

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
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LONDON N1 1YA

PLANNING COMMITTEE		
Date:	17th November 2015	

Application number	P2015/3050/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	43-46 Lloyd Baker Street (to north west) are grade II listed
Conservation area	North part of the site within New River Conservation Area
Development Plan Context	Bunhill and Clerkenwell Core Strategy Area Central Activities Zone Major Cycle Route (Margery Street, Lloyd Baker Street and Farringdon Road) Within 100m of Transport for London Road Network Mayors Protected Vista – Kenwood Viewing Gazebo to St Paul's Cathedral Within 50 metres of Rosebery Avenue Conservation Area
Licensing Implications	None
Site Address	Charles Simmons House 3 Margery Street London WC1X 0HP
Proposal	Demolition of a four-storey residential building and a two-storey community building (D1 Use Class) and 5 garages. Construction of a part four, five and six storey mixed use building comprising 25 residential units (7 x 1 Bed units, 16 x 2 bed units and 2 x 3 bed units), a community centre (D1 Use Class) and a flexible A1/A3/D1 unit and provision of play space and landscaping works.

Case Officer	Nathaniel Baker
Applicant	Mathew Carvalho – Islington Housing Strategy and Regeneration
Agent	Simon Owen - HTA Design LLP

PHOTOS OF SITE



Photograph 1: Aerial View of Site



Photograph 2: View from Farrington Lane



Photograph 3: View from Margery Street



Photograph 4: View from Lloyd Baker Street

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SUMMARY

- 4.1 The planning application proposes the demolition of a four storey residential building and community centre, and the erection of a part single, four, five and six storey building comprising 25 residential units, a community centre, a flexible A1/A3/D1 unit, and landscaping works.
- 4.2 The redevelopment of the site to re-provide a larger community centre, a small flexible A1/A3/D1 unit, an enlarged play area and housing is acceptable in principle.
- 4.3 The scheme delivers good quality housing including 59.7% of affordable housing by habitable rooms and 56% by units (all social rent tenure) and accessible accommodation to address housing needs within the borough. The tenure mix proposed is supported by a financial viability assessment which has factored in an element of public subsidy.
- 4.4 The proposal would introduce a contemporary building of a high quality design that would be of an appropriate scale and which successfully references both the existing and emerging surrounding context.
- 4.5 Although resulting in the loss of a planted area, a group of small trees and two mature trees to the front of the site, the scheme proposes the planting of five new trees, the provision of three private gardens, an amenity space for the community centre, an enlarged play area within the Margery Estate and biodiverse green roofs. When considered together with the provision of affordable housing, which represents an overriding planning benefit and the wider site context, it is considered that on balance, the loss of the planted space is acceptable in this case.
- 4.6 The scale of the proposal and its layout would not result in an unacceptable sense of enclosure or overlooking to neighbouring occupiers. There are identified effects and losses of daylight receipt to neighbouring properties as a result of the development, which are considered to be acceptable within the context of the urban location.
- 4.7 There would be a site wide CHP as part of the proposal and this would be future proofed to connect to a Shared Heat Network (possibly from the Former Mount Pleasant Royal Mail Sorting Office scheme). The sustainability measures proposed are in accordance with policy and would ensure a sustainable and green development that would minimise carbon emissions in the future. A carbon off-set contribution is secured in the Directors' Agreement for this development to off-set emissions to 'zero'.

- 4.8 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation, alongside CIL payments.

