve the required Urban Greening Factor of 0.3 through the proposed green roofs and soft landscaping, which is welcomed. The Applicant has provided detail as and rationale stating that no further green roof space and planting is not achievable is accepted by the Council. The UGF score should be secured via condition.

*[Officer Response: Noted, Condition 15 secures the Applicant's outlined minimum Urban Greening Factor.]*

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

*[Officer Response: Noted, Condition 16 seeks further details relating to quantum and location of suitable bird/bat boxes/bricks to be approved.]*

- 7.25 **Tree (Arboriculture)** – The submitted details appear to show that the building line is acceptable in its distance from the existing trees along Clere Street to the north, and these trees are to be retained as part of the proposal. Concerns are raised with regards to facilitation and construction of the development, and as such further details of tree protection during construction is requested.

Further tree planting to the benefit of the streetscene and public realm could be improved. Scope for additional tree planting along Epworth Street should be explored.

*[See Condition 35 which secures the submission of a Tree Protection Plan.]*

## 8. RELEVANT POLICIES

- 8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance);
- 8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11(c) states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: "these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

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

### **Emerging Policies**

#### **Draft new Islington Local Plan**

- 8.10 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation Draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October 2021.
- 8.11 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

- |  |   |
|--|---|
| - PLAN1: Site appraisal, design principle and process                | - S6 Managing heat risk                                   |
| - SP1 Bunhill and Clerkenwell  | - S7 Improving air quality                                |
| - B1 Delivering a range of affordable business floorspace            | - S8 Flood risk management                                |
| - B2 New business floorspace   | - S9 Integrated water management and sustainable design   |
| - B3 Existing business floorspace                                    | - S10 Circular Economy and Adaptive Design                |
| - B4 Affordable workspace  | - T1 Enhancing the public realm and sustainable transport |
| - B5 Jobs and training opportunities                                 | - T2 Sustainable transport choices                        |
| - R1 Retail, leisure and services, culture and visitor accommodation | - T3 Car-free development                                 |
| - R6 Maintaining and enhancing Islington's unique retail character   | - T4 Public realm   |
|  | - T5 Delivery, servicing and construction                 |

- R8 Location and concentration of uses
- G4 Biodiversity, landscape design and trees
- G5 Green roofs and vertical greening
- S1 Delivering sustainable design
- S2 Sustainable design and construction
- S3 Sustainable design standards
- S4 Minimising greenhouse gas emissions
- S5 Energy infrastructure
- DH1 Fostering innovation while protecting heritage
- DH2 Heritage assets
- DH3 Building heights
- DH4 Basement development
- DH5 Agent-of-change, noise and vibration
- DH7 Shopfronts

### *Draft Site Allocations*

- 8.13 Within the draft Bunhill and Clerkenwell Area Action Plan, the subject site has been allocated as **Site Allocation BC48**. The Site Allocation highlights the allocation for intensification of office use and that any redevelopment must provide level access and active frontages to the street.

### **Designations**

- 8.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:
- Central Activities Zone ('CAZ');
  - City Fringe Opportunity (Finsbury Policy BC8);
  - Bunhill & Clerkenwell Core Strategy Key Area;
  - Employment Priority Area 18 (General) (Old Street/Whitecross Street);
  - Article 4 Direction B1c to C3 (CAZ);
  - Article 4 Direction A1-A2 (Rest of Borough);

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

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

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

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

## 9. OFFICER ASSESSMENT

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

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

### 9.2 Land Use

#### Policy Context

9.3 This section of the report sets out the policy context against which the proposal will be assessed in regard to existing and proposed land use.

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

9.5 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.

9.6 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.

9.7 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.

9.8 The site is located in the 'Bunhill & Clerkenwell Key Area' as defined within Islington Core Strategy ('ICS') 2011 policies CS7 and CS13 and Islington Development Management Policies ('DM') 2013 DM5.3.

9.9 Islington's Core Strategy ('ICS') policy CS7 'Bunhill and Clerkenwell' is spatial strategy that highlights the specific spatial policies for managing growth and change for this key area within the Borough. The Bunhill and Clerkenwell area is considered Islington's most important employment location within the Core Strategy, with the area expected to accommodate an addition of 14,000 business use jobs by 2025. Creative industries Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged.

9.10 ICS policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises (SMEs). Part B of policy CS13 states that in relation to

existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.

- 9.11 The definitions of “business” and “employment” floorspace/buildings/development/uses provided in the glossary of the adopted Core Strategy. Business floorspace accommodates activities or uses that previously fell within the “B” use class (i.e. offices, industry, or warehousing), and now fall within Use Class E.
- 9.12 Islington’s Development Management Policies (‘DM’) policy DM5.1 ‘New business floorspace’ encourages the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units.
- 9.13 DM policy DM5.2 ‘Loss of existing business floorspace’ states that the reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area’s primary economic function (including by constraining future growth of the primary economic function).
- 9.14 DM policy DM5.4 ‘Size and affordability or workspace’ seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.
- 9.15 Further, Finsbury Local Plan policy BC8 ‘Achieving a balanced mix of uses’ designates an area within for Employment Priority Areas (‘EPA’) for General or Office employment. Within the EPA, no net loss business floorspace is to be permitted and proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 9.16 The site is allocated within the ‘Epworth Street/Old Street’ EPA (General). Part B of policy BC8 states that Development should not be unfettered commercial office use, but where appropriate, must include retail or leisure uses at ground floor alongside i) a proportion of non-office business floorspace or business related floorspace (e.g. light industrial workshops, galleries and exhibition space) and/or; ii) office or retail floorspace suitable for micro and small enterprises (‘SME’) and/or; iii) affordable workspace, to be managed for the occupant whose needs are not met by the market.
- 9.17 The City Fringe Opportunity Area Planning Framework (‘CFOAPF’) is defined in the London Plan (2021) as being approximately 901 hectares of land covering parts of the London boroughs of Islington, Tower Hamlets and Hackney. The application site is identified as being within the City Fringe Opportunity Area.
- 9.18 The CFOAPF notes that the City Fringe has a significant role in addressing London’s housing need, and as such a key aim of the CFOAPF is to achieve a balanced, spatially nuanced approach to determining planning applications. One that allows for the residential development needed without compromising the opportunity for economic growth. The CFOAPF is clear that residential development should not be at the expense of the employment land and the commercial floorspace the City Fringe needs to support growth.
- 9.19 The CAZ SPG provides guidance on the implementation of policies in the London Plan (2015) related to London’s Central Activities Zone (CAZ). As Supplementary Planning Guidance (‘SPG’), the CAZ SPG does not set new policy, but rather explains how policies in the London Plan should be carried through into action. It is not a manual prescribing a universal format for development in the CAZ, but rather aims to give local authorities matters to consider in determining planning applications.
- 9.20 Neither the CFOAPF nor the CAZ SPG form part of the development plan, however they are material planning considerations when determining the current planning application. Set out below is an assessment of the current proposal, taking account of the guidance set out in the CFOAPF and CAZ SPG.

## Emerging

- 9.21 Emerging Policy BC1 '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 area. Office floorspace must be maximised where possible.
- 9.22 Emerging Policy BC3 'City Fringe Opportunity Area' highlights that Proposals must maximise business floorspace provision, specifically office floorspace, as far as possible in line with the Council's priority for the City Fringe Opportunity Area and other policies in the AAP, particularly Policy BC1.
- 9.23 The site is identified as a Site Allocation 'BC48' within the Emerging Local Plan document 'Bunhill and Clerkenwell Area Action Plan'. The allocation outlines that office use should be intensified on the site, whilst any redevelopment must provide level access and active frontages to the street.

## Assessment

- 9.24 The site is currently split into two separate buildings in use as office floorspace (Use Class E(g)(i)). The proposal seeks the following land use make-up:

Use	Existing (GIA)	Proposed (GIA)	Percentage%
Office – E(g)(i)	11,475sqm	28,441sqm	87%
Retail – E(a)	0	1,149sqm	13%
Café/Restaurant – E(b)	0	667sqm	
Gym – E(d)	0	2,284sqm	
<b>Total:</b>	<b>11,475sqm</b>	<b>32,284sqm</b>	

- 9.25 As shown above, the majority (87%) of the proposed use would be for office (Use Class E(g)(i)), in accordance with the thrust of the CAZ and Bunhill Area Action Plan. The lower basement area is reserved for mechanical, equipment and drainage requirements.
- 9.26 It is noted that new London Plan Policy SD5 states that, within the CAZ, increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan. Further DM Policy DM5.1, Part E, sets out that major development that would result in a net increase in office floorspace should also incorporate housing. However, developments should optimise the amount of office space that can be accommodated on site. The two limbs of this policy must be considered in the wider context of other relevant Development Plan policies, both local and London wide. When assessed in consideration of London Plan (2021) policies and Islington's Core Strategy (2011) policies, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas, such as the CAZ.
- 9.27 Paragraph 5.2 of the Strategic and Development Management Policies states that employment policies focus primarily on offices, workshops, and industrial and warehousing uses within the B Use Classes (and now Use Class E(g)) but also consider other employment generating development outside the commercial Use Classes. A data storage centre is an employment use under Sui Generis use class. Employment generating uses should be protected in accordance with Policy DM5.2. Data centres perform an important function and are an employment use, however the space will be replaced with office floorspace, an employment use with a higher employment density and a priority use for this area under the Local Plan and this should be considered in the planning balance.
- 9.28 Officers consider that due to the context and constraints of the site, a mixed-use development consisting of both office and residential would require separate cores (stairs and lifts etc.) which would not optimise the site sufficiently, reducing the nettable internal floorspace. As such, a building in use solely for single business use (office) floorspace is supported by Officers.
- 9.29 Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, office floorspace would support higher employment



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

- 9.30 The proposal is in accordance with policy BC8 as the ground and lower ground floor areas offer a mix of uses, ensuring that the office floorspace is unfettered and alongside active frontage uses such as retail, and food and beverage.
- 9.31 The proposal would be in accordance with emerging Local Plan policy B2 as it would intensify office use within the CAZ and Clerkenwell AAP to enhance the area's role in supporting London's strategic business role is a priority.

#### Quality of the proposed office space

- 9.32 The CFOAPF acknowledges that planning policy that is aimed at providing commercial space in lieu of space lost through permitted development rights has had limited success. A key issue encountered has been where commercial 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.
- 9.33 The proposed office floorspace to the above ground building would be of Category A quality with sufficient natural light, outlook, and floor to ceiling heights of 4.60 metres at ground floor and 3.5 metres at the first floor level and floors above. The basement office area dedicated to affordable workspace unit would have some natural light from internal lightwells at ground floor level, to the southern elevation of the building and would achieve a floor to ceiling height approximately 4.60 metres.
- 9.34 The proposal is considered to be in accordance with emerging 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).
- 9.35 While it is accepted that the lower ground office floorspace would not benefit from exceptional level of natural light or external outlook as achieved with the upper floors, the floor to ceiling heights are generous (exceeding 3m) and the office spaces would be easily accessible via lifts and staircases. It is considered that the office floorspace is of exceptionally high quality throughout the proposal.



Figure 21: Indicative view of the internal atrium to the centre of the building, at ground floor level

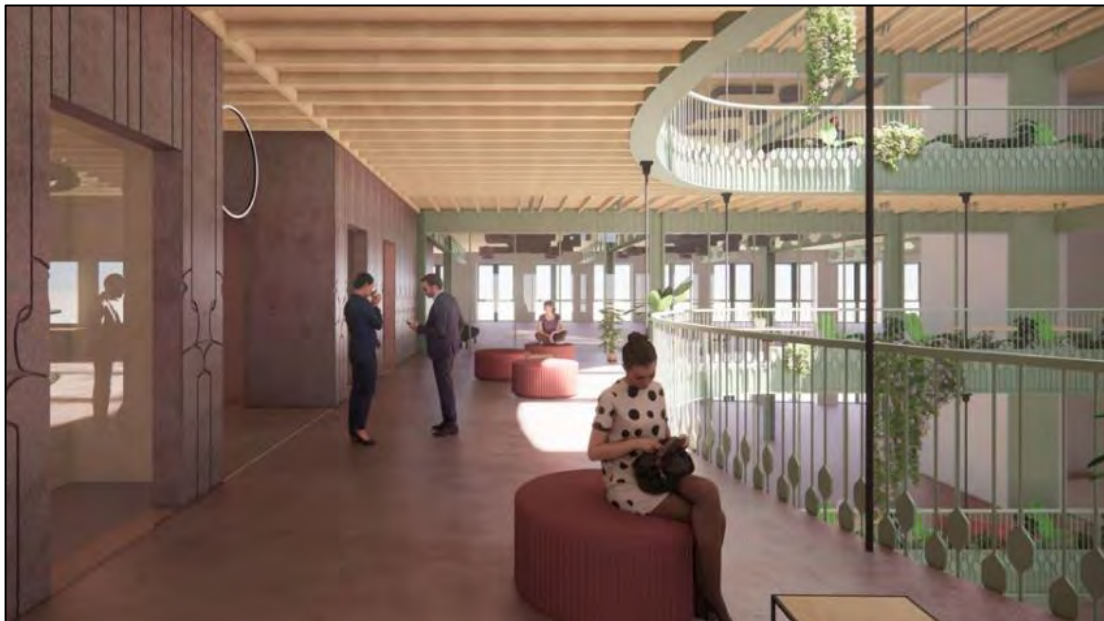


Figure 22: Indicative typical view of the internal atrium at upper floor levels

## Retail and Leisure

- 9.36 Policy CS14 of Islington's Core Strategy states that Islington will continue to have strong cultural and community provision with a healthy retail and service economy providing a good range of goods and services for the people who live, work and study in the borough.
- 9.37 In terms of emerging Local Plan, policy R1 highlights that retail services and leisure uses will be resisted where, by virtue of their location and/or concentration, they would have negative impacts on the character, function and amenity of an area or would negatively impact on the health and wellbeing of the borough's residents. The site is not within a designated Town Centre, Primary Shopping Area or Local Shopping Area.
- 9.38 However, the proposal would be in accordance with emerging Local Plan Site Allocation BC48 as it would provide retail use, with associated active frontage to the street, across the ground floor level. The retail units would be accessed from both the street and internally from the central atrium.
- 9.39 The proposed leisure use (Gym – Use Class E(d)) represents 7% of the total floorspace of the building. It would have a small frontage onto Epworth Street as reception and welcome area, whilst the majority of the floorspace dedicated to changing rooms and fitness equipment etc. is located at basement level. As such, the proposed gym would not impact on the streetscene as it would have minimal active frontage and makes use of basement space without natural light and outlook.
- 9.40 It is considered that there is clear policy support for retail on the ground floor of this office development in order to enhance the vitality and vibrancy of the CAZ and the borough as a whole. The proposed retail and leisure floorspace would be subject to conditions (21 and 22) restricting its use within the appropriate Class E categories.

## Land use summary

- 9.41 The proposed mix use proposal is considered to be in accordance with the currently adopted Local Plan, emerging Local Plan and the London Plan. Office use, which represents 87% of the building would ensure intensification of office use within the CAZ and Clerkenwell AAP. Further, at ground and basement levels, retail and leisure represents the remaining 13% of the building. This is in accordance with the emerging Site Allocation BC48 which seeks active frontage to the street at ground floor level.
- 9.42 The proposal is, therefore, considered acceptable in regards to land use principles subject to securing affordable workspace provision, planning conditions and all other necessary obligations set out later in this report. The Section 106 legal agreement would ensure these requirements are incorporated into the final design and would outline the mechanics of leasing the floorspace to the Council in perpetuity at a peppercorn rent.

## Affordable Workspace

- 9.43 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.
- 9.44 Policy DM5.4 of the Council's Development Management Policies Document ('DMP') is concerned with the size and affordability of workspace. As set out in paragraph 5.25 of the DMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).

- 9.45 The emerging 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. Following the examination of the Local Plan policies, modifications to Policy B4 have been proposed which confirm that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to the uplift in floorspace only and not the whole floorspace.
- 9.46 The applicant proposes affordable workspace provision to be located to the south western part of the building, at ground and lower ground level. The affordable workspace unit would measure a total of 2,008sqm which equates to 13.4% of the total floorspace proposed. The applicant has agreed that the affordable workspace unit would be leased to the Council in perpetuity.
- 9.47 The affordable workspace provision would have a dedicated access on Epworth Street and would also have numerous other access points at lower ground level to the cycle/changing facilities and to the central atrium. As such, the affordable workspace unit would have the same access to the shared facilities as the other market office floorspace above, including the extensive rooftop terraces.
- 9.48 The proposal is therefore considered to be in accordance with London Plan policy E1, Islington Local Plan policy DM5.4 and emerging Islington Local Plan policy B4.

### **Tall Building**

- 9.49 London Plan policy D9 'Tall buildings' states that Development Plans should define what is considered a tall building and defines tall buildings as at least 6 storeys or 18 metres. Part C relates to impacts of tall buildings and outlines that proposals should address visual, functional, environmental and cumulative impacts. Tall buildings are encouraged to provide free to enter publicly accessible areas, where appropriate, to the top of the building to allow for wider views across London.
- 9.50 Policy CS9 of the Core Strategy is concerned with protecting and enhancing Islington's built and historic environment and states, inter alia, that tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported. However, parts of the Bunhill and Clerkenwell key area may contain some sites that could be suitable for tall buildings, this will be explored in more detail as part of the Bunhill and Clerkenwell Area Action Plan.
- 9.51 Finsbury Local Plan policy BC9 is concerned with tall buildings and contextual considerations for building heights and states that tall buildings are considered to be buildings or structures that are substantially taller than their neighbours and/or which significantly change the skyline. Buildings of 30 metres in height or more may be appropriate only within the areas indicated in Figure 17 of the Finsbury Local Plan. These areas include sites identified in Policy BC2 (City Road Basin) and Policy BC3 (Old Street), as well as an area adjacent to the City of London boundary at Moorgate. Elsewhere, building heights must respond to the local context, particularly those contextual factors indicated on Figure 17. Further, Figure 17 within the Finsbury Local Plan indicates in yellow that the site may be appropriate for a building over 30m in height. Proposals for all new buildings are expected to conform to Policy BC9, unless an exceptional case can be proven, through robust analysis and justification.
- 9.52 The 30-metre limit identified within Policy BC9 should be taken to mean the distance between the average ground level of the site and the highest point of the building or structure. The actual and perceived height of a building relates to a range of factors: for example, variation in floor-to-ceiling heights (typically between 3 and 4 metres, depending on the building's uses), architectural treatments and features (particularly at ground floor and roof level), and the site's prominence (either in built or topographical terms). Given this, in addition to the historic nature of the area and the need to maximise residential amenity, the quality of the design of any new tall building is critical. Policy BC9 sets out nine criteria for ensuring that new tall buildings are well designed and do not negatively impact on the local environment, including sustainable design and infrastructure considerations.

- 9.53 Emerging policy DH3 'Building heights' explains that 'buildings of more than 30 metres are only acceptable in-principle: (i) on sites allocated in the Local Plan where the allocation makes specific reference to suitability for heights of 30m or more; and/or (ii) within specific sites identified in a Spatial Strategy area.
- 9.54 This policy is evidenced by the Islington Tall Buildings Study which is an up to date and comprehensive urban design assessment for the development of tall buildings. It conforms with policy D9 of the London Plan 2021, which requires boroughs to determine locations where tall buildings may be an appropriate form of development and identify any such locations in their Development Plans. The Council is currently in the later stages of the examination of its Local Plan and the weight that can be given to the policies in the draft Local Plan will increase as it progresses towards adoption. As the proposals are at the pre-application stage it is important that the emerging policy is taken into account.
- 9.55 Further, emerging Finsbury Local Plan policy BC3 part L, four sites in the City Fringe Opportunity Area have been identified as potentially suitable for tall buildings over 30 metres. This does not include the application site.
- 9.56 Islington has identified appropriate tall building locations in accordance with the guidance set out in London Plan policy D9 parts B(1) and B(2) and considers that following this process tall buildings should only be developed in the identified locations as specified in D9 part B(3).
- 9.57 The proposed rooftop plant enclosure takes the height of the building to total of 34.85 metres, as shown in Figure 23 below. As such, the proposal would represent a departure from the draft Local Plan. The proposed building shoulder height is 20.83 metres, rising to 25.05 metres and 29.2 metres to the setback floors above.

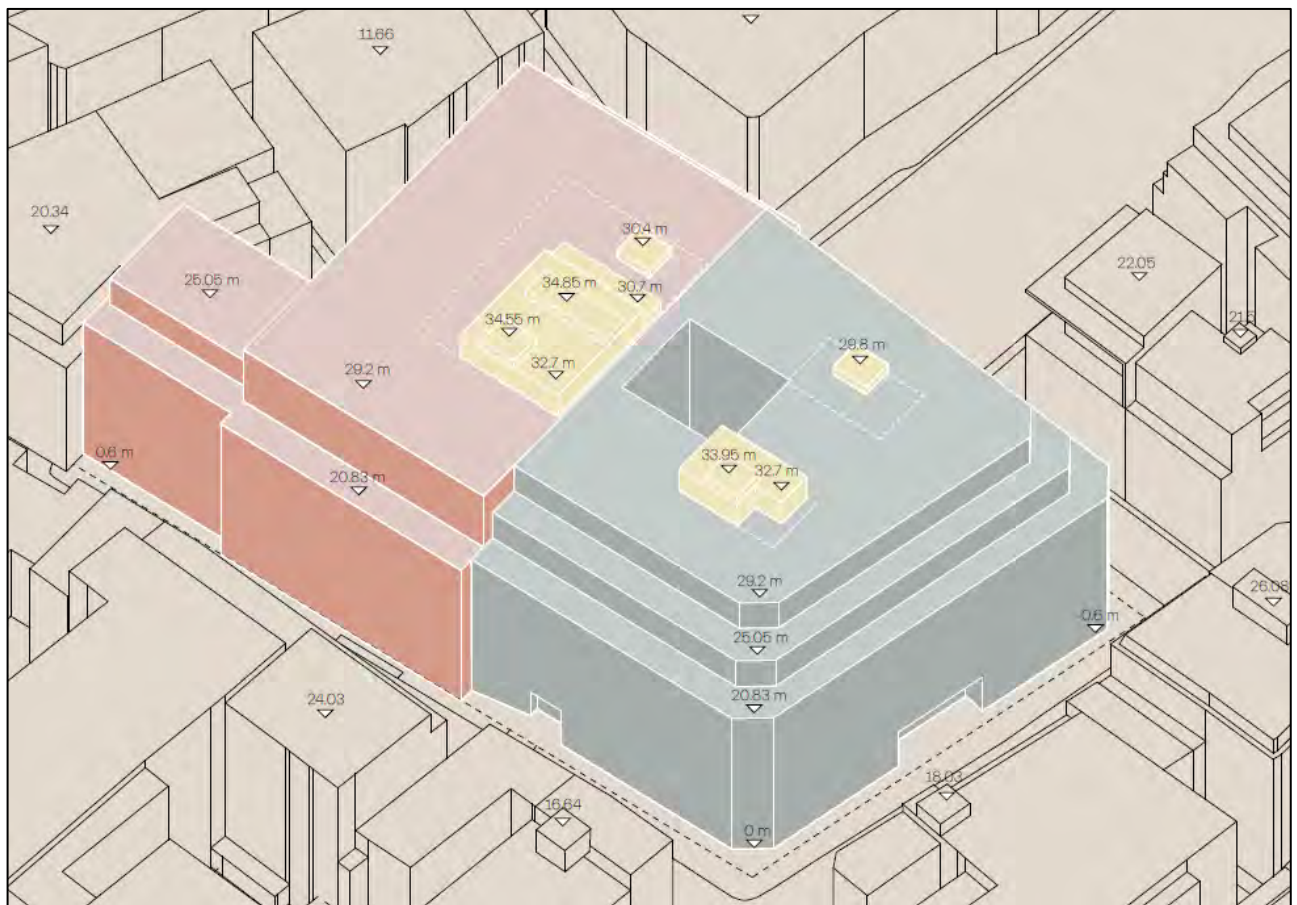


Figure 23: The 'spot heights' of the proposed building. The areas marked in yellow denote the parts of the building which exceed 30 metres in height.

- 9.58 Part C of London Plan policy D9 outlines potential impacts in which a tall building should be assessed. These are outlined and addressed in turn below:
- 1) *Visual Impacts*
- 9.59 London Plan policy D9(C) outlines the visual impact considerations for tall buildings, as follows:
- a) *the views of buildings from different distances:*
- i long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views;*
- ii mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality;*
- iii immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy;*
- 9.60 In the long-range views illustrated in the submitted Townscape, Heritage and Views Impact Assessment ('THVIA'), the development would not be in view due to the prevailing urban context. Where the proposed building would be in view in the mid and shorter range views, the TVHIA illustrates that the building would be in keeping with the scale of the existing prevailing context.
- b) *whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding;*
- 9.61 The scale of the proposed building is considered to be in keeping with the prevailing local and wider urban context, reinforcing the spatial hierarchy.
- c) *architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan;*
- 9.62 As set out in the assessment by officer at paragraphs 9.81 – 9.127, the proposal as a whole is considered to be of high architectural quality with attractive materials which complement the character of the local context.
- d) *proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area;*
- 9.63 A detailed assessment of the proposed building with regards to impact upon heritage assets has been undertaken below at paragraphs 9.128 – 9.160. It is considered that the proposal would not harm the significance or setting of neighbouring heritage assets such as listed buildings and conservation areas.
- e) *buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it; and*
- f) *buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river;*
- 9.64 Considerations (e) and (f) are not relevant in the assessment of this application as the site is not located within the setting of a World Heritage Site nor near the River Thames as outlined by the Thames Policy Area of the London Plan.

*g) buildings should not cause adverse reflected glare;*

*h) buildings should be designed to minimise light pollution from internal and external lighting;*

9.65 The proposed façade treatment and fenestration alignment is considered consistent with the prevailing character of opposite neighbouring buildings. Conditions 8 and 9 seek further details with regards to external lighting and internal lighting to avoid glare and light pollution.

9.66 In summary of visual impacts, the proposed development is considered to be of a scale that would be in keeping with the neighbouring development and the surrounding area. In the longer range views illustrated in the submitted Townscape, Heritage and Views Impact Assessment ('THVIA'), the development would not be in view due to the prevailing urban context. Where the proposed building would be in view in the mid and shorter range views, the TVHIA illustrates that the building would be in keeping with the scale of the existing prevailing context. Further, the THVIA assesses the cumulative impacts, taking consented but not-yet-constructed schemes into consideration. In these cumulative views, the scale would not exceed that of other consented schemes.

## *2) Functional Impacts*

9.67 London Plan policy D9(C) outlines functional impact considerations for tall buildings, as follows:

*a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants;*

9.68 The proposal has been assessed with regards to external detailed design and appearance at paragraphs 9.81 – 9.127, accessibility and inclusive design at paragraphs 9.264 – 9.282.

*b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process;*

9.69 The proposal includes a dedicated internal delivery and servicing area, accessed from Clere Street. Servicing vehicles can enter and exit the site in a forward gear. As such, the proposed servicing strategy will preserve the safety of surrounding public realm and highway. Further, it is considered that the strategy would not give rise to noise and disturbance to the detriment of neighbouring amenity.

*c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas;*

9.70 The building is well served by a number of entrances and access points. The main entrance is located to the centre of the building elevation along Paul Street, with secondary building accesses to Epworth Street, Clere Street and Platina Street. Dedicated cycle storage access is achieved from Platina Street. Further, a number of ground floor units, including the dedicated affordable workspace unit and retails units would have dedicated access from street. As such, it is not considered that the proposed building would lead to unacceptable overcrowding or isolation in the surrounding area.

*d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building;*

9.71 The GLA and Transport for London have reviewed the application at Stage 1 and some concerns were raised regarding Healthy Streets and Active Travel Zone assessment; cycling; cycle parking; trip generation; deliveries and servicing; and travel planning. The Applicant has been in correspondence with both the GLA and TfL on these matters, and these have now been addressed through revised cycle parking measures and mitigation to be secured through condition and legal agreement obligations.

*e) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area;*

9.72 As outlined in the GLA's Stage 1 response, the development would provide an intensification of an existing office use within the CAZ and City Fringe Opportunity Area and is therefore considered to be an appropriate land use.

*f) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings;*

9.73 Given main building envelope of the proposal would reach a maximum of 29.2 metres, with isolated elements (such as for plant, equipment and lift over-runs) exceeding 30 metres, it is not considered that these elements would interfere with aviation, navigation or telecommunication, whilst there is sufficient separation distance to ensure the proposal does not cause significant detrimental impact upon neighbouring solar energy generation (PV Panels).

### 3) *Environmental Impacts*

9.74 London Plan policy D9(C) outlines that wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building. Further, air movement affected by the proposal should support the effective dispersion of pollutants, but not adversely affect street-level conditions and any noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building

9.75 Given the main scale and massing of the proposed building is similar to the prevailing built form context, it is not considered that the height of the building's main elevations, especially along Epworth Street, Paul Street and Clere Street would give rise to significant change in noise created by air movement, wind and temperature surrounding the building.

9.76 The impact of the proposal upon daylight, sunlight and overshadowing has been assessed by officer at paragraphs 9.186 – 9.252 below, following the submission of a Daylight and Sunlight assessment against BRE Guidance.

### 4) *Cumulative Impacts*

9.77 London Plan policy D9(C) outlines that the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.

9.78 Officers agree with the GLA Stage 1 response which outlines that the proposed building would not appear out of keeping with the taller buildings in the vicinity of the site and would not significantly impact the established building heights in the area. As highlighted in paragraphs 6.17 – 6.22, a number of existing and consented schemes within the immediate and surrounding area of the site. As such, the proposed building is not considered to be incongruous to the prevailing and forthcoming urban context.

### *Tall building summary*

9.79 The proposed building is not located within an area which is identified as suitable for tall buildings. However, officers consider that due to isolated elements of the building which would exceed the 30-metre threshold, the impact of exceeding 30 metres in height is negligible.

9.80 GLA officers consider that the visual impacts are acceptable and that functional impacts of the proposal could be broadly acceptable, subject to further assessment of transport and fire safety



matters. Furthermore, the environmental and cumulative impacts of the proposal will need to be finalised at Stage 2 following review of the Council's detailed assessment. GLA officers will consider the acceptability of the proposed tall buildings on balance at Stage 2.

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

### **Policy Context**

- 9.81 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.
- 9.82 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.
- 9.83 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.
- 9.84 Planning policies relevant to design are set out in chapter 3 of the newly adopted London Plan (2021), Policy CS9 of Islington's Core Strategy (2012) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.85 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.
- 9.86 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.
- 9.87 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.
- 9.88 ICS policy CS9 sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity preserving the historic urban fabric. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

- 9.89 DM policy DM2.1 (Design) requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.90 DM policy DM2.3 (Heritage) requires that development make a positive contribution to Islington's local character and distinctiveness and that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building or within a conservation area which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted. The policy also encourages the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
- 9.91 The above policy makes it clear that the relationship between the height of buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street.

### Height, scale and massing

- 9.92 The maximum height of the proposed building would be a total of 34.85 metres, due to the height of isolated plant equipment/enclosures and lift overruns atop of the main roof. The more dominant and visually prominent 'shoulder' of the building rises to a height of 20.8 metres whilst the recessed two storey 'crown' of the development rises to a total height of 29.2 metres.
- 9.93 These heights are considered compatible with neighbouring urban blocks, helping to produce a comfortable contextual fit for the development. The series of setbacks applied to the two upper floors, and their 'lighter' elevational treatment, aid in this assimilation into the local street and roofscapes.
- 9.94 From street level the scheme 'reads' predominantly as a 5-storey building. This lower element, the body of the scheme, is of a more solid appearance than the setback upper storeys, giving it an appropriate dominance and weight that compares favourably with the predominant architectural language of the locality. It has been designed to present strong and enhanced building lines, to all its street edges, and presents a formal, urbane streetscape as befits this intensely urban context.
- 9.95 The 'Showroom' (eastern) element, with its five-storey base, accommodates a further two storeys. These are progressively set back from the building edge. They too have been designed with a greater void to solid ratio to their elevations than that of the lower floors. Both these devices serve to further reduce the visual impact on the streetscape of both the height and the mass of this part of the scheme.
- 9.96 The 'Factory' (western) element comprises a single and a two-storey set back element with the single storey element to the western most edge as the site approaches Tabernacle Street. These upper floors are similarly set back from the building edge and have also been designed with a greater void to solid ratio than the lower 5 storey element, reducing their visual impact.
- 9.97 There are two relatively minor elements of plant/lift over run which exceed above 30 metres. Both have been centrally positioned within the overall urban block, and therefore set well back from the street edges, suitably minimising their visual impact. There are no objections to these from a design perspective given their scale, relative to the scale of the development, and given their deeply recessed position within the scheme.
- 9.98 Massing has been creatively addressed by the detailed design including through materiality. Firstly, the visual distinction between the two 'halves' of the scheme presents as two 'buildings' on the site which helps reduce the impact of massing. These two typologies are subtly but legibly differentiated with a change in the colour palette between the two halves, and in the façade treatment with the

factory facade being of a simpler language and the showroom façade being considerably more embellished.

- 9.99 There is also a strong rhythm to the facades which aids in addressing the visual impact of the massing. This is expressed in pronounced vertical and horizontal elements, and includes a variation of the window bays, lintels, columns, and fenestration patterning.
- 9.100 The massing has been further mitigated by the physical setbacks of the top two floors and their lighter, more transparent, architectural treatment.
- 9.101 Islington's Urban Design Guide emphasises that an important streetscape objective is - the need to maintaining an appropriate height to width ratio between the buildings and the streets they flank. It advises that new development should complement and relate to the prevailing townscape (paragraph 5.69). In this respect it is considered that the scheme meets such an important objective.