5 SITE AND SURROUNDING

- 5.1 The site is located on the east side of Farringdon Road with Lloyd Baker Street to the north and Margery Street to the south forming an almost triangular shaped site. Charles Simmons House is a four storey residential block with an area of soft landscaping fronting Farringdon Road and a single storey building to the rear fronting Lloyd Baker Street. The building forms the southwestern termination of the wider Margery Street Estate, with a vehicular access leading from Margery Street to the rear of the building.
- 5.2 The existing building is currently vacant but comprises 16 flats (8 x studios, 5 x 1 beds and 3 x 2 beds) with 12 of the flats having previously been social rented units.
- 5.3 The adjoining community centre provides 100 square metres of accommodation including a main hall with kitchen, toilets and storage facilities. The community centre is accessed via a ramp from within the Margery Street Estate and has five garages below.
- 5.4 The estate is made up of four, five and six storey height residential blocks surrounding a central area that provides parking, garages, bin stores, open green space and a number of mature trees. The land levels at the estate step up from the lowest point at the south west corner with a number of tiers, retaining walls and access steps. The area immediately to the rear of Charles Simmons House consists of five garages, a forecourt, a bin store and a limited play space area.
- 5.5 Opposite the site on Lloyd Baker Street are three and four storey height residential buildings terminating with a public house on the junction with Kings Cross Road. Opposite the site on Margery Street is a two storey commercial building with an extensive frontage, a corner building in residential and commercial use and an area of hardstanding. On the opposite side of Farringdon Lane is a part nine, part ten storey hotel building and the f Mount Pleasant Royal Mail Sorting Office site, which has consent from the Mayor for comprehensive redevelopment. The part of the Mount Pleasant development facing onto the application site would be an eight storey residential block.
- 5.6 The New River Conservation Area boundary runs immediately to the rear of Charles Simmons House and incorporates the existing community centre, while the Rosebery Avenue Conservation Area is located opposite the site to the south. To the north of the site No. 43 – 46 Lloyd Baker Street are grade II listed buildings. The site is located within the Central Activities Zone. Below the site are two rail tunnels, a TfL Underground tunnel directly below the proposal and a Network Rail Thameslink tunnel crossing the southern most tip of the site, that present particular constraints to development.

6 PROPOSAL (IN DETAIL)

- 6.1 The proposal comprises of the demolition of Charles Simmons House, the community centre and an associated bin store to the rear of the site and the construction of a part single, four, five and six storey building comprising 25 residential units with a ground floor community centre and flexible A1/A3/D1 unit. The plans also include the provision of new play space on a raised area to the rear of the proposed building, together with landscaping works inclusive of the planting of five trees.
- 6.2 The proposed building would be laid out to continue the two terraced rows of the Margery Street Estate, albeit with a break to Bagnigge House. Where the two 'terrace' elements adjoin these would form an orthogonal frontage onto Farringdon Road. The Margery Street frontage would be five storeys high incorporating a projecting brick framed balconies with a setback

sixth floor. The Lloyd Baker Street façade of the building would be set into the rising ground levels four storeys high incorporating a recessed façade, projecting brick framed balconies and would step up to six storeys in height on the corner with Farringdon Road.

- 6.3 To the rear, where the building would face into the centre of the estate it would be part single, four and five storeys in height with the sixth floor set back from the rear elevation and the ground floor set below the higher ground levels to the rear of the site.
- 6.4 A pedestrian entrance and replacement vehicular access is proposed onto Margery Street, providing access into the wider Margery Estate and community centre amenity space respectively.

Revision 1

- 6.5 The floor plans were amended on 09/09/2015 to address the comments raised by the Access and Inclusive Design Officer's comments.

Revision 2

- 6.6 The plans were amended on 27/10/2015 to address Officer's concerns regarding the design of the fenestration on the Farringdon Road elevation.

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RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P020246** – Replacement windows from steel to UPVC – Granted Conditional Permission (13/03/2002)
- 7.2 **P022962** – Replacement of the existing timber and steel windows with UPVC windows and repairs and decorations to the five buildings (Margery Street Estate) – Granted Conditional Permission (15/04/2003)
- 7.3 **960238** – Construction of lumber store at eastern end of block by access way between Charles Simmons House and Bagnigge House. Erection of dwarf wall and railings around lawn area on frontage from Margery Street to Lloyd Baker Street and on Lloyd Baker Street frontage in front of community centre as far as the existing Riceyman House railings – Granted Conditional Permission (10/04/1996)
- 7.4 **961111** – Change of use of the first floor of existing children's play space in linking block between Riceyman House and Charles Simmons House to community centre for the estate including elevational changes – Granted Conditional Permission (25/10/1982)

PRE-APPLICATION ADVICE:

Q2014/3110/MJR – The proposal has been subject to ongoing pre-application discussions. The images below detail an earlier pre-application scheme which was considered:



Officers did not support the previous scheme because the scale, design, varied language and materials would have resulted in a building that would not appropriately respond to the surrounding context. The earlier scheme was also presented to the Design Review Panel on 8th April 2014 and was not supported by the panel.