#### Detailed design, appearance and materiality

- 9.102 It is considered that this is a well-designed scheme with a fine architectural expression and rich detailing. It is contemporary in its language but references multiple historical characteristics and reinterprets them in a well-considered and respectful manner.
- 9.103 The elevational treatment is of a high quality. It achieves an excellent balance between a respectful reference to the functions, patterns, and proportions of the predominant historical warehouse architecture still common within the local area, and a distinct, unique, and contemporary expression.
- 9.104 The elevational treatment differs subtly and effectively between the two parts (the 'showroom' and 'factory') of the development. The grander and more formal 'Showroom' which occupies the eastern half of the site, comprises a more complex elevation with greater embellishments and deeper tones, and the use of double bays with circular columns, and a scalloped parapet. The 'Factory' element, which occupies the western part of the scheme, has a simpler, less embellished, elevational treatment with a pale materials palette and a single bay arrangement.
- 9.105 There are further subtleties within the facades that change in accordance with the differing edge conditions, in particular in relation to the primacy of the Paul Street façade including the grandeur applied to the main entrance and its surrounds.
- 9.106 The elevations are also differentiated between the main body of the building, the primary lower 5 storeys, which have a greater solid to void ratio compared to the setback upper two storeys which are visually lighter with a greater void to solid ratio in their elevational treatment.
- 9.107 The ground floor treatment throughout is distinctive and robust. It provides for a sufficiently active and animated ground floor interface to the public realm to all three of the site's street edges. The primary entrance to Paul Street is celebrated with a double height space and richly detailed surrounds, legibly announcing its function as the main entrance into the development.



*Figure 24: Indicative view from the eastern side of Paul Street of the main entrance to the building*

- 9.108 The two secondary entrances are located on the southern and northern edges, to Epworth and Clere Streets. These too are well designed and legible and, through their quieter language and smaller proportions compared to the primary Paul Street entrance (shown in figure 24 above), acknowledge their function as secondary entrances into the scheme.
- 9.109 Clere Street is to continue to accommodate the servicing function of the site. The opening to the onsite ground floor loading bays remains in a similar location to the existing service entrance, to the site's north-eastern edge. It abuts a proposed run of 4 bays located behind decorative metal doors and that accommodate a range of plant and servicing facilities.
- 9.110 Midway along this Clere Street edge is located one of the secondary entrances which begins the animation and activation of this part of the street. This is followed by two retail units, each with their own entrance and shopfront, and leading to the chamfered edge that returns onto Paul Street. The

ratio of inactive to active is considered acceptable to this secondary frontage as is the retention of the servicing function to this part of the site.

- 9.111 Epworth Street is also suitably animated and activated accommodating the secondary entrance, together with individual entrances to the affordable workspace to the east, and a retail unit and a gym to the west.
- 9.112 There had been some concern expressed about the extent of the voids to basement to the eastern (factory) element of the scheme give the importance of securing an active ground floor/public realm interface. While these remain, they have been reduced in scale. The entrance to the affordable workspace and a single bay are both positioned flush with the pavement to generate activity and provide some animation to this western part of the scheme.
- 9.113 As with Clere Street, the ratio of inactive to active ground floor use and appearance is considered acceptable to this secondary frontage.
- 9.114 Paul Street accommodates three of the six retail units as well as the primary entrance and is therefore the most active as befits the more primary nature of this street compared to Clere Street and Epworth Street.
- 9.115 This ground floor response is of a high quality with a suitable amount of activity generated. It therefore accords with the advice contained within the council's Urban Design Guide SPD.

## **Materials**

- 9.116 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*".
- 9.117 The proposed materials palette, and its clever and attractive application, is considered by Officers to adhere with this requirement, as follows:
- 9.118 Pre-cast concrete has been chosen as the primary material for the façades, due in part because of its more effective sustainability credentials when contrasted with hand laid bricks. Pre-cast concrete has also been selected due to its malleable nature. It allows for decorative motifs to be imprinted into it which will enrich the architectural character of the façade while positively responding to the history of the site and its immediate context.
- 9.119 The building is therefore to be clad in coloured precast stone/concrete panels. The 'Showroom' half of the proposed development is clad in a darker, richer palette of terracotta and browns while lighter, whiter hues are proposed to the 'Factory' half. The colours also lighten up the façade as the building rises, furthering the visual solidity of the base of the block and lessening its visual dominance toward to the top.
- 9.120 The ground floor, including entrances, of the more formal 'Showroom' element are clad in a darker pre-cast, which is in keeping with darker materials traditionally used at the base of surrounding buildings. The finish of the pre-cast at ground floor is to be smooth and polished, inviting touch and celebrating the tactile nature of the material.
- 9.121 The tiered mansard levels to the 'Showroom' will be expressed in pre-cast concrete / stone, which projects forward from a metal curtain walling system. This provides a lighter tectonic feel and, much like surrounding buildings, the material palette of the mansard is shared with that of the main body of the building.



Figure 25: Material Palette of the 'Showroom' element to Paul Street and the eastern sides of Epworth Street and Clere Street

9.122 The 'Factory' element of the scheme, also be clad in pre-cast stone/concrete panels with an exposed finish, will be plainer in terms of architectural detailing, with less articulation, reflecting the typology of the factory. The colour and texture will further differentiate this more utilitarian half of the building from the more flamboyant 'Showroom' yet will sit compatibly with the materiality of surrounding buildings.



Figure 26: Material Palette of the 'Factory' element to the western side of Epworth Street

- 9.123 The ground floor material is proposed to be the same as the Eastern half of the scheme: a darker pre-cast with a smooth tactile finish. As with the 'Showroom', the mansard levels will be expressed in pre-cast sitting proud of a metal curtain walling system - a lighter tectonic feel, but still aligning with the material palette of the main body of the building.
- 9.124 A pattern motif is embedded in elements of the façade including lintels, adding a layer of richness with its historical reference. The motif itself is derived from the Baxter Leather Company's heel breasting machine, which was invented on the site on Epworth Street.
- 9.125 Further façade ornamentation is introduced through the application of a 'petal' motif incorporated into the metalwork at high level ground floor, and in the handrails of the Juliet balconies positioned above the primary Paul Street entrance.
- 9.126 The importance of using high quality materials is stressed within the UDG, within paras 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"*.
- 9.127 The proposed materials palette, and its clever and attractive application, adheres with this requirement. In summary, the detailed design, appearance and materiality of the proposed building

is considered to be of high-quality architecture. Condition 3 is recommended to ensure that the finalised schedule and samples of the material palette is submitted to and approved by officers.

### **Impact upon Heritage assets**

- 9.128 The site is not located within a Conservation Area; however, it does adjoin the Bunhill Fields and Finsbury Square Conservation Area (CA22) located along the western boundary.
- 9.129 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.
- 9.130 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”.
- 9.131 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”.
- 9.132 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).
- 9.133 ‘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”.
- 9.134 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.
- 9.135 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.
- 9.136 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.
- 9.137 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.



9.138 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.

9.139 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.

9.140 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the applicant as part of its submission.

*Listed building(s)*

9.141 There are a number of Listings located in the surrounding area which could be impacted by the proposal.

9.142 To the southeast of the site, on the corner of Scrutton Street and Paul Street (outside The Fox public house) is the Grade II listed gun ‘Post at North Corner of Scrutton Street, Paul Street EC2’, located within the London Borough of Hackney.

9.143 To the northeast, approximately 80 metres from the site, is the Grade I listed ‘Church of St Michael’, also located in the neighbouring London Borough of Hackney.

9.144 To the west, approximately 35 metres from the site, is the Grade I listed ‘Wesley Chapel’. Surrounding Wesley Chapel, there are a number of Grade II and II\* listings, such as the tomb of John Wesley, the Statue of John Wesley, the Chapel Keeper’s House, Benson Building, The Manse, Entrance Gates and Railings.

9.145 Further west of Wesley Chapel, approximately 130 metres from the site, is the Grade I listed park and garden of Bunhill Field Burial Ground.

9.146 As outlined in Local Plan policy DM2.3, new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.

9.147 On review of the views provided in the Townscape and Heritage Views Impact Assessment (‘THVIA’), the GLA within their Stage 1 Response, having had regard to the statutory duties and the policies, agree with the findings of the THVIA that the proposed development would not harm the significance or the setting of the adjacent conservation areas and the adjacent Wesley buildings (John Wesley’s House and attached railings [Grade I]; Wesley’s Chapel [Grade I]; Benson Building [Grade II]; Chapel Keeper’s House [Grade II]; The Manse [Grade II]; Statue of John Wesley in the Forecourt of Wesley’s Chapel [Grade II]; Gates to John Wesley’s House [Grade II]; Entrance Gates to Wesley’s Chapel [Grade II]; Wesley’s Chapel Memorial to Susannah Wesley in the Forecourt [Grade II]; and Tomb of John Wesley in the burial ground of Wesley’s Chapel [Grade II\*]).

9.148 However, the GLA requested that prior to Stage 2, an additional view(s) should be submitted outlining the proposed building in the background of Church of St Michael (Grade I), Clergy House to west of Church of St Michael (Grade II\*) and St Michael’s Church School (Grade II\*), as the THVIA does not clearly depict the impact of the proposed development on these buildings.

9.149 The requested view has been submitted within 'Castle & Fitzroy House: additional view analysis (addendum) dated 9 January 2023 by KM Heritage. The submitted addendum and view from the north side of Leonard Street looking south-west indicates that the majority of the proposed development would not be visible in this view. A small proportion may be visible within the air space between the listed buildings, however discernible.

9.150 In summary, it is considered that the proposal would not result in harm to or loss of significance to (including their setting), and thereby preserve, nearby listed buildings in accordance with the PLBCAA, NPPF, London Plan and Local Plan.

#### *Locally listed buildings*

9.151 There are a number of locally listed buildings within the vicinity of the site. To the south of the site is 23 Paul Street. Further, to the south of the site and directly opposite the site to the south of Epworth Street lies 24 Epworth Street. To the south west of the site lie 8 Epworth Street and 30 Tabernacle Street on the corner of Epworth Street and Tabernacle Street. Opposite 30 Tabernacle Street lies 27 Tabernacle Street. To the west along Tabernacle Street lies 46 Tabernacle Street and 52 Tabernacle Street. Further, to the north west of the site lies adjoining 41, 43, 45, 47 and 49 Tabernacle Street. 53 Tabernacle Street and 55 Tabernacle Street are located further north.

#### *Conservation Area(s)*

9.152 The site is not located within a conservation area. However, the site is within proximity to the neighbouring Bunhill Fields and Finsbury Square Conservation Area (CA22) to the south and west, whilst partially adjoining the Conservation Area to Platina Street, as shown in Figure 27 below.

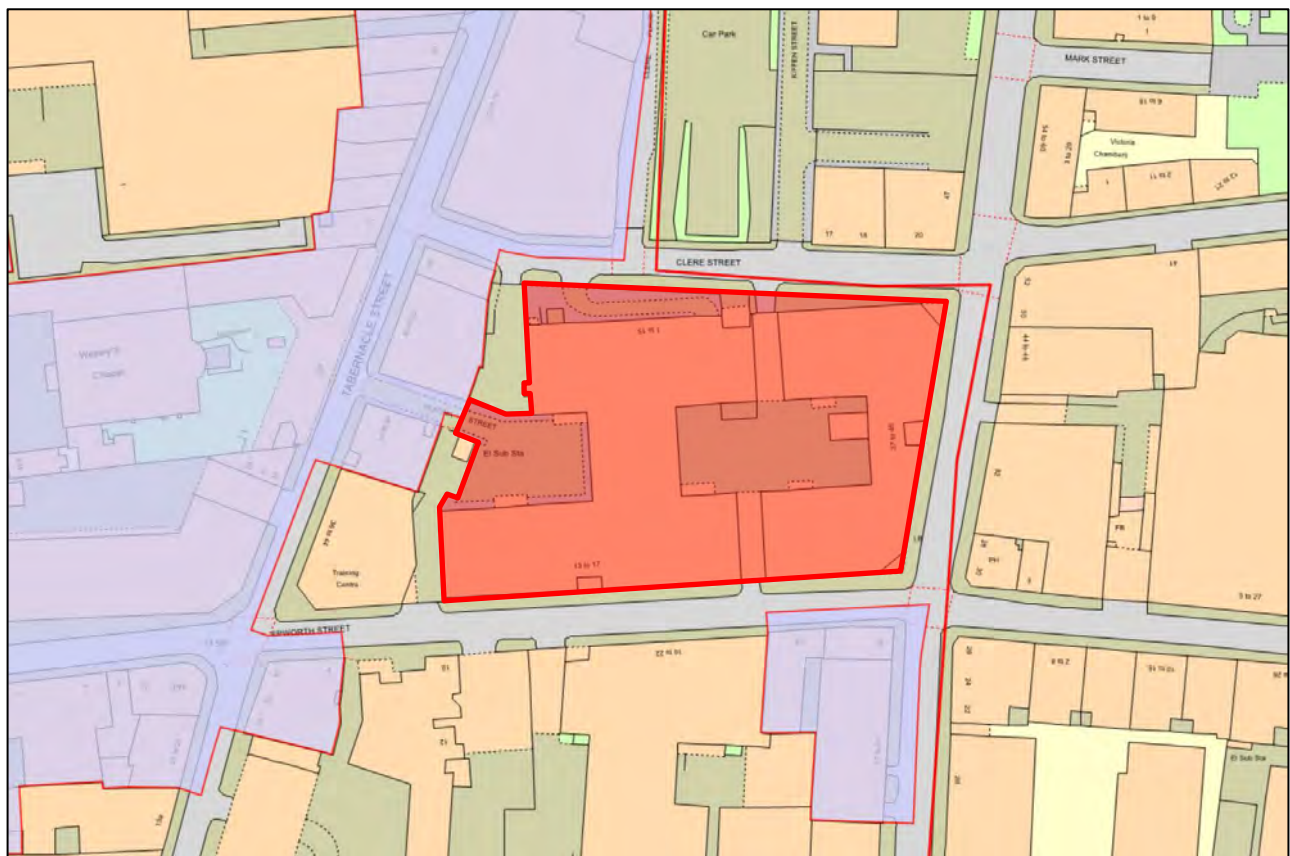


Figure 27: The site (in red) in regard to neighbouring conservation areas (in purple).

9.153 Local Plan policy DM2.3 outlines that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. Whilst the proposed building may be visible in places

from the surrounding conservation area(s), it would be of comparable scale to surrounding built form and the appearance and architecture is considered contextual to the character, appearance and setting of the conservation area(s), which are therefore to be preserved in accordance with the PLBCAA, NPPF, London Plan and Local Plan.

### *Archaeology*

- 9.154 The application site is located within a designated Archaeological Priority Area (APA) – ‘Moorfields’. The submitted ‘Archaeological desk-based assessment’ prepared by Museum of London Archaeology dated July 2022 outlines that there is potential for early post-medieval archaeological remains to survive on the site. Any archaeological remains on the site will be entirely removed by the proposed development.
- 9.155 Historic England – Greater London Archaeology Advisory Service (GLASS) have been consulted on the application and have recommended further evaluation of the nature and extent of surviving remains, followed by, if necessary by a full investigation. See condition 32.

### Design and Heritage summary

- 9.156 The existing buildings on the site are of a poor architectural standard and do not enrich the quality or character of the streetscape, or the broader setting of the nearby heritage assets. As such, their replacement with a well-designed proposal would be beneficial to local character and quality, enriching the area.
- 9.157 The proposed building is of a height, mass and scale appropriate to the immediate surrounding context and does not cause harm to the wider streetscape. Although the maximum height (by way of lift overruns and plant) of the building is in excess of 30 metres, the main bulk and massing of the building is crowned at a height of 29.2 metres. The five storey ‘base’ (at 20.8 metres) sits comfortably with the prevailing storey height ambient of the more immediate context while the additional two floors, set back from the front façades and dressed in a lighter materiality, also adhere to the broader storey height ambient. Therefore, in regards to overall height, the scheme is considered to sit compatibly within this intensely urban context.
- 9.158 The proposal is a well-designed development that recreates a large part of an urban block. It is a very significant improvement on the quality and appearance of the existing buildings on the site. By virtue of the high calibre of its architecture, the development will also improve the character and quality of the immediate and broader context within which the site is located.
- 9.159 It is considered to be a thoughtful, well considered, piece of architecture that pays a subtle homage to the history of the area with its playful application of pressed motifs within the precast concrete panels, and in its referencing of the language of productivity through an interpretation of the showroom and the factory typologies in recognition of the area’s long history of furniture production and sales.
- 9.160 It is considered that the proposal would not result in harm to or loss of significance to, and thereby preserve, adjacent and nearby heritage assets (including listed buildings and conservation areas) in accordance with the PLBCAA, NPPF, London Plan and Local Plan.

### Accessibility and Inclusive Design

- 9.161 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies 2013, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime.

- 9.162 The proposal includes 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, including the basement levels.
- 9.163 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 six lifts to the main core of the building (to the west of the atrium). A further two separate cores are located to the east side of the atrium, each with a staircase and lift.
- 9.164 The proposal includes step-free access into all entrances and to all levels; level access to all external terraces; at least one fire evacuation lift; inclusive cycle parking for non-standard cycles and a suitably sized lift; accessible WC's to each floor and at least one ambulant facility where self-contained WC's are provided.
- 9.165 For the uplift in employees on site, for every 33 additional employees, an accessible car parking bay is required. The proposal would see an uplift in employees on the site of 1,097 and, as such, 16x accessible parking bays are required. The development is to be car-free with no on-site parking proposed. Where provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £80,000 would be secured through a section 106 agreement.

### **Neighbouring Amenity**

- 9.166 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy D4, as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 9.167 There are immediate residential occupiers to the subject site, to the north of Clere Street, east of Paul Street, south of Epworth Street and to the west of Tabernacle Street.

### **Overlooking and privacy**

- 9.168 The subtext to Policy DM2.1 states at paragraph 2.14 that "to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy". In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.
- 9.169 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.
- 9.170 The existing building includes fenestration with outlook onto Epworth Street, Paul Street and Clere Street as existing. To 10 Epworth Street, the separation distance would increase from the existing 12.9 metres to 14.8 metres as proposed, albeit there is the increase in height of the building. 24 Epworth Street would also see an increase in separation distance from 9.7 metres to 11.5 metres. To 20 Clere Street, the separation distance would remain at 10.4 metres, whilst 17-18 Clere Street would see a decrease in separation distance from the existing 11.8 metres to 10.6 metres.

- 9.171 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.
- 9.172 The proposal includes roof terraces at fifth and sixth floors, whilst the upper most roof is to be a significant roof terrace. The roof terraces would not adjoin any neighbouring residential buildings, and would be set away from the main elevations of the building envelope, whilst it is considered that there is sufficient separation distance to any neighbouring residential properties.

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

- 9.173 The proposal is not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties given the context of the urban location.
- 9.174 The site does not directly adjoin any neighbouring residential properties as existing. Buildings to the west which front Tabernacle Street (inclusive of Platina Street) are within commercial use. It is only these buildings to the west which adjoin the proposed building.
- 9.175 The height of the proposed building shoulder is 5 storeys along Paul Street, Clere Street and the eastern most part of Epworth Street at a maximum height of 20.8 metres.
- 9.176 Given the proposal would be restricted to the existing urban block form and layout, with the existing highway remaining at Clere Street, Paul Street and Epworth Street, officers do not consider that the proposed building would give rise to a loss of outlook and an increased sense of enclosure which would warrant a refusal.

### **Noise and disturbance**

- 9.177 An 'Acoustic Report' dated 15 July 2022 and prepared by Hann Tucker Associates has been submitted in support of the application. It is noted that the site is located within a Central London location given its designation within the CAZ and City Fringe Area. The Report highlights the noise limits for the proposed mechanical plant within the development for the daytime, evening and night-time. The air conditioning units would operate to a level of at least 10 dB below the lowest measured background noise. The noise level of all mechanical plant and equipment will be restricted as per condition 4.
- 9.178 The proposed office element of the development would be 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.
- 9.179 Retail units and the leisure gym proposed at ground and basement levels shall be conditioned in line with Islington's prescribed licensing policies.
- 9.180 The proposed gym would be located at basement levels, with the reception and short stay cycle parking located at ground level. It is not considered necessary to restrict the hours of use of the gym, as gyms can typically operate 24 hours day, whilst the gym floor area and equipment is located at basement level. As such, a condition limiting the level of amplified music is to be secured through condition 31.
- 9.181 The proposal includes roof terraces at fifth and sixth floors, whilst the roof is to be a significant roof terrace. The potential for noise and disturbance may carry to neighbouring residential properties. As such, a condition limiting the hours of use (to between 0800 and 2000 only) of the roof terraces would secure mitigation of noise and disturbance to neighbouring amenity. See condition 7.
- 9.182 The other flat roof elements of the proposal along the elevations of Epworth Street, Paul Street and Clere Street will not be accessible for amenity use by office occupiers, and will be secured through Condition 7.

- 9.183 Objections from neighbouring properties raised concerns that the amount of light pollution emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should office staff need to work outside normal office hours. London Plan policy D9 seeks to ensure that proposed tall buildings should be designed to minimise light pollution from internal and external lighting. It is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds. Condition 8 requires details to be submitted in relation to internal lighting measures, such as automatic blinds and lighting strategies.
- 9.184 A number of objections raised suggest that the proposal would be of detriment to the access of neighbouring buildings, specifically 10 Epworth Street. The proposal does not seek to remove or change the access arrangements to this neighbouring building. Concerns regarding access during construction are to be considered through the submission of a finalised 'Demolition and Construction Environmental Management Plan' which should ensure that the disturbance, including access arrangements and noise, to neighbouring buildings is minimised, as outlined below.

### **Construction impacts**

- 9.185 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 secured by recommended condition 11. 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**

- 9.186 Policy D9 of the London Plan outlines that the impact of a development upon daylight and sunlight penetration should be carefully considered and not compromise comfort and the enjoyment of open spaces around the building.
- 9.187 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.
- 9.188 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]*'.
- 9.189 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.190 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.
- 9.191 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

9.192 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).”*

9.193 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.*”

9.194 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*”.

9.195 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.

9.196 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*”.

9.197 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

9.198 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.”*

9.199 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.”

9.200 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”.

9.201 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

9.202 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.

9.203 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

9.204 The proposed development has been revised through lowering the heights of the upper most floor since the original submission and the Applicant has submitted a ‘Daylight and Sunlight’ report dated July 2022 has been submitted. The report and annexes consider the impacts of the proposed development on the residential neighbours in accordance with the latest 2022 Building Research Establishment (BRE) Guidelines.

9.205 In modelling the assessment, ‘Avison Young’ 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.

9.206 The below figure shows the neighbouring residential receptors identified and tested within the Daylight and Sunlight report (page 24):



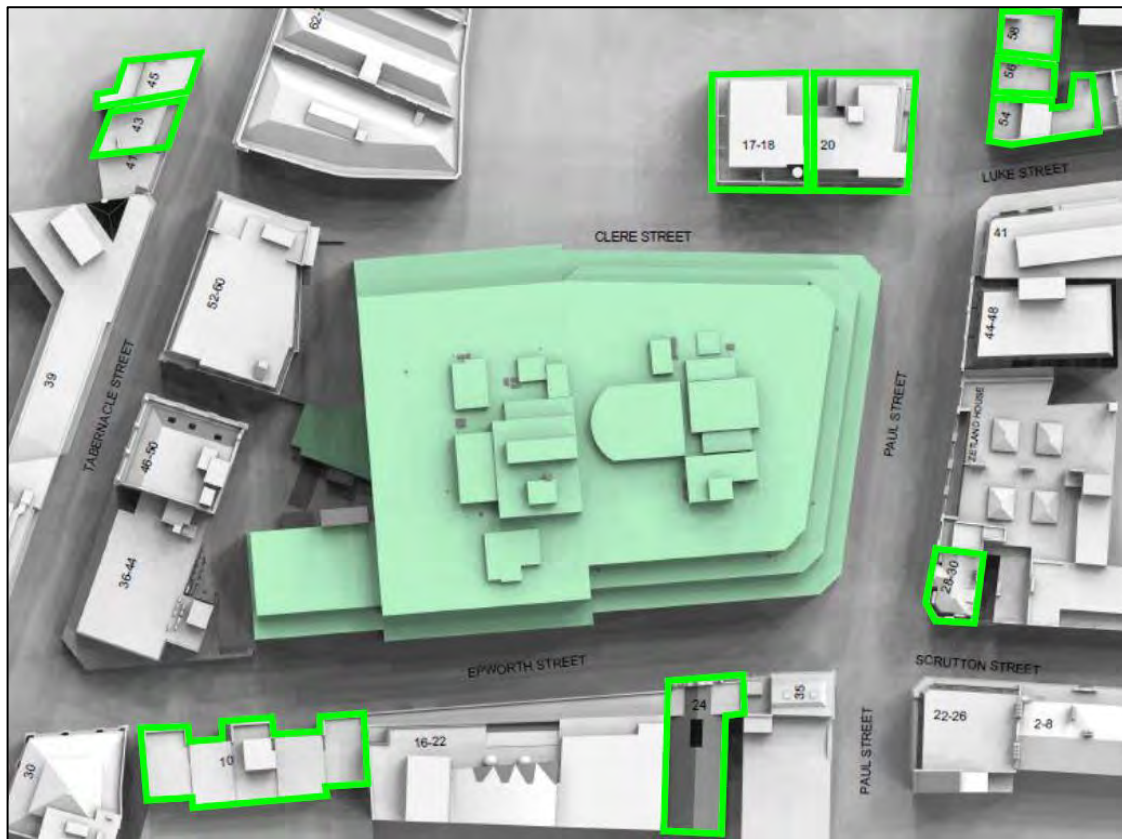


Figure 28: Map of the neighbouring residential properties tested against BRE Guidance.

9.207 The submitted Daylight & Sunlight report concludes that several neighbouring properties relevant for assessment fail the relevant BRE daylight and sunlight tests, however all neighbouring external amenity areas would meet BRE guidance with regards to overshadowing.

#### Impacts to Daylight

9.208 The report indicates that 96 of the windows tested would transgress BRE guidance relating to VSC and 29 of the rooms tested would see reductions beyond BRE guidance relating to NSL.

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

- 10 and 24 Epworth Street;
- 17-18 and 20 Clere Street;
- 28-30 and 54 Paul Street; and
- 43 Tabernacle Street;

#### *10 Epworth Street*

9.210 10 Epworth Street is a six-storey building located on the southern side of Epworth Street, to the south of the site. The bottom two storeys are open with parking for residents of the dwellings at second floor (stated as first floor by the Applicant's Daylight consultant) and above. The building contains 19x residential dwellings which have window/rooms which face the site.



Figure 29: The principal elevation of 10 Epworth Street

9.211 32 windows and 32 rooms facing the site were tested. 12 (37.5%) windows and 17 (53.1%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 1 below:

Table 1: 10 Epworth Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>First Floor</b>								
R4 / W4	Bathroom	0.02	0	100%	4.7	0	0	0
R6 / W6	Hallway	0.2	0.06	66.7%	12.3	7.3	6.1	15.6%
R8 / W14	Bedroom	0.1	0	100%	7.1	4.3	1.3	69.6%
R10 / W16	Kitchen	0.01	0.01	0	6.5	3.7	2.1	43%
R12 / W18	Bedroom	27.3	13.9	49.2%	6.5	6.4	2.9	54%
R13 / W19	Bedroom	27.4	13.2	52%	12.8	10.8	3.9	63.9%
<b>Second Floor</b>								
R4 / W4	Bathroom	0.1	0	100%	4.7	0.4	0.4	0
R6 / W6	Hallway	0.9	0.7	24.2%	12.3	10.3	9.2	10.9%
R8 / W16	Bedroom	0	0	0	7.1	0.8	0.1	95.6%
R10 / W18	Kitchen	0.7	0.2	68.2%	6.5	5.6	2.5	55.4%
R13 / W21	Bedroom	31.2	16.5	47%	5.8	5.7	3.5	39.3%
R14 / W22	Bedroom	31.3	15.7	49%	12.8	12.6	4.5	64%
<b>Third Floor</b>								
R4 / W4	Bathroom	0.4	0.1	67.4%	4.7	1.3	1.3	0
R8 / W16	Bedroom	0.4	0	100%	7.1	1	0.3	64.4%
R10 / W18	Kitchen	2.2	0.7	69%	6.5	5.6	2.5	55.5%
R13 / W21	Bedroom	34.6	19.7	43.1%	6	5.8	4.3	25.8%
R14 / W22	Bedroom	34.7	18.7	46.1%	12.8	12.6	5.7	55%
<b>Fourth Floor</b>								
R4 / W4	Bathroom	0.4	0.1	73.7%	4.7	0.2	0.2	0
R8 / W16	Bedroom	1.4	0.02	98.6%	7.1	1	0.4	56.2%
R10 / W18	Kitchen	2.3	0.7	68.4%	6.5	4	0.4	56.2%
R13 / W21	Bedroom	37.1	23.3	37.4%	6	5.9	5.8	1.4%
R14 / W22	Bedroom	37.2	22.2	40.2%	12.8	12.6	7.6	39.4%

9.212 As shown in Table 1 above, 20 (62.5%) of the windows tested would see reductions beyond BRE guidance regarding VSC and 15 (46.9%) of the rooms tested would see reductions beyond BRE guidance regarding NSL.

9.213 The most affected windows and rooms (14 in total) are located beneath an overhang (highlighted in red in the table above), due to facing out on to an overhanging walkway, which is the access point to the residential properties, as shown in figure 29 above.

9.214 The Applicant has therefore undertaken an 'alternative assessment' in which the overhang has been removed and the windows are not obstructed to VSC. The result are as follows in table 2 below:

Table 2 – 10 Epworth Street: Without overhangs/balconies		Vertical Sky Component			Comparison with balconies assessment
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
<b>First Floor</b>					
R4 / W4	Bathroom	14.1	11.3	<b>20.1%</b>	<b>100%</b>
R6 / W6	Hallway	14.5	19.9	3.7%	<b>66.7%</b>
R8 / W14	Bedroom	15.6	8.5	<b>45.7%</b>	<b>100%</b>
R10 / W16	Kitchen	15.1	10.6	<b>29.6%</b>	0
<b>Second Floor</b>					
R4 / W4	Bathroom	19.3	16.8	17%	<b>100%</b>
R6 / W6	Hallway	17.2	16.7	2.9%	<b>24.2%</b>
R8 / W16	Bedroom	18.3	11.0	<b>39.8%</b>	0
R10 / W18	Kitchen	17.5	12.9	<b>26.1%</b>	<b>68.2%</b>
<b>Third Floor</b>					
R4 / W4	Bathroom	19.3	16.8	13.1%	<b>67.4%</b>
R8 / W16	Bedroom	21.8	14.8	<b>32%</b>	<b>100%</b>
R10 / W18	Kitchen	20.8	16.4	<b>21.1%</b>	<b>69%</b>
<b>Fourth Floor</b>					
R4 / W4	Bathroom	28.1	25.5	9.3%	<b>73.7%</b>
R8 / W16	Bedroom	28	21.5	<b>23.2%</b>	<b>98.6%</b>
R10 / W18	Kitchen	29	24.9	14.1%	<b>68.4%</b>

9.215 The results of the 'without balconies' calculations show that the balconies do cause harm to the light received to the windows and rooms at 10 Epworth Street as existing. With the balconies in place as existing, the windows would have very low values and perceptible to reductions beyond BRE Guidance. The without balconies alternative assessment shows that all of the windows and rooms would not see such a reduction without the overhanging balconies in place, however would still meet not meet BRE guidance.

9.216 The most affected windows serve bedrooms, which the BRE recognise as less used throughout the day. With regards to the impact on kitchens, in VSC, the kitchen windows would experience less than a 30% relative loss in light (as compared to 69% with the overhang walkways in place).

9.217 It is acknowledged that balconies cannot actually be removed to the existing building, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance.

## *24 Epworth Street*

9.218 24 Epworth Street is a four-storey building located to the south of the site, to the southern side of Epworth Street. The building contains 4x residential dwellings which face have window/rooms which face the site at basement level and above. According to the Valuation Office Agency and Council Tax records, the basement and ground floors are in use as a single dwelling (maisonette).



*Figure 30: 17-18 Clere Street (western elevation)*

9.219 38 windows and 5 rooms were therefore tested. 11 (29%) windows and 1 (20%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 3 below:

Table 3: 24 Epworth Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Basement</b>								
R1 / W1	Living	12.2	6.5	46.9%	46.7	31.2	21.7	30.3%
R1 / W2		15.6	7.6	51.2%				
R1 / W3		13.7	5.8	57.8%				
R1 / W4		13.8	6.6	52.4%				
R1 / W5		15.2	6.2	59.5%				
R1 / W6		12.2	5.9	51.4%				
R1 / W7		15.5	7	55%				
<b>Ground</b>								
R1 / W1	Living/Kitchen /Diner	12.2	6.5	46.9%	80.3	3	1	66.3%
R1 / W2		15.6	7.6	51.2%				
R1 / W3		13.7	5.8	57.8%				
R1 / W4		13.8	6.6	52.4%				
R1 / W5		15.2	6.2	59.5%				
R1 / W6		12.2	5.9	51.4%				
R1 / W7		15.5	7	55%				
R1 / W8		1.6	1.6	0				
R1 / W9		1.3	1.3	0				
<b>First Floor</b>								
R1 / W3	Studio	22.9	10.8	53%	63	26.4	7.5	71.4%
R1 / W4		22.9	10.7	53.5%				
R1 / W5		25.6	11.8	54%				
R1 / W6		22.6	9.5	57.9%				
R1 / W7		2.6	2.6	0				
R1 / W8		1.7	1.7	0				
<b>Second Floor</b>								
R1 / W3	Living/Diner	30	13.7	54.4%	63	58.9	16.6	71.7%
R1 / W4		30.1	13.6	54.8%				
R1 / W5		32	14.7	54.1%				
R1 / W6		29.2	12.2	58.2%				
R1 / W7		7.2	7.2	0				
R1 / W8		4	4	0				
<b>Third Floor</b>								
R1 / W2	Living/Kitchen /Diner	33.1	15.4	53.4%	68.9	68.8	68.6	0.3%
R1 / W3		35.1	16.9	51.9%				
R1 / W4		35.1	16.8	52.3%				
R1 / W5		36.6	18.5	49.6%				
R1 / W6		32.9	14.5	55.9%				
R1 / W7		14.2	14.2	0				
R1 / W8		28.3	28.1	n/a				
R1 / W9		59.3	55.2	n/a				
R1 / W10		84.9	82.8	n/a				

9.220 As shown in the table above, 27 (71%) of the windows tested would see reductions beyond BRE guidance regarding VSC and 4 (80%) of the rooms, at basement, ground, first and second floors tested would reductions in excess beyond BRE guidance.

9.221 All of the impacted windows and rooms are dual aspect, with side (east facing) windows for further outlook and light, whilst all the flats at 24 Epworth Street are dual aspect, with outlook to the front, side and rear of the building.