Following this review, the design of the proposal was re-designed to address these issues. The re-submitted pre-application scheme differs only in some elevational details and building heights from the current proposal. The key points which required further consideration during the pre-application process were:

- Materials due to loading capacity above the railway tunnels;
- Impact upon neighbour amenity (overlooking and overbearing);
- Daylight/sunlight testing; and
- Cycle Parking

ENFORCEMENT

7.5 None relevant.

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 145 adjoining and nearby properties at Kings Cross Road, Attneave Street, Granville Square, Farringdon Road, Margery Street and Lloyd Baker Street on 5th August 2015. A site notice and press advert were displayed on 13th August 2015. The public consultation of the application therefore expired on 3rd September 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 The Mount Pleasant Association were sent details of the application directly on 13th October 2015.

8.3 At the time of the writing of this report a total of 2 responses had been received from the public with regard to the application. The responses consisted of 1 objection and 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Objections:

- Concern raised regarding losses of daylight/sunlight receipt to neighbouring properties, which have limited light from other sources (para 10.80 - 10.95);

- The building would be overbearing (para 10.66 - 10.68);
- The proposal would be out of scale and would have an adverse visual impact on the neighbourhood (para 10.22 - 10.27 and 10.37);
- The proposal will block the free flow of air (para 10.175 -10.177);
- People in wheelchairs will have problems maintaining the front gardens (para 10.175);

Support:

- The proposal is a great improvement on what is there at the moment; and

Non-planning Issues:

- The proposal would result in a loss of view (para 10.28 and 10.177).

Applicant's consultation

8.4 The applicant, Islington Housing Strategy and Regeneration has carried out three consultation exercises with the Tenants and Residents Association and the Amwell Society on 12th November 2014, with local residents on 21st November 2014 and with the Margery Street Tenants and Residents Association on 4th February 2015. This has encompassed presentations and a local resident drop in session.

8.5 The applicant's submission details that of the 11 respondents to the consultation exercise 10 thought the proposal was 'quite/very useful' with only one objection. The key comments from the feedback as summarised by the applicant are:

- building works well in context;
- use of brick welcomed;
- concern raised regarding rehousing of Charles Simmons House residents;
- concern regarding over development of the site; and
- a 'humane solution'.

External Consultees

8.6 **London Borough of Camden** – No response received.

8.7 **Thames Water** – No objection subject to a condition (9) requiring details of impact piling method statement and an informative.

8.8 **London Fire and Emergency Planning** – No objection.

8.9 **Crime Prevention Officer** – No response received.

8.10 **TfL London Underground** – No objection subject to a condition (7) and an informative.

8.11 **TfL Road Network Development** – Due to availability and restrictions on servicing from parking bays on Lloyd Baker Street, a dedicated servicing bay should be provided to ensure that no servicing will take place to the front of the site. Without such a bay TfL would be minded to object to the application due to adverse traffic and safety impacts on the Transport for London Road Network.

8.12 **Network Rail** – The Asset Protection Team is in direct contact with the applicant. No comment to add.

Internal Consultees

- 8.13 **Design and Conservation Officer** – Has been involved throughout the pre-application process and supports the proposal, subject to planning conditions to secure samples of materials.
- 8.14 **Access and Inclusive Design Officer** – The layout of the proposed units is acceptable. The platform stair lift from the community centre courtyard to the play space is not acceptable. A platform lift should be provided. Accessible parking spaces should be provided and details of the proposed play space are required.
- 8.15 **Energy Conservation Officer** – No objection subject to conditions.
- 8.16 **Sustainability Officer** – Details of rain water / grey water recycling have not been submitted. A condition (24) is recommended requiring details of this or a feasibility assessment to be submitted. A condition (21) is recommended requiring details of the extent of green/brown roof to be submitted.
- 8.17 **Lead Local Flood Authority** – The application fails to demonstrate how the drainage hierarchy has been satisfied. The volume of attenuation proposed meets the quantity standards of policy DM6.6, but would need to be reassessed following the provision of ‘softer’ drainage features as part of a detailed SUDS plan. A condition (22) is recommended requiring full details of the SUDS strategy and a maintenance plan to be submitted.
- 8.18 **Transport Planning Officer** – Full details of servicing are required, particularly in relation to Margery Street, which is an important cycle route.
- 8.19 **Highways** – Require the submission of a Construction Management Plan (condition 6).
- 8.20 **Tree Preservation / Landscape Officer** – The trees to the front of the site are of little individual value but as a group they contribute to the amenity of the streetscape and include environmental benefits to an area of high pollution. There is very limited scope for replanting in the surrounding area. The loss of the trees is therefore objected to.
- 8.21 **Refuse and Recycling** – No response received.
- 8.22 **Public Protection** – No objection subject to sound insulation conditions (25, 26, 27 and 29).
- 8.23 **Biodiversity and Nature Conservation** – No response received.