## 17-18 Clere Street

9.222 17-18 Clere Street is a six-storey building, containing commercial use at basement and ground floors, with residential units to the upper floors. The fourth and fifth floors are a more recent addition to the building following planning permission reference: 2003/2169 (London Borough of Hackney).



Figure 31: 17-18 Clere Street (western elevation)

9.223 56 windows and 13 rooms were tested. 36 (64.3%) windows and 9 (69.2%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 4 below:

Table 4: 17-18 Clere St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>First Floor</b>								
R1 / W1	Living	26.1	23	11.7%	93	92.5	92.5	0.01%
R1 / W2		29.4	26.4	10.3%				
R1 / W3		27.1	25.7	5.3%				
R1 / W4		29.8	27	n/a				
R1 / W5		30.6	27.7	n/a				
R1 / W6		31.5	27.9	n/a				
R1 / W7		31.2	27.2	n/a				
R1 / W8		31	26.7	14%				
R1 / W9		30.7	25.8	15.9%				
R1 / W10		30.4	25.1	17.5%				
R1 / W11		23	2.3	<b>64%</b>				
R1 / W12		23	8.4	<b>63.4%</b>				
R1 / W13		22.8	8.5	<b>62.9%</b>				
R2 / W14	Bedroom	22.5	8.6	<b>61.7%</b>	18.2	13.4	6.9	<b>48.4%</b>
R2 / W15		22.3	9	<b>59.8%</b>				
<b>Second Floor</b>								
R1 / W1	Living	28.2	25.2	10.6%	93	92.6	92.5	0.12%
R1 / W2		31.5	25.8	n/a				

R1 / W3		28.9	27.6	n/a				
R1 / W4		31.8	29.1	n/a				
R1 / W5		32.6	29.8	n/a				
R1 / W6		33.6	30.2	n/a				
R1 / W7		33.5	29.5	n/a				
R1 / W8		33.3	28.9	n/a				
R1 / W9		33.1	28	n/a				
R1 / W10		32.9	27.3	n/a				
R1 / W11		28.7	10.3	64.3%				
R1 / W12		28.8	10.4	63.9%				
R1 / W13		28.8	10.5	63.4%				
R2 / W14	Bedroom	28.6	10.7	62.7%	18.2	18.2	7.8	57.2%
R2 / W15		28.6	11.1	61.3%				
<b>Third Floor</b>								
R1 / W1	Living	29.7	26.8	9.6%	93	93	92.4	0.6%
R1 / W2		32.9	30.1	n/a				
R1 / W3		30.1	29.9	n/a				
R1 / W4		33.1	30.7	n/a				
R1 / W5		32.6	29.9	n/a				
R1 / W6		35.4	32	n/a				
R1 / W7		35.2	31.4	n/a				
R1 / W8		35.1	30.8	n/a				
R1 / W9		34.9	29.9	n/a				
R1 / W10		34.8	29.2	n/a				
R1 / W11		33	12.5	62.2%				
R1 / W12		33.2	12.7	61.8%				
R1 / W13		33.1	12.8	61.4%				
R2 / W14	Bedroom	33	13.1	60.4%	18.2	18.2	8.5	53.2%
R2 / W15		33.1	13.5	59.2%				
<b>Fourth Floor</b>								
R1 / W5	Bedroom	26.7	22.6	15.5%	8.7	8.7	8.7	0
R1 / W6		29.7	14	52.9%				
R2 / W7	Playroom	11.3	1.2	89.9%	27	26.5	6	77.2%
<b>Fifth Floor</b>								
R1 / W1	Kitchen	28.9	26.6	8%	102	101	101	0
R1 / W2		31.4	18.5	41.1%				
R1 / W3		31	18.7	39.5%				
R1 / W4		30.5	18.2	40.2%				

- 9.224 As shown in Table 4 above, 20 (35.7%) of the windows tested of the windows tested would see reductions beyond BRE guidance regarding VSC and 4 (30.1%) of the rooms tested would see reductions beyond BRE guidance regarding NSL. All of these windows at first, second and third floor levels face due south and the proposed building.
- 9.225 At fifth floor, to the top of the building, three windows of the large open plan living/kitchen/diner with reduction beyond BRE would see reductions ranging from 39.5% - 41.1%. There would be no reduction to the daylight distribution to this room.
- 9.226 It is noted that all of the properties within this building are dual aspect, with fenestration facing south onto Clere Street and the proposed development, and to the west onto Kiffen Street.
- 9.227 The Applicant has provided a further assessment in which the balconies and overhangs have been removed in order to show the impact of the development on the windows if they were not obstructed, to the fourth and fifth floor. As shown in table 5 below, the number of transgressions reduces to 5 windows with in VSC and 1 room in NSL.

Table 5: 17-18 Clere St Without Balconies/Overhangs		Vertical Sky Component			Comparison with balconies assessment
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
<b>Fourth Floor</b>					
R1 / W5	Bedroom	28.8	24.4	15.5%	15.5%
R1 / W6		32.9	16.5	<b>49.9%</b>	<b>52.9%</b>
R2 / W7	Playroom	31.6	16.2	<b>48.6%</b>	<b>89.9%</b>
<b>Fifth Floor</b>					
R1 / W1	Kitchen	38.5	35.8	%	8%
R1 / W2		38.6	25.5	<b>33.9%</b>	<b>41.1%</b>
R1 / W3		38	25	<b>34.3%</b>	<b>39.5%</b>
R1 / W4		37.5	24.8	<b>33.7%</b>	<b>40.2%</b>

9.228 The results of the 'without balconies' calculations show that the overhangs do cause harm to the light received to the windows and rooms as existing. The without balconies alternative assessment shows that all of the windows and rooms would not see such a reduction without the overhanging balconies in place, however would still meet not meet BRE guidance. It is acknowledged that balconies cannot actually be removed to the existing building, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance.

### 20 Clere Street

9.229 20 Clere Street is a seven-storey building located on the corner of Paul Street and Clere Street, to the north of the site. It is in use at ground floor for commercial (office) and residential to the upper floors above.



Figure 32: 20 Clere Street

9.230 The transgressions beyond BRE guidance are reported in Table 6 below:



Table 6: 20 Clere St		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>First Floor</b>								
R1 / W1	Bedroom	20.5	10.2	<b>50.3%</b>	12.1	8.1	9.2	-13.4%
R2 / W2	Living/ Kitchen/ Diner	19.6	13.5	<b>31.2%</b>	43.5	43	43.1	-0.3%
R2 / W3		11.3	11.5	-1.5%				
R2 / W4		17.5	17.5	0				
R2 / W5		19.8	11.1	<b>44.1%</b>				
R2 / W6		19.9	15.2	<b>23.6%</b>				
<b>Second Floor</b>								
R1 / W1	Bedroom	26.4	12.3	<b>53.6%</b>	12.1	11.8	9.4	<b>20.4%</b>
R2 / W2	Living/ Kitchen/ Diner	25.9	13.3	<b>48.6%</b>	43.5	43.1	43.1	-0.04%
R2 / W3		12.8	12.8	-0.2%				
R2 / W4		20.8	20.8	0				
R2 / W5		25.3	15.8	<b>37.4%</b>				
R2 / W6		25	17.5	<b>29.9%</b>				
<b>Third Floor</b>								
R1 / W1	Bedroom	32.2	14.9	<b>53.8%</b>	12.1	11.9	9.7	18.8%
R2 / W2	Living/ Kitchen/ Diner	31.8	16.1	<b>49.4%</b>	43.5	43.3	43.2	0.2%
R2 / W3		14.6	14.4	1%				
R2 / W4		24.9	24.9	0				
R2 / W5		31	18.7	<b>39.8%</b>				
R2 / W6		30.2	20.4	<b>32.4%</b>				
<b>Fourth Floors</b>								
R1 / W1	Bedroom	35	18.2	<b>48.1%</b>	12.1	11.9	10.1	15%
R2 / W2	Living/ Kitchen/ Diner	34.6	19.5	<b>43.7%</b>	43.5	43.3	43.2	0.2%
R2 / W3		16.5	16.4	1%				
R2 / W4		29.2	29.2	0				
R2 / W5		33.9	22.1	<b>34.6%</b>				
R2 / W6		33.1	23.8	<b>28.2%</b>				
<b>Fifth Floor</b>								
R1 / W1	Bedroom	36.1	22.7	<b>37.1%</b>	25.8	25.1	23.8	5.1%
R1 / W1	Bedroom	34.3	25.1	<b>26.8%</b>	24.4	24.1	20.9	13.3%
R2 / W2	Living/ Diner	25.8	18	<b>30.3%</b>	34.3	34.3	34.3	0
R2 / W3		37.2	31	16.7%				
R2 / W4		36.7	31.8	13.4%				
R2 / W5		36.1	36.1	0				

9.231 As shown in Table 6 above, 19 (57.6%) of the windows tested of the windows tested would see reductions beyond BRE guidance regarding VSC and 1 (8.3%) of the rooms tested would see reductions beyond BRE guidance regarding NSL. All of these windows at first, second and third floor levels face due south and the proposed building.

9.232 The transgressions relate reductions in VSC to windows, whilst only one room would see a reduction beyond BRE guidance with regards to NSL. Although there are reductions of 26.2% to 48.1% in VSC at fourth and fifth floor levels, the retained VSC would be at a minimum of 18.2%.

9.233 It is noted that the impacted properties are dual aspect, with fenestration to the living/kitchen/diner facing east onto Paul Street.

## 54 Paul Street

9.234 54 Paul Street is a five-storey building located on the corner of Paul Street and Luke Street. The ground floor is in use as commercial (retail - food and beverage) and residential to the upper floors above.



Figure 33: The front and side elevations of 54 Paul Street

9.235 45 windows and 27 rooms were tested. 45 (100%) windows and 24 (88.8%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported in Table 7 below:

Table 7: 54 Paul Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Ground Floor</b>								
R1 / W1	Unknown	7.5	6	19.9%	19.2	7.2	4.2	42.75%
R1 / W2	Unknown	6.8	5.6	17.7%				
R2 / W3	Unknown	6.1	5.3	13.4%	18.8	5.5	3.2	41.9%
R2 / W4	Unknown	5.9	5.3	9.4%				
<b>First Floor</b>								
R1 / W1	Unknown	9.4	7.7	17.7%	18.6	7.6	4.8	36.1%
R1 / W2	Unknown	8.6	7.2	15.5%				

9.236 As shown in the table above, no windows would see reduction in VSC beyond BRE guidance, however 3 (11.2%) rooms would see reductions beyond BRE guidance in daylight distribution (NSL). It is understood by officers that the affected rooms which see NSL reductions beyond BRE guidance are not within residential use and are related to the ground floor commercial (retail) use.

## 28-30 Paul Street

9.237 28-30 Paul Street is a five-storey building located on the corner of Paul Street and Scrutton Street. The ground and first floors are in use as a public house (The Fox) and residential to the upper floors above. According to the Valuation Office Agency and Council Tax records, one residential unit is registered at 28-30 Paul Street. Officers understand that the residential unit is split over second, third

and fourth floor is accessed from within the Public House itself, potentially as former landlord's residence, given Council Tax Records indicate there is only one property at this address.



Figure 34: 28-30 Paul Street

9.238 17 windows and 8 rooms were tested. 7 (41.2%) windows and 6 (75%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 8 below:

Table 8: 28-30 Paul Street		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Second Floor</b>								
R1 / W1	Unknown	31.2	18.9	<b>39.3%</b>	9.3	8.9	5.2	<b>42.1%</b>
R2 / W2	Unknown	31.2	20.4	<b>34.8%</b>	23.1	23	23	0
R2 / W3		31.5	21.9	<b>30.5%</b>				
R2 / W4		29.8	26.5	11.1%*				
<b>Third Floor</b>								
R1 / W3	Unknown	35.2	24	<b>31.7%</b>	18.9	18.7	18.7	0.1%
R1 / W4		35.2	25	<b>29.1%</b>				
R1 / W5		33.8	30.5	n/a				
R2 / W1	Unknown	35.1	21.7	<b>38.1%</b>	13.6	13.3	10.4	<b>21.3%</b>
R2 / W2		32.1	22.7	<b>35.4%</b>				
<b>Fourth Floor</b>								
R1 / W1	Unknown	37.1	25.3	<b>31.8%</b>	12.3	12.2	10.5	14.3%
R1 / W3		34.3	22.3	<b>35%</b>				
R2 / W2	Unknown	37.1	26.6	<b>28.2%</b>	17.8	17.5	15.4	12.1%
R2 / W4		36.2	27.2	n/a				

9.239 As shown in table above, 10 (58.8%) of the windows tested would see reductions beyond BRE guidance regarding VSC and 2 (25%) of the rooms tested would see reductions beyond BRE guidance regarding NSL.

9.240 It is acknowledged that the residential unit(s) is dual aspect, with windows also facing out onto the southern elevation overlooking Scrutton Street, as shown in figure 34 above.

### 43 Tabernacle Street

9.241 43 Tabernacle Street is a four-storey building with a basement level located to the northwest of the site. It is understood that the building contains 4 residential units, including the ground and basement.



Figure 35: 43 Tabernacle Street, the impacted window is outlined in red.

9.242 17 windows and 12 rooms were tested. 17 (100%) windows and 11 (91.7%) of rooms would meet BRE guidance. The transgressions beyond BRE guidance are reported for reference in Table 9 below:

Table 9: 43 Tabernacle Street

Room / Window	Room Use	Vertical Sky Component			No Skyline (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
<b>Basement</b>								
R2 / W2	Unknown	10.9	9.5	12.5%	9.3	5.5	4.1	<b>25%</b>

9.243 As shown in the table above, no windows would see reduction in VSC beyond BRE guidance, however 1 (8.3%) room would see a reduction beyond BRE guidance in daylight distribution (NSL). The room would see a minimal reduction beyond BRE guidance of 25% to a single basement room. As such, officers consider the impact of the proposal to this building as negligible.

### Summary of Daylight Impacts

9.244 The submitted Daylight and Sunlight report highlights transgressions beyond BRE guidance. There are a number of instances where there are reductions in either VSC or NSL, but not both. When an alternative target is tested (specifically the 'without overhangs/balconies' exercise), more windows and rooms would meet BRE guidance.

9.245 The alternative target testing in relation to '*without overhangs/balconies*' to 10 Epworth Street indicates that the architectural features cause harm to light received to windows and rooms to this neighbouring building. With the overhangs in situ, the windows have lower values and are perceptible to reductions beyond BRE guidance.

### **Impacts to Sunlight**

9.246 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 17-18 and 20 Clere Street, and 54-58 Paul Street to be tested. There are transgressions to neighbouring 17-18 Clere Street and 20 Clere Street as follows:

Table 10: Sunlight Transgressions

		Annual (APSH)				Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing (%)	Proposed (%)	Loss (%)	Reduction Ratio (%)	Existing (%)	Proposed (%)	Reduction (%)
<b>17 Clere Street</b>								
<i>First Floor</i>								
W6	LKD	28	21	7	25%	5	0	100%
W7	LKD	29	21	8	27.6%	5	0	100%
W8	LKD	27	18	9	33.3%	4	0	100%
W9	LKD	29	16	13	44.8%	5	0	100%
W10	LKD	27	12	15	55.6%	4	0	100%
W11	LKD	49	13	36	73.5%	9	0	100%
W12	LKD	49	13	36	73.5%	8	0	100%
W13	LKD	50	14	36	72%	9	0	100%
W14	Bedroom	49	15	34	69.4%	9	0	100%
W15	Bedroom	48	16	32	66.7%	7	0	100%
<i>Second Floor</i>								
W7	LKD	32	24	8	25%	6	0	100%
W8	LKD	30	21	9	30%	6	0	100%
W9	LKD	31	21	10	32.3%	5	0	100%
W10	LKD	30	18	12	40%	5	0	100%
W11	LKD	57	21	36	63.2%	17	0	100%
W12	LKD	59	20	39	66.1%	18	0	100%
W13	LKD	59	21	38	64.4%	18	0	100%
W14	Bedroom	57	21	36	63.2%	17	0	100%
W15	Bedroom	58	23	35	60.3%	17	1	94.1%
<i>Third Floor</i>								
W7	LKD	34	28	6	17.6%	7	1	85.7%
W8	LKD	33	28	5	15.2%	6	1	83.3%
W9	LKD	35	25	10	28.6%	7	0	100%
W10	LKD	33	24	9	27.3%	6	0	100%
W11	LKD	62	28	34	54.8%	22	0	100%
W12	LKD	64	29	35	54.7%	23	0	100%
W13	LKD	64	29	35	54.7%	23	0	100%
W14	Bedroom	63	29	34	54%	23	0	100%
W15	Bedroom	64	32	32	50%	23	1	95.7%
<i>Fourth Floor</i>								
W2	Bedroom	25	20	5	20%	7	2	71.4%
W4	Bedroom	24	19	5	20.1%	6	1	83.3%
W5	Bedroom	27	18	9	33.3%	9	0	100%
W6	Bedroom	53	29	24	45.3%	25	1	96%
W7	Playroom	17	3	14	82.4%	15	1	93.3%
<b>20 Clere Street</b>								
<i>First Floor</i>								
W1	Bedroom	46	18	28	60.9%	6	0	100%
W5	Living	45	23	22	48.9%	5	2	60%
<i>Second Floor</i>								
W1	Bedroom	56	25	31	55.4%	15	0	100%
W2	Living	53	31	22	41.5%	12	3	75%
<i>Third</i>								
W1	Bedroom	64	30	34	53.1%	22	1	95.5%
W2	Living	64	36	28	43.8%	20	3	85%
<i>Fourth Floor</i>								
W1	Bedroom	68	40	28	41.2%	26	4	84.6%

9.247 As shown in Table 10 above, 40 windows would see transgressions beyond BRE guidance with regards to sunlight received to neighbouring windows. The affected properties are located due north of the subject site at 17-18 and 20 Clere Street. A number of windows at first, second, third and fourth floors of 17-18 Clere Street would see significant reductions in WPSH of up to 100% in some instances, however would retain acceptable levels of APSH of above 25%. This is also relevant to second, third and fourth floor levels of 20 Clere Street, where the reductions in sunlight WPSH would transgress BRE guidance but would retain acceptable levels of APSH. It is noted that the living room to first, second and third floors would see transgressions to only one of the three south facing windows of each of the living room.

### **Overshadowing (sunlight on ground)**

9.248 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).

9.249 Only the external rooftop amenity space at 17-18 Clere Street has been identified as an external amenity area with expectation of sunlight on ground within close proximity to the site. This is located at roof level (sixth floor). The submitted daylight report highlights that there would be no reduction to this roof terrace area and therefore complies with the BRE Guidance.

### **Daylight, Sunlight and Overshadowing Summary**

9.250 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.

9.251 10 and 24 Epworth Street would see reductions in daylight beyond BRE guidance, whilst 17-18 and 20 Clere Street properties would see transgressions in both daylight and sunlight, given they are the properties located due north of the application site.

9.252 These transgressions weigh against the scheme, however the context of the neighbouring properties affected, such as architectural features and whether the dwellings are dual aspect etc. should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing Central London urban context.

### **Neighbouring Amenity Summary**

9.253 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.

9.254 It is acknowledged by officers that there is a degree of conflict with Local Plan policy DM2.1 relating to 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**

9.255 Chapter 10 of the London Plan (2021) sets out transport policies, with policy T4 (assessing and mitigating transport impacts) outlines that development proposals should consider the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health. Further, developments proposals should not increase road danger.

- 9.256 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.257 The application site has a PTAL of 6, which is considered 'excellent', due to its proximity to Old Street, Barbican, Liverpool Street and Shoreditch High Street stations, and numerous bus routes along City Road, Old Street and Great Eastern Street.
- 9.258 It is noted that Epworth Street is one-way traffic only, with vehicles entering from Tabernacle Street and travelling east to Paul Street. Paul Street is also one-way traffic travelling south. Clere Street allows for two-way traffic, and can be accessed from Tabernacle Street and Paul Street.

### Trip Generation

- 9.259 In accordance with London Plan policy T4, a Transport Statement has been submitted. It includes an analysis into the number of additional trips to and from the site which would be undertaken following the development. Similar developments for offices within London, with a PTAL Score of 6, have been assessed and compared.
- 9.260 Given the uplift in floorspace, the trip generation assessment forecasts a considerable uplift in peak hour trips, including public transport.
- 9.261 The proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones. As such, the vast majority of trips to and from the site would be taken via public transport such as tube/underground, trains and buses.
- 9.262 Following comments from TfL, the applicant has provided some further details in relation to the increase in net trips to the site to the closest stations (Old Street Moorgate and Liverpool Street). This includes modal share data that is taken from the census and indicates that the majority of trips are made by sustainable modes of walking, cycling and public transport.
- 9.263 A full Travel Plan is required for this development as the proposal is for more than 2,500sqm of office floorspace. The Travel Plan would need to be monitored for a period of five years. This would be secured through a planning obligation as part of a section 106 agreement.

### Cycles and Pedestrian Movements

- 9.264 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.
- 9.265 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is considered accessible for pedestrians given its multiple entrances onto pavements on Epworth Street, Paul Street and Clere Street.
- 9.266 Paul Street is designated as a major cycle route within Policy DM8.4 whilst Transport for London
- 9.267 The surrounding area is also served by TfL Cycle Hire with docking stations located at St Leonard Circus and Clifton Street with 43 and 24 docking points respectively.

### *Long Stay Cycle Parking*

- 9.268 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. The store(s) need to be secure, covered, conveniently located and step free.
- 9.269 Transport for London have outlined that the proposed provision of long-stay parking complies with the London Plan requirements. Access to the shared long-stay cycle parking at basement level will be from a dedicated cycle entrance and exit onto Platina Street. To access the basement from



ground floor level, the staircase will have wheeling ramps whilst there is also dedicated cycle lift, in which the dimensions are in accordance with London Cycling Design Standards ('LCDS').

9.270 It is also noted that a 'cycle repair station' is located within the long stay provision for the office provision.

#### *Short Stay Cycle Parking*

9.271 A total of 34 short stay cycle spaces are proposed at ground level externally, within the red line of the site, close to the southern elevation on Epworth Street. A further 18 short stay cycle parking spaces are proposed at ground floor level within the reception area of the gym, accessed from Epworth Street. To the basement level close to the atrium and rear stair core to the dedicated cycle storage area, 24 further short stay cycle parking spaces are proposed. This would total 76 on-site short-stay spaces. Transport for London have highlighted that this would represent a slight shortfall against

9.272 To Clere Street, 18 cycle parking spaces are proposed to be placed on within the public realm to bring the total of short-stay cycle parking to 94, to be secured through legal agreement. This is acceptable in principle to the Council's highways officer.

#### Vehicle parking

9.273 The site includes existing on-site formal parking arrangements for 13 vehicles within the central courtyard. The subject site is located within a Controlled Parking Area (CPZ) 'Zone C', with restricted parking 24 hours a day on weekdays and Saturdays. The proposed development is car-free given no formal on-site parking will be provided.

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

9.275 The proposal would see an uplift in approximately 954 employees and therefore at least 29x accessible parking bays are required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of **£66,000** is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.

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

#### Servicing, deliveries and refuse collection

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

9.278 Emerging 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.

9.279 A dedicated internal service area at ground floor level is proposed allowing for off-street servicing. It would be accessed from Clere Street, with a vehicular crossover into a 4.5 metre width vehicular access. The internal service area would provide two loading bays for vehicles of up to 8 metres in length, allowing for vehicles to enter and exit in a forward gear.

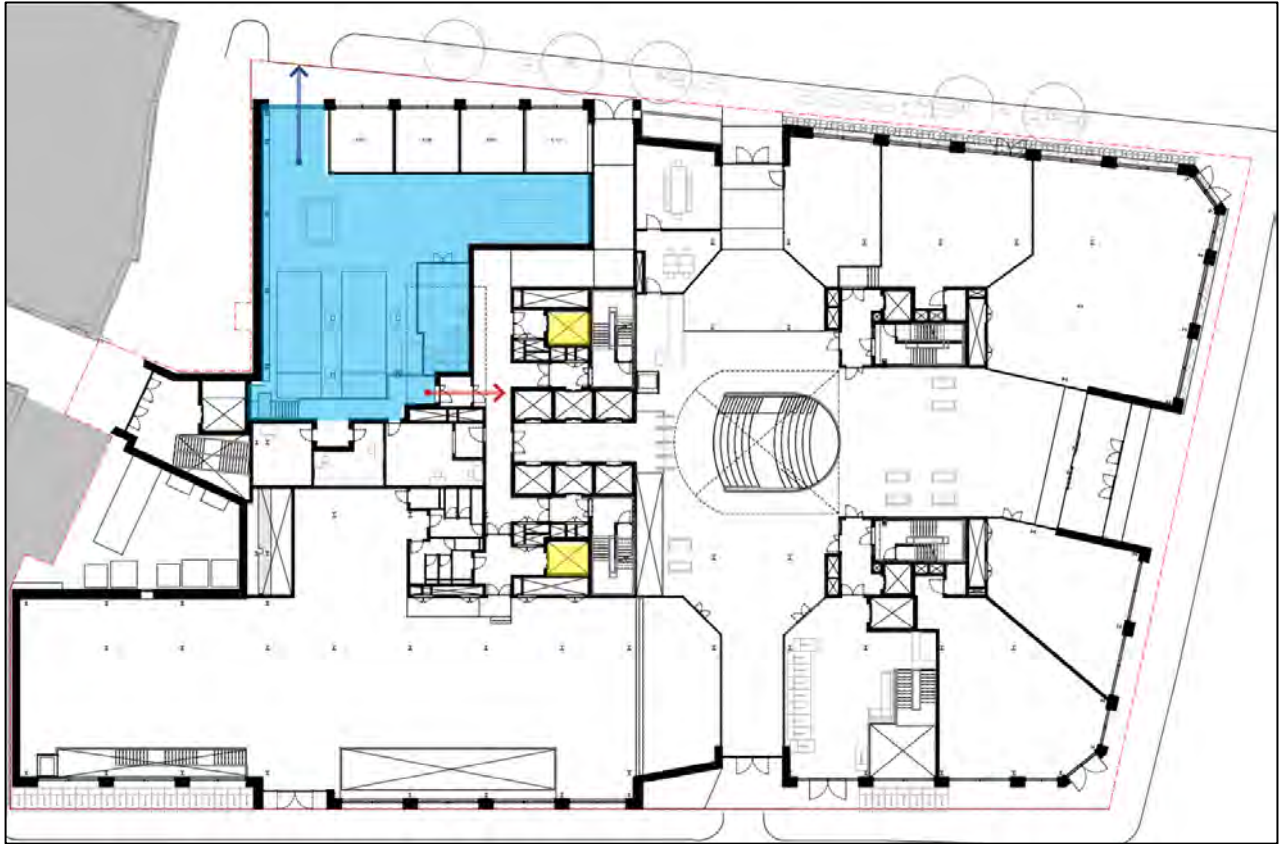


Figure 36: The proposed dedicated internal servicing yard (highlighted in blue) at ground floor level

9.280 With regards to refuse and recycling, this would be located in a shared area by all occupiers. The refuse and recycling 'waste store' area is located at ground floor level and is accessed from the loading bay area. There are two service lifts located within the main core area of the building.

9.281 The submitted DSP outlines that occupiers of the proposed building will be encouraged to schedule deliveries outside of the morning peak period (0700 – 1000) and afternoon peak period (1500 – 1900). Given the close proximity of Cycleway 1 (Paul Street), TfL have requested that the Delivery and Servicing Plan should include measures to restrict all deliveries, except on foot or by cargo bike, would also be strongly supported during cycling traffic peaks. This is considered to be between 0730 to 0930 and 1630 to 1930 on weekdays. This is reflected in Condition 10.

### Summary on transport and highways

9.282 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions. The application sets out adequate provision for servicing 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, Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6, and emerging Local Plan Policies T2, T3, T4 and T5. The proposal is therefore acceptable in terms of transport / highways subject to conditions and S106 contributions.

### Energy and Sustainability

9.283 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF.

Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

### Energy Performance

- 9.284 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.
- 9.285 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management.
- 9.286 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.287 The applicant has submitted the relevant detail within a 'Energy Statement' dated 25 April 2023. Following initial comments on the submitted energy statement by the Council's Energy Officer, revised and further information was submitted.

### *Carbon Emissions*

- 9.288 The London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. The submitted SDCS indicates 49.1% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, thereby meeting the London Plan target.
- 9.289 Islington's Core Strategy policy CS10 requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network ('DEN') is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The submitted SDCS shows a 33.7% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington's Core Strategy policy CS10 where not connecting to a DEN.
- 9.290 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". All in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "*The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement*". In order to mitigate against the remaining carbon emissions generated by the development, the SDC includes a correctly calculated Carbon Offset contribution of **£464,500** of total CO2 emissions. This is to be secured by way of a planning obligation.

### *Sustainable design standards*

- 9.291 Council policy DM 7.4 A states “Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding”. The council’s Environmental Design Guide states “*Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification*”.
- 9.292 A BREEAM Pre-Assessment has been submitted for the development achieving an ‘outstanding’ rating with an overall score of 90%, exceeding the requirement of Islington DM 7.4A for ‘excellent’, which shall be secured through Condition 12.

### *Energy demand reduction (Be Lean)*

- 9.293 Council policy DM 7.1(A) states “*Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.*” Further, Council policy states “*developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy*”.
- 9.294 The proposed U-values for the fabric elements of the proposal are improvements on the recommendations of Islington’s Environmental Design SPD. Further, the Energy Statement shows the proposed development achieving a 25.6% reduction in Regulated Emissions over a Part L 2013 baseline meeting the requirement in the London Plan for non-domestic buildings to achieve a 15% reduction at this stage. LED lighting has been specified throughout with suitable sensors.
- 9.295 In accordance with council policy “*Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed*”.
- 9.296 An Overheating Risk Assessment has been provided which indicates that appropriate Thermal Modelling has been carried out, and through a mixture of passive design measures and active cooling in the basement areas the risk of overheating has been eliminated. Although overheating risk can be eliminated by passive design measures, active cooling will be required in the basement areas due to the lack of opening windows. Based on the thermal modelling results, the Council’s Energy Officer accepts the approach to the cooling hierarchy and active cooling.

### *Low carbon energy supply (Be Clean)*

- 9.297 The applicant is proposing a centralised ASHP system to provide heating and cooling.
- 9.298 Policy DM7.3B states “*all major developments within 500 metres of an existing or planned DEN.... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.*” The proposed development is within 500m (around 100m) from the Citigen DEN. Adequate ‘future-proofing’ through pipe routes and ‘an area set aside’ at basement level should be provided allowing for necessary plant to connect to any nearby DEN.
- 9.299 The Energy Statement states that ‘future proofing measures will be incorporated into the scheme to enable a connection to a future heating district scheme have been considered.’ However, as outlined by the applicant, the operators of the Citigen DEN have not responded to the applicant with regards to feasibility. Should the feasibility assessment show connection to the nearby DEN is not achievable, the applicant is required to show how the proposed development will be futureproofed for connection to any potential DEN. Given the applicant has evidently attempted to contact the DEN, a condition requiring details of future proofing should be secured.
- 9.300 London Plan policy SI3 part D states in the energy hierarchy that low emission CHP should only be used: “*where there is a case for CHP to enable the delivery of an area wide network, meet the development’s electricity demand and provide demand response to the local electricity network*”

*Islington policy DM 7.3D states “Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.”*

- 9.301 The applicant has reviewed the potential of forming a Shared Heat Network with neighbouring sites and demonstrated that it would not be viable to form a Shared Heating Network.

*Renewable energy supply (Be Green)*

- 9.302 The use of renewable energy should be maximised to enable the achievement of CO2 targets.
- 9.303 The Energy Statement includes an assessment of various renewable technologies including biomass, solar thermal, GSHP and wind turbines which have been ruled out for valid reasons. The Energy Statement proposes ASHP and a 93.7sqm Solar PV array which is supported by the Council's Energy officer.

*(Be Seen)*

- 9.304 The London Plan 2021 states that developments must “be seen: monitor, verify and report on energy performance” and that “*The move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered. Major developments are required to monitor and report on energy performance, such as by displaying a Display Energy Certificate (DEC), and reporting to the Mayor for at least five years via an online portal to enable the GLA to identify good practice and report on the operational performance of new development in London.*” Sufficient detail has been provided of how the development will meet the GLA's ‘be seen’ requirements. The Council will also seek to secure this via Section 106 Agreement, based on the template wording used by the GLA.

*Green Performance Plan (GPP)*

- 9.305 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.306 A Draft Green Performance Plan has been submitted alongside the energy strategy which includes measurable targets for electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. A finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

*Whole Life Carbon*

- 9.307 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.
- 9.308 Emerging 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).
- 9.309 A whole life-cycle carbon (‘WLC’) assessment has also been undertaken to quantify the embodied carbon of the proposal. This would be updated at each design stage as more of the design becomes quantifiable, and the specific materials become known. This WLC Assessment has been prepared in line with the GLA's London Plan Policy SI2 and using the methodology outlined in the RICS Professional Statement 2017 and BS EN15978:2011.

- 9.310 The submitted WLC assessment outlines that several opportunities for carbon reduction have been identified and quantified to provide a feasible route to achieve compliance. The areas which are expected to be progressed in the next stage of assessment includes Concrete design, i.e. cement replacement contents and reinforcement details confirmed; Façade external extrusions / shading material (aluminium / steel / recycled content / geometric design); Structural Steel Frame Recycled Content; Finishes schedule highlighting areas of ceiling and floor finishes; Refined MEP options, i.e. chilled beams vs fan coil units and recycled content of ductwork and details on demolition materials for aggregate / re-use on site. The originally submitted WLC assessment did not demonstrate that retention had been fully explored in the first instance and inconsistently reported waste estimates. The Applicant has been working with the Council's Sustainability officer and the GLA in updating and revising the WLC assessment, having clarified the waste estimates and explored the potential of retention of the existing building.
- 9.311 Condition 25 requires the submission of updated WLC information and Condition 26 secures a post-construction report.
- 9.312 The GLA have outlined that there is nothing further required from the Applicant at this stage with respect to the Pre-Redevelopment Audit, however it is requested that the Applicant provide a summary explaining the considerations for developing the site and justifying the proposed demolition in line with the strategy set out in the Design Approach table of the template.