Other Consultees

- 8.24 **Members’ Pre-application Forum** – 18th May 2015
- 8.25 **Design Review Panel** – At pre-application stage the proposal was considered by the Design Review Panel on the 8th April 2014. The scheme design was completely re-thought and redesigned in order to address the concerns raised by the panel and was presented back on the 9th December 2014. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The panel’s observations are attached at Appendix 3 but the main points raised in the most recent review are summarised below:
- The Panel supported the provision of housing and community facilities on the site.
 - Panel members thought the general composition and distribution of massing was positive, with the articulation and complexity of the form was commensurate with the buildings position on the larger urban block. However, comments were made in relation to the

resolution of the corner and advised that the subtle curve of the Farringdon Road elevation detracted from the overall concept and that a stronger resolution was required.

Officer response: the curved frontage has been replaced with orthogonal elevations incorporating recessed glazing where the two frontages meet. This, together with the largely solid elevational treatment of the end of the Margery Street 'terrace' provides a stronger resolution. The image below is a comparison:

Curved Frontage



Orthogonal Frontage



- The Panel welcomed the use of brickwork but stressed the importance of conditions to ensure the quality of brick was fully realised. It was recommended that detailed plans/information was submitted to show the interface between the red and white bricks, and balustrade at roof level.

Officer response: Condition 3 requires the submission of bricks and a detailed plan showing the interface of the two brick types and balustrade.

- Some concerns were raised by panel members regarding the flexibility of the community centre due to its irregular shape. It was suggested that a rectangular layout would be more positive, pushing a bike storey to where the toilets were proposed, resulting in a better layout for the A1/A3 unit. However, this could have resulted in the loss of a residential unit

Officer response: The ground floor layout has been revised to incorporate a more rectangular footprint to the community centre and the flexible A1/A3/D1 unit. A cycle stacking system has been incorporated to make best use of the limited space, while both ground floor flats have been retained, albeit with the loss of one bedroom and a dual aspect to one unit.

- The Panel considered the landscaping to the front of the community centre provided a buffer from the highway but encouraged further work on the landscaping to the front of the commercial unit to provide meaningful space.

Officer response: The shopfront opening onto the front landscaped area has been increased in height in order to address this area, while a greater extent of defined spill out space for seating is proposed directly to the front of the commercial unit.

- The Panel once more supported the aspirations of the scheme to provide housing and community uses on site with the added commercial unit at ground floor. Panel members were happy to see significant and meaningful improvements to the scheme since it was first reviewed in May 2014. The Panel was generally supporting of the scheme but identified some areas for further development and design evolution.

RELEVANT POLICIES

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.1 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.2 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.5 The site has the following designations under the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Bunhill and Clerkenwell Core Strategy Area
 - Central Activities Zone
 - New River Conservation Area (north part of site)
 - Major Cycle Route
 - Within 100 metres of Transport for London Road Network
 - Mayors Protected Vista – Kenwood Viewing Gazebo to St Paul's Cathedral
 - Within 50 metres of Rosebery Avenue Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Environmental Impact Assessment

- 9.7 An EIA screening application was not submitted. However the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011), in particular the site is significantly less than 0.5 hectares in size and it is

not in a sensitive area as defined by the regulations. As such, the proposal is not considered to be EIA development but no formal decision has been made to this effect.

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Conservation
- Density
- Accessibility
- Landscaping, trees and biodiversity
- Neighbouring amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing (and financial viability)
- Energy conservation and sustainability
- Highways and transportation
- Planning obligations/mitigations/CIL

Land-use

10.2 The site currently consists of a first floor community centre (D2 use class) with 106 sqm of floor space, a four storey residential block providing 16 units comprised of 8 x studio flats, 5 x 1 bedroom flats and 3 x 2 bedroom flats, a small planted area to the front of the site, five garages, a refuse store and a small play area.

10.3 Policy DM4.12 of the Development Management Policies resists the loss or reduction in social infrastructure, unless a replacement facility is provided that would meet the need of the local population for the specific use; or where the specific use is no longer required on site it should be demonstrated that the proposal would not lead to a shortfall in provision for the specific use and that there is either no demand for another suitable infrastructure use on site or that the site/premises are no longer appropriate for such a use.