### *Circular Economy*

- 9.313 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.
- 9.314 Emerging 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.
- 9.315 A Circular Economy ('CE') assessment has been submitted with the application. A number of key commitments and design strategies have been identified to ensure the development will contribute towards a circular economy. These involve design decisions to minimise resources used, minimise waste and strategies to manage waste effectively. The Strategic Approach has been defined following the Circular Economy Core Principles.
- 9.316 Further information and stronger commitments are sought to demonstrate how the development will carry out the actions stated within the GLA Circular Economy Template such as "investigate the feasibility of re-using the demolished masonry and brickwork as aggregate for the new concrete" and "Excavation waste will be used on site where possible – 95% beneficial use." These claims are vague and more specific detail should be submitted to evidence that the policy requirements of emerging Local Plan policy S10 have been met.
- 9.317 Final CE details would be secured by pre-commencement condition 27 in addition to a CE post-construction report secured by condition 28 to ensure that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.

### Sustainable Urban Drainage (SUDs)

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

- 9.319 The submitted 'Flood Risk Assessment & SuDS Strategy Report' indicates that the site as existing and proposed is 100% impermeable and there are no attenuation system for rainwater and hence all rainwater on the site flows into the existing combined sewer. The strategy seeks to provide for source control technique to the aforementioned green roofs. The total effective area of blue roofs will be approximately 2,952sqm. The proposal would represent an 86% reduction in run-off rate. An attenuation tank of circa 200 cubic metres is proposed at basement level.
- 9.320 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage, subject to informatives. The Sustainable Urban Drainage measures are to be secured through condition 18.

### **Biodiversity, landscaping and trees**

- 9.321 London Plan (2021) policy G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Further, Islington Policy DM6.5 states that 'developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area'. Further, developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations.
- 9.322 Core Strategy policy CS7 'Bunhill and Clerkenwell' requires that major development improve the public realm, provide ample private / semi private and public open space, and incorporate space for nature. Policy CS15 requires that biodiversity be protected and enhanced across the borough and seeks to create a greener borough by maximising opportunities for planting, green roofs and green corridors.
- 9.323 Emerging 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.
- 9.324 There are no trees on the site as existing, whilst there are street trees near to the site along the pavement to the north of the building on Clere Street. No trees are proposed at ground floor level within the red line boundary due to the constraints of the site.
- 9.325 The proposal includes green roofs, to the flat roofs of the fifth, sixth and seventh floors. Further details of the final requirements in regards to substrate depth and a focus on wildflower planting has been recommended by the Council's Sustainability Officer.



*Figure 37: Existing trees on Clere Street*

- 9.326 Emerging 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.
- 9.327 A 'BS5837 Tree Survey and Arboricultural Impact Assessment' ('TSAIA') dated July 2022 and prepared by Greengage has been submitted in support of the application. The report identifies 5 trees identified within to be Category B. None of the trees are to be removed to facilitate the proposed development, however regular pruning to the southern crown of trees will be required, with some branch tie back. It is anticipated that in facilitating the development, the trees will required protection from construction vehicles and equipment, such as scaffolding. A tree protection plan is to be secured through condition 35.

#### Urban Green Factor (UGF)

- 9.328 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.
- 9.329 Emerging 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.
- 9.330 The whole curtilage of the site is covered by a hardstanding materials for car parking as existing. The site has no ecological activity for soft landscaping as existing. The numerous flat roofs of the proposed building offer an opportunity to enhance the biodiversity by providing green roofs. The submission highlights that the proposal will achieve an Urban Green Factor of 0.3 due to the inclusion of the green roofs and biodiversity measures, which is welcomed, and shall be secured through Condition 15.



## **Air Quality**

- 9.331 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.332 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 11. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 11.

## **Fire Safety**

- 9.333 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement which is an independent fire strategy produced by a suitably qualified assessor.
- 9.334 A fire statement has been submitted which was prepared by a qualified third party assessor (Hoare Lee) with listed qualifications. The fire statement provides details relating to construction methods; materials; means of escape; features 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.
- 9.335 In line with Policy D5 of the London Plan, the fire statement states that evacuation lifts and a firefighting lift is to be provided. These lifts should be clearly identified/labelled on a floor plan within the fire statement prior to Stage 2. The GLA have highlighted that this lift provision should be secured by condition by the Council in accordance with Policy D5 of the London Plan. Condition 24 ensures that the development should only be occupied and managed in accordance with the submitted fire strategy.

## **Basement works**

- 9.336 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E). It outlines that all basement development will need to be appropriate and proportionate to its site and context.
- 9.337 Policy D10 of the London Plan (2021) states that Boroughs should establish within their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.
- 9.338 Emerging Local Plan Policy DH4 – 'Basement development' insists basements must be designed to safeguard the structural stability of the existing building, nearby buildings, trees, and any infrastructure.
- 9.339 Structural stability is a material consideration for the Local Planning Authority insofar as the requirement to consider the potential risk and effects a proposal may have upon property, infrastructure and the public, as set out in Planning Practice Guidance. For clarity, this does not require the council to approve a technical solution for a development proposal, but rather to confirm that these issues have been sufficiently evaluated and responded to in a design and ensure that this process has been undertaken by a suitably qualified and experienced professional.
- 9.340 Areas of basement should respond to the scale, function and character of the site and its surrounds. Where large basement extensions are proposed, the resulting intensity of basement use may be out

of keeping with the domestic scale, function and character of its context. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds.

9.341 A Structural Method Statement ('SMS') prepared by Heyne Tillett Steel dated 20 July 2022, was submitted in support of the application. In accordance with Appendix B of Islington's Basement Development SPD, the SMS is signed by a chartered Structural Engineer and includes details regarding a desk study, site investigations, design and construction monitoring. The SMS concludes that the proposed development meets the Council's Basement SPD as follows:

- The proposed basements are confined to within the site only, and set away from most neighbouring buildings due to the site being bounded by highways to sides (north, east and south) as such the proposal would not likely undermine any adjacent structures;
- The damage to any adjoining properties will be limited to a maximum of category 2 in the (CIRIA) Report 580 'Embedded Retaining Walls' to comply with the Islington Basement Development Supplementary Planning Document (SPD) 2016;
- Ground movement assessment (GMA) reports will be required at a later stage as a part of negotiations with Thames Water to confirm the impact of the proposed basement on nearby sewers;
- Ground movement assessments (GMA) reports will be required at a later stage as a part of negotiations with UKPN to confirm the impact of the proposed basement on the nearby retained substation on the West boundary;
- Structural proposals include:
  - Superstructure proposed as CLT or precast concrete planks supported on 650mm deep steel beams with services distributed within the structural zone.
  - Steel frame with columns on a 10.5m x 6m grid generally and a 6m grid on the façade.
  - Concrete shear walls or cross braced steel frames located around the cores providing lateral stability to the building against wind loading.
  - Roof level façade setbacks create transfer beams to support facade columns.
  - Basement constructed using secant piles around the perimeter with internal concrete liner walls.
  - Building founded on piles foundations and suspended basement concrete slabs, some tension piles are required.

9.342 The SMS concludes that the proposed works and basement development will not likely detrimentally affect the surface water regime in the local and wider area, and the existing pathway for surface water flows will not be altered by the proposals. The report demonstrates that by adopting the highlighted construction practices the proposed works can be executed in a safe manner minimising any impact on the local amenity. This will be secured through condition 20.

### **Planning Balance**

9.343 Paragraph 47 of the NPPF dictates that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

9.344 The proposal is a departure from the Local Plan as the maximum height is in excess of 30 metres. It has been considered within this report that the height of the building is acceptable, given the areas of the building which exceed 30 metres in height are limited to isolated lift over run and plant areas to the centre of the building. The visual, functional, environmental and cumulative impacts of tall buildings have been addressed and not considered to give rise to adverse or detrimental impacts to the surrounding area.

- 9.345 Further, there is a degree of conflict with Local Plan policy DM2.1 relating to amenity, specifically in relation to sunlight/daylight impacts. This has been carefully examined and, while impacts weigh against the scheme which is regrettable, officers consider that given the context of the neighbouring properties affected (such as architectural features and whether the dwellings are dual aspect etc.) should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing dense Central London urban context.
- 9.346 It has been outlined that the proposal has not fully explored the potential to retain the existing structure in accordance with the emerging Local Plan and current London Plan. This therefore is considered a negative which weighs against the scheme. However, the proposed redevelopment of the site is in accordance with emerging Site Allocation BC48, which seeks to intensify office floor space on the site, whilst providing level access to the street at ground floor level (which the existing building does not) and provide active frontage at ground floor level. Officers consider that pre-commencement conditions sufficiently secure the absent details to be approved by the Council and the GLA.
- 9.347 The proposed land use on site is acceptable in principle and the scheme is considered compliant with policies DM5.1 and DM5.4 which sets out requirements for new business floor space and development in the Central Activities Zone and City Fringe designations. The proposal would also meet the aims of the adopted and emerging Site Allocation brief.
- 9.348 The scheme would comply with policies relating to energy, sustainability, accessibility, transportation and highways, whilst no objection is raised to the scale, mass, appearance and detailed design of the proposal.
- 9.349 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report where relevant, and include:
- Significant uplift in high quality and modern employment business (Use Class E(g)(i)) floorspace within the Central Activity Zone (CAZ), City Fringe Opportunity Area and Employment Growth Area;
  - Provision of affordable workspace at 13% (GIA) of the uplift in office floorspace leased to the Council at a peppercorn rent in perpetuity;
  - Sustainable transport thrust, a car-free development;
- 9.350 In summary, Officers consider that the aforementioned public benefits are significant and therefore outweigh the harm caused from the development to neighbouring amenity and/or the demolition of the building in favour of a retrofit scheme, in the overall planning balance.

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

- 9.351 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.
- 9.352 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- a. Provision of 2,008sqm workspace unit at lower ground and ground floor level to be leased to the Council in perpetuity;
- b. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- c. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of (number to be confirmed by TfL) and carried out at the Applicant's expense;
- d. Submission of a full Travel Plan;
- e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- f. Facilitation, during the construction phase of the development, of the following number of work placements: 16x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £80,000;
- g. A contribution of £464,500 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- i. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- j. Compliance with the Code of Employment and Training;
- k. Compliance with the Code of Local Procurement;
- l. Compliance with the Code of Construction Practice, including a monitoring fee of: £21,265 and submission of site-specific response document to the Code of

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

- m. Contribution towards employment and training for local residents of a commuted sum of: £183,777; and
- n. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

*Transport for London*

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

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

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The 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. Further, mixed use to include retail and leisure at ground floor level with active street frontage is encouraged and supported. The proposal is therefore supported in regards to land use principle.
- 10.2 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.
- 10.3 The proposal is a Departure from the Development Plan as the tallest part of the building would exceed 30 metres in height. As addressed in paragraphs X above, the elements of the building which exceed 30 metres are limited to plant and equipment enclosures to the main roof of the building. The 30-meter threshold is exceeded only for isolated plant and equipment and is located centrally within the building footprint, whilst the building shoulder and floorplates do not exceed 30 metres in height. As such, the rooftop plant and equipment would not be immediately visible from the streetscene or wider townscape views.
- 10.4 While there would be a degree of conflict with Policy DM2.1 in terms of daylight and sunlight reductions to neighbouring windows and rooms, officers consider that, given the context of the neighbouring properties affected (such as architectural features and whether the dwellings are dual aspect etc.) should be taken into consideration, and the BRE guidance should be viewed flexibly and considered regarding the prevailing dense Central London urban context.
- 10.5 The proposal comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change, which are to be secured via conditions and planning obligations. Further pre-commencement conditions relating to Whole Life Carbon and Circular Economy, requiring further detail to be submitted to and approved by the Council.
- 10.6 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 legal agreement securing relevant planning obligations.
- 10.7 It is recommended that planning permission be granted subject to conditions and legal obligations as set out in **Appendix 1** – Recommendations.

# APPENDIX 1: RECOMMENDATIONS

## RECOMMENDATION A

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

- a. Provision of 2,008sqm workspace unit at lower ground and ground floor level;
- b. Contribution towards 33x bays or other accessible transport initiatives of £66,000;
- c. Contribution towards provision of additional short-stay cycle spaces in the surrounding locality of (number to be confirmed by TfL) and carried out at the Applicant's expense;
- d. Submission of a full Travel Plan;
- e. A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- f. Facilitation, during the construction phase of the development, of the following number of work placements: 16x. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £80,000;
- g. A contribution of £464,500 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington currently £920);
- h. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- i. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any onsite solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- j. Compliance with the Code of Employment and Training;
- k. Compliance with the Code of Local Procurement;
- l. Compliance with the Code of Construction Practice, including a monitoring fee of: £21,265 and submission of site-specific response document to the Code of Construction Practice for

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

- m. Contribution towards employment and training for local residents of a commuted sum of: £183,777; and
- n. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

*Transport for London*

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

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

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

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

**RECOMMENDATION B**

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

<b>1</b>	<b>COMMENCEMENT OF DEVELOPMENT</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>A284-MCO-XX-XX-DR-A-05001 rev: P03 - Location Plan;  A284-MCO-XX-XX-DR-A-05010 rev: P03 - Site Plan;  A284-MCO-XX-B2-DR-A-06108 rev: P03 - Proposed Basement Floor Plan;  A284-MCO-XX-B1-DR-A-06109 rev: P03 - Proposed Lower Ground Plan;  A284-MCO-XX-L0-DR-A-06110 rev: P03 - Proposed Ground Floor Plan;  A284-MCO-XX-L1-DR-A-06111 rev: P03 - Proposed L1 Floor Plan;  A284-MCO-XX-L2-DR-A-06112 rev: P03 - Proposed L2 Floor Plan;  A284-MCO-XX-L3-DR-A-06113 rev: P03 - Proposed L3 Floor Plan;  A284-MCO-XX-L4-DR-A-06114 rev: P03 - Proposed L4 Floor Plan;</p>

<p>A284-MCO-XX-L5-DR-A-06115 rev: P03 - Proposed L5 Floor Plan;  A284-MCO-XX-L6-DR-A-06116 rev: P03 - Proposed L6 Floor Plan;  A284-MCO-XX-R1-DR-A-06117 rev: P03 - Proposed R1 Floor Plan;  A284-MCO-XX-R2-DR-A-06118 rev: P03 - Proposed R2 Floor Plan;  A284-MCO-XX-XX-DR-A-06201 rev: P03 - Proposed North Elevation;  A284-MCO-XX-XX-DR-A-06202 rev: P03 - Proposed East Elevation;  A284-MCO-XX-XX-DR-A-06203 rev: P03 - Proposed South Elevation;  A284-MCO-XX-XX-DR-A-06204 rev: P03 - Proposed West Elevation;  A284-MCO-XX-XX-DR-A-06301 rev: P03 - Proposed Long Section;  A284-MCO-XX-XX-DR-A-06302 rev: P03 - Proposed Short Section;  0209853-HLE-XX-B2-DR-CS-10001 rev P01 - Combined Services Plant Layout Basement 2;  Acoustic Report 29065/AS-Stage2/Rev1 dated 15 July 2022;  Access Comments Response Document A284-10.01-107-RevA dated 03/02/2023;  Air Quality Assessment dated July 2022;  Archaeological desk-based assessment dated July 2022;  Biodiversity Impact Assessment dated June 2022;  BS5837 Tree Survey and Arboricultural Impact Assessment dated July 2022;  Castle &amp; Fitzroy House - Demand Report dated July 2022;  Castle &amp; Fitzroy House: additional view analysis (addendum) dated 9 January 2023  Design And Access Statement rev P3 - A284-MCO-XX-XX-DS-A-01000 dated July 2022;  Economic Regeneration Statement;  Energy Statement rev 03 dated 25.04.2023 and SKE-0209853-7C-HL-20221110-Future DEN Connection dated 14/11/2022;  Environmental Noise Survey Report 29065/ES1/Rev1 dated 15 July 2022;  Fire safety statement for planning – Castle &amp; Fitzroy House;  Flood Risk Assessment &amp; SuDS Strategy Report dated 17 May 2022 and FRA &amp; SuDS Strategy Report Addendum dated 22/05/2023;  Ground floor plan-exceedance flows dated 23/02/2023;  Health Impact Assessment dated July 2022;  Landscape Statement A284-MCO-XX-XX-DS-A-01000;  Odour Assessment revision 02 dated 15 July 2023;  Outline Delivery and Servicing Plan dated July 2022;  Operational Waste Management Plan dated February 2023;  Preliminary Ecological Appraisal dated July 2022;  Proposed Drainage Strategy dated 16/02/2023;  Retail Impact Assessment dated July 2022;  Retrofit vs New Build Briefing Notes rev P02 dated 3 January 2023;  Site Investigation and Contaminated Land Assessment Report dated 30 May 2022;  Structural Method Statement (SMS) Report dated 20 July 2022;  Sustainability Statement rev 02 dated July 2023;  Townscape, Heritage and Visual Impact Assessment dated July 2022;  Transport Assessment dated July 2022 and Stage 1 Report – Applicant Response (Transport) dated 18 January 2023;  Whole Life Carbon Assessment revision 6 dated 4 July 2023 and 2324215_Castle and Fitzroy House_wlca_assessment_template_planning_Rev04;  Circular Economy Statement revision 06 dated 16 May 2023 and gla_circular_economy_statements_template_Castle Fitzroy House _Rev02;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<p><b>3</b>     <b>Materials (Detail and Samples)</b></p>
<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses for all facing bricks;</li> <li>b) render (including colour, texture and method of application);</li> <li>c) windows and doors (including sections and reveals);</li> </ul>



	<p>d) roofing materials (including facing materials);  e) any balustrading treatment (including sections); and  f) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the amenity of neighbouring residents is not adversely affected.</p>
<b>5</b>	<b>Refuse and Recycling (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Cycle Storage (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>7</b>	<b>Flat Roofs (Compliance)</b>
	<p>CONDITION: Notwithstanding the identified roof terrace amenity areas within the approved plans, the flat roofs of the development hereby approved, including the identified green roofs, shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>The roof terraces shall not be used outside the hours: 0800 – 2000.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
<b>8</b>	<b>Internal Lighting and Roller Blinds (Details and Compliance)</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include (but not limited to):</p> <ul style="list-style-type: none"> <li>- Automated roller blinds;</li> <li>- Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>- Light fittings controlled through the use of sensors.</li> </ul>

	<p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring adjacent residential dwellings.</p>
<b>9</b>	<b>External Lighting (Details)</b>
	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works above ground of the approved development.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
<b>10</b>	<b>Delivery and Servicing Plan (Compliance)</b>
	<p>CONDITION: Prior to occupation, a delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL). The plan shall include details of all servicing and delivery requirements of the site (including a booking system and measures to reduce impact upon neighbouring amenity), delivery and servicing times, measures to encourage sustainable methods of delivery (e.g. cargo bikes), waste and recycling collection and management against misuse.</p> <p>No deliveries or servicing, except by foot or cargo bike, shall take place within the hours of 1600 – 1900 and 2200 – 1000.</p> <p>The approved details shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
<b>11</b>	<b>Demolition, Construction and Environmental Management Plan (Details)</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ol style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</li> </ol>

	<p>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Saturdays, Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area;</p> <p>p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <a href="https://nrmm.london/usernrmm/register">https://nrmm.london/usernrmm/register</a> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
<b>12</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>13</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Energy Strategy identifying further improvements on how the development will achieve a reduction of 27% in total (regulated and unregulated) emissions against Part L 2013 baseline and a full feasibility study of connections to a Decentralised Energy Network, shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved.</p>

	<p>The measures identified in the approved strategy shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Green Roofs (Details and Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <p>a) substrate base depth;</p> <p>b) laid out in accordance with plans hereby approved; and</p> <p>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>15</b>	<b>Urban Greening Factor (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall achieve an Urban Greening Factor of 0.3. Alternatively, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted which satisfactorily demonstrates that an Urban Greening Factor of 0.3 cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs, the addition of raingardens and planting.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
<b>16</b>	<b>Bird and Bat Boxes (Details and Compliance)</b>
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>17</b>	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The hereby approved Inclusive Design and Accessibility shall be installed and operational prior to first occupation of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>

<b>18</b>	<b>Sustainable Urban Drainage (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans and documents hereby approved, a revised Flood Risk Assessment &amp; SuDS Strategy outlining further measures to achieve a QBAR greenfield rate (0.7 l/s) and shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved. The final strategy and measures shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>19</b>	<b>Piling Method Statement – Thames Water (Details)</b>
	<p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
<b>20</b>	<b>Basement Excavation (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (SMS) Report dated 20 July 2022, unless otherwise agreed in writing. The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>21</b>	<b>Restriction of approved Uses and Removal of Permitted Development Rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved E(g)(i) floorspace to any other use within Class E of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order) or any other uses within any other use Class (such as under Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015, shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the Central Activities Zone, Employment Growth Area and wider Borough. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
<b>22</b>	<b>Restriction of PD Rights - Class E to residential (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use</p>

	<p>falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority ca restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location.</p>
<b>23</b>	<b>Contaminated Land (Details)</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>a. A land contamination investigation. The investigation shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</li> <li>b. A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</li> <li>c. Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</li> </ol> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>

<b>24</b>	<b>Fire Safety Strategy (Compliance)</b>
	<p>CONDITION: The details and measures set out in the Fire safety statement prepared by Hoare Lee shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.</p>
<b>25</b>	<b>Whole Life Carbon (Details)</b>
	<p>CONDITION: An updated Whole Life Carbon Assessment shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>a) Prior to demolition works and relating to the demolition phase; and b) Prior to construction works</p> <p>The updated assessment shall include/address:</p> <ul style="list-style-type: none"> <li>• Further carbon reduction quantification through the detailed design stage material selection and specification;</li> <li>• Completed Updated GLA Whole Life-Cycle Carbon Assessment</li> <li>• Details of how opportunities for retaining and refurbishing/re-purposing existing buildings, materials and other resources on site have been maximised to reduce the need for new materials;</li> <li>• Details of life cycle of embodied carbon and finite resources relating to the enabling works stage and end of life approach;</li> <li>• Details of the applicant's Principals of Sustainable Procurement and details of specific measures being taken on the site for specification and sourcing of materials;</li> <li>• Consideration of end-of-life de-construction;</li> <li>• Cost premiums, supply chain limits and structural constraints for the proposal and Implications of Key Performance Indicators not being met; and</li> <li>• Updated targets for Bill of Materials;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b), and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.</p>
<b>26</b>	<b>Whole Life Carbon Post -Construction Assessment Report (Details)</b>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a whole life carbon post-construction assessment report shall be submitted to approved by the Local Planning Authority.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>27</b>	<b>Circular Economy (Details)</b>
	<p>CONDITION: An updated Circular Economy Statement shall be submitted to, and approved in writing by, the Local Planning Authority as follows:</p> <p>c) Prior to demolition works and relating to the demolition phase; and d) Prior to construction works</p>

	<p>The updated statement shall include outstanding information including the reporting of key metrics and commitments to achieve London Plan policy targets. The information and specific commitments shall demonstrate how the development will achieve Circular Economy actions and principles identified.</p> <p>The development shall be carried out strictly in accordance with the details so approved for stages a) and b) and no change therefrom unless otherwise specified in writing by the Local Planning Authority.</p> <p>REASON: The revised and updated details and designs will ensure that the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks are reduced to their lowest possible levels, having regard to GLA benchmarks in accordance with policy S4 of the London Plan.</p>
<b>28</b>	<b>Circular Economy Post-Construction Report (Details)</b>
	<p>CONDITION: Within 3 months of practical completion of the development hereby approved, a post-construction circular economy report shall be submitted to the Local Planning Authority for approval in writing.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that circular economy principles have been incorporated into the design, construction and management of the approved development in accordance with London Plan Policy S17.</p>
<b>29</b>	<b>External Signage (Details)</b>
	<p>CONDITION: Prior to occupation of the development hereby approved, details of all external signage shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such permanently thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
<b>30</b>	<b>Opening Hours – Retail (Compliance)</b>
	<p>CONDITION: The hereby approved retail units (Use Class E(a)) shall be operational only between the following hours:</p> <p>Monday to Saturday: 0700 – 2300 Sunday and Public Holidays: 0800 – 2000</p> <p>REASON: In the interests of protecting neighbouring residential amenity from unacceptable noise impacts in particular at the quietest times of each day. These restrictions are necessary in order to secure compliance with London Plan Policy D3 and policy DM2.1 of the Islington Development Management Policies 2013.</p>
<b>31</b>	<b>Amplified Music (Details)</b>
	<p>CONDITION: No amplified music shall be played either internally or externally until an Noise Report which assesses the cumulative impact of music and crowd noise has been submitted and approved by the Local Planning Authority.</p> <p>REASON: To ensure that an appropriate standard of neighbouring residential accommodation is provided.</p>
<b>32</b>	<b>Archaeological Written Scheme of Investigation</b>
	<p>CONDITION: No demolition or development shall take place until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing, by the Local Planning Authority. For land that is included within the Stage 1 WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p>



	<p>If heritage assets of archaeological interest are identified by the stage 1 WSI, then for those parts of the site which have archaeological interest, a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is the Stage 2 WSI, no demolition or development shall take place other than in accordance with the agreed Stage 2 WSI which shall include:</p> <p>The statement of significance and research objectives, the programme and methodology of site investigation, recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>Where appropriate, details of a programme for delivering related positive benefits;</p> <p>The programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in Stage 2 WSI.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>33</b>	<p><b>Building Operation Management Plan (Details)</b></p> <p>CONDITION: An Operation Management Plan providing details of how access to and management of the roof-top amenity space is to be achieved shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and disturbance.</p>
<b>34</b>	<p><b>Digital Connectivity (Details)</b></p> <p>CONDITION: Prior to commencement of each building detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.</p> <p>REASON: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.</p>
<b>35</b>	<p><b>Tree Protection (Details)</b></p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s)(TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>a. Specific issues to be dealt with in the TPP and AMS:</li> <li>b. location and installation of services/ utilities/ drainage;</li> <li>c. methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees;</li> <li>d. details of construction within the RPA or that may impact on the retained trees;</li> <li>e. a full specification for the installation of boundary treatment works;</li> <li>f. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them;</li> <li>g. detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;</li> <li>h. a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;</li> <li>i. a specification for scaffolding and ground protection within tree protection zones;</li> <li>j. tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;</li> <li>k. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires;</li> <li>l. boundary treatments within the RPA;</li> </ol>

	<p>m. methodology and detailed assessment of root pruning;  n. reporting of inspection and supervision;  o. methods to improve the rooting environment for retained and proposed trees and landscaping; and  p. veteran and ancient tree protection and management.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
<b>36</b>	<b>Roof Terrace/Balcony furniture or structures (Details)</b>
	<p>CONDITION: Details of any roof terrace/balcony furniture or structures (including seating, planters, fencing, wind breaks, umbrellas and heaters) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The details shall include the location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof top plant ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>

**List of Informatives:**

<b>1</b>	<b>Section 106 agreement</b>
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Construction Works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday, excluding event days including football games, where the site must not be operational 2.5 hours prior to kick-off and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>3</b>	<b>Highway Requirements</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Compliance with sections 59 and 60 of the

	Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> .
<b>4</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</p>
<b>5</b>	<b>Tree Works Specification</b>
	<p>The following British Standards should be referred to:</p> <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:</p>

	<a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a>
<b>8</b>	<b>Definition of Superstructure and Practical Completion</b>
	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>9</b>	<b>Alterations to the highway</b>
	Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a> Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980. Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

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

### Development Plan

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

<b>A) The London Plan 2021 - Spatial Development Strategy for Greater London</b>
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<p><b>1. Planning London's Future - Good Growth</b>  <b>Policy GG2</b> Making the best use of land  <b>Policy GG5</b> Growing a good economy</p> <p><b>2. Spatial Development Patterns</b>  <b>Policy SD4</b> The Central Activities Zone  <b>Policy SD5</b> Offices, other strategic functions and residential development in the CAZ</p> <p><b>3. Design</b>  <b>Policy D1</b> London's form, character and capacity for growth  <b>Policy D3</b> Optimising site capacity through the design led approach  <b>Policy D4</b> Delivering good design  <b>Policy D5</b> Inclusive design  <b>Policy D8</b> Public Realm  <b>Policy D10</b> Basement development  <b>Policy D11</b> Safety, security and resilience to emergency  <b>Policy D12</b> Fire safety  <b>Policy D13</b> Agent of Change  <b>Policy D14</b> Noise</p> <p><b>6. Economy</b>  <b>Policy E1</b> Offices  <b>Policy E2</b> Providing suitable business space  <b>Policy E3</b> Affordable Workspace  <b>Policy E11</b> Skills and opportunities for all</p>	<p><b>7. Heritage and Culture</b>  <b>Policy HC1</b> Heritage conservation and growth</p> <p><b>8. Green Infrastructure and Natural Environment</b>  <b>Policy G5</b> Urban Greening  <b>Policy G6</b> Biodiversity and access to nature  <b>Policy G7</b> Trees and woodlands</p> <p><b>9. Sustainable Infrastructure</b>  <b>Policy SI1</b> Improving air quality  <b>Policy SI2</b> Minimising greenhouse gas emissions  <b>Policy SI4</b> Managing heat risk  <b>Policy SI5</b> Water infrastructure  <b>Policy SI7</b> Reducing waste and supporting the circular economy  <b>Policy SI12</b> Flood risk management  <b>Policy SI13</b> Sustainable drainage</p> <p><b>10. Transport</b>  <b>Policy T2</b> Healthy Streets  <b>Policy T3</b> Transport capacity, connectivity and safeguarding  <b>Policy T4</b> Assessing and mitigating transport impacts  <b>Policy T5</b> Cycling  <b>Policy T6</b> Car parking  <b>Policy T6.2</b> Office parking  <b>Policy T7</b> Deliveries, servicing and construction</p>
<p><b>B) Islington Core Strategy 2011</b></p>	
<p><b>Spatial Strategy</b>  <b>Policy CS7</b> Bunhill and Clerkenwell</p> <p><b>Strategic Policies</b>  <b>Policy CS8</b> Enhancing Islington's character  <b>Policy CS9</b> Protecting and Enhancing Islington's Built and Historic Environment</p>	<p><b>Policy CS10</b> Sustainable Design  <b>Policy CS11</b> Waste  <b>Policy CS13</b> Employment Space</p> <p><b>Infrastructure and Implementation</b>  <b>Policy CS18</b> Delivery and Infrastructure</p>
<p><b>C) Development Management Policies 2013</b></p>	
<p><b>2. Design and Heritage</b>  <b>Policy DM2.1</b> Design  <b>Policy DM2.2</b> Inclusive Design  <b>Policy DM2.3</b> Heritage  <b>Policy DM2.4</b> Protected views</p> <p><b>5. Employment</b>  <b>Policy DM5.1</b> New business floorspace  <b>Policy DM5.2</b> Loss of existing business floorspace  <b>Policy DM5.4</b> Size and affordability of workspace</p> <p><b>6. Health and open space</b>  <b>Policy DM6.1</b> Healthy development  <b>Policy DM6.5</b> Landscaping, trees and biodiversity  <b>Policy DM6.6</b> Flood prevention</p> <p><b>7. Energy and Environmental Standards</b>  <b>Policy DM7.1</b> Sustainable design and construction statements</p>	<p><b>Policy DM7.2</b> Energy efficiency and carbon reduction in minor schemes  <b>Policy DM7.3</b> Decentralised Energy Networks  <b>Policy DM7.4</b> Sustainable design standards  <b>Policy DM7.5</b> Heating and cooling</p> <p><b>8. Transport</b>  <b>Policy DM8.1</b> Movement hierarchy  <b>Policy DM8.2</b> Managing transport impacts  <b>Policy DM8.3</b> Public transport  <b>Policy DM8.4</b> Walking and cycling  <b>Policy DM8.5</b> Vehicle parking  <b>Policy DM8.6</b> Delivery and servicing for new developments</p> <p><b>9. Infrastructure</b>  <b>Policy DM9.1</b> Infrastructure  <b>Policy DM9.2</b> Planning obligations  <b>Policy DM9.3</b> Implementation</p>
<p><b>D) Finsbury Local Plan 2013 Area Action Plan for Bunhill &amp; Clerkenwell</b></p>	
<p><b>Policy BC8</b> Achieving a balanced mix of uses  <b>Policy BC9</b> Tall buildings and contextual considerations for building heights</p>	
<p><b>E) DRAFT Islington Local Plan</b></p>	

<p><b>1. PLAN01</b> Site appraisal, design principle and process</p> <p><b>2. Area Spatial Strategies</b> <b>Policy SP1</b> Bunhill &amp; Clerkenwell</p> <p><b>4. Inclusive Economy</b> <b>Policy B1</b> Delivering a range of affordable business floorspace <b>Policy B2</b> New business floorspace <b>Policy B4</b> Affordable workspace <b>Policy B5</b> Jobs and training opportunities <b>Policy R8</b> Location and Concentration of uses</p> <p><b>5. Green Infrastructure</b> <b>Policy G4</b> Biodiversity, landscape design and trees <b>Policy G5</b> Green roofs and vertical greening</p> <p><b>6. Sustainable Design</b> <b>Policy S1</b> Delivering Sustainable Design <b>Policy S2</b> Sustainable Design and Construction <b>Policy S3</b> Sustainable Design Standards <b>Policy S4</b> Minimising greenhouse gas emissions <b>Policy S5</b> Energy Infrastructure <b>Policy S6</b> Managing heat risk <b>Policy S7</b> Improving Air Quality <b>Policy S8</b> Flood Risk Management <b>Policy S9</b> Integrated Water Management and Sustainable Drainage <b>Policy S10</b> Circular Economy and Adaptive Design</p>	<p><b>7. Public Realm and Transport</b> <b>Policy T1</b> Enhancing the public realm and sustainable transport <b>Policy T2</b> Sustainable Transport Choices <b>Policy T3</b> Car-free development <b>Policy T4</b> Public realm <b>Policy T5</b> Delivery, servicing and construction</p> <p><b>8. Design and Heritage</b> <b>Policy DH1</b> Fostering innovation while protecting heritage <b>Policy DH2</b> Heritage assets <b>Policy DH3</b> Building heights <b>Policy DH4</b> Basement development <b>Policy DH5</b> Agent-of-change, noise and vibration</p>
<b>F) DRAFT Bunhill and Clerkenwell Area Action Plan</b>	
<b>2. Area wide policies</b> <b>Policy BC1</b> Prioritising office use	<b>3. Area Spatial Strategies</b> <b>Policy BC3</b> City Fringe Opportunity

### **Designations**

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

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

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

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

#### **London Plan**

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