10.4 The proposal would replace the existing community centre at the site, which is accessed from the rear of the site, up stairs to the first floor, with a larger community centre measuring 123 sqm, amounting to a 17 sqm uplift. The replacement community centre has been designed in accordance with DRP advice to provide a greater level of flexibility, would have an active ground floor frontage onto Margery Street, would be highly accessible and inclusive in its design, as well as having a dedicated outdoor amenity space. The proposal also includes a flexible retail/restaurant/education/training facility ground floor unit fronting Farringdon Road. While only measuring 42 sqm, should this unit be occupied by a D1 use, it would provide a further uplift in social infrastructure floor space that could be occupied by a small social infrastructure provider. Notwithstanding the flexible use of the commercial unit, the proposal would result in a further increase in the level and quality of social infrastructure provision at the site, in accordance with DM4.12.

10.5 To ensure that there would be no shortfall in social infrastructure provision during construction, the applicant has detailed that arrangements would be made for residents of the estate to use alternative local community facilities. These alternative arrangements are to be identified and secured prior to demolition of the community centre. This is secured within the Directors' Agreement.

10.6 Policy CS12 of the Islington Core Strategy 2011 provides a clear direction of seeking new housing of good quality to meet identified and pressing housing needs, particularly affordability

and inclusivity needs. The development on Council land of housing that maximises affordable housing provision is key to delivering these policy aims.

- 10.7 Policy DM3.2 of the development management policies resists the loss of existing housing unless the housing is replaced with at least equivalent floorspace. The application building is currently vacant but previously provided 16 units comprising 12 affordable units and 4 private units. Although the proposal would provide only two additional affordable units, seven of the existing affordable units at the site are studio flats and the proposal would introduce larger units, inclusive of family units of a much higher quality and size than the existing units. As such, the proposed residential use of the site would be acceptable.
- 10.8 The proposed flexible retail/restaurant/education/training facility ground floor unit would measure 42 square metres and would front onto Farringdon Road and Lloyd Baker Street. Policy DM4.7 of the Development Management Policies supports the provision of dispersed shops across the borough and policy 4.9 of the London Plan encourages the provision of small shops. As such, the proposed A1 use of the site is considered to be acceptable. Although the application site is not located within an Employment Growth Area or a designated Town Centre, which would require the provision of affordable workspace, the proposed flexible unit, by virtue of its small scale would constitute an affordable retail unit.
- 10.9 With regard to the proposed A3 (café/restaurant) use of the unit policy DM4.2 of the Development Management Policies states that where night time economy uses are proposed outside of Town Centres (as is the case here), applicants need to demonstrate that such uses would not result in adverse impacts, including cumulative impacts, as assessed in relation to Policy DM4.3, and are consistent with other policies relating to development outside Town Centres.
- 10.10 The buildings along Farringdon Road and Kings Cross Road are, in part, characterised by residential uses with commercial ground floor uses. Whilst there are other night time economy uses within the immediate vicinity of the site, such as the public house on Margery Street, these are not prevalent and do not represent an over concentration of such uses within this dense urban context. Furthermore, the area does not fall within a Licensing Cumulative Impact Area where there is an over concentration of licensed premises, such as pubs, bars and restaurants.
- 10.11 While the site is located opposite the Royal Mail Mount Pleasant Sorting Office site and close to the Phoenix Place development site, both of which include the provision of night time economy uses, these sites would introduce a total of 681 new residential units to the local area in addition to the employees of the additional commercial floor space. As such, whilst there would be an uplift in night time economy uses within the area, due to the small scale of the proposed unit (42 sqm), the existing and emerging surrounding context and the future uplift in population to the locality, the proposal would not represent an over concentration of night time economy uses within the area.
- 10.12 With regard to potential disruption and disturbance to neighbouring properties, the hours of operation of the commercial unit would be controlled by condition (10), limiting opening between 8am and 11pm Monday to Saturday and between 10am and 10pm on Sundays and Bank Holidays. There are adequate controls on noise transfer between the commercial and residential uses (condition 26) and servicing details are to be submitted (condition 32). Subject to conditions and the measures set out in the 'Neighbour Amenity' section below, the proposed uses would not detrimentally impact upon the neighbouring occupiers.
- 10.13 Policy DM6.3 of the Development Management Policies 2013 resists development on semi-private open space within estates and resists the loss of play space across the borough
- 10.14 The western edge of the site facing onto Farringdon Road is formed of a semi-circular area of planting set behind a low wall, which includes two mature trees and measure approximately

170 sqm. Although this area is undoubtedly of amenity value, due to the fact it fronts onto a busy highway with inadequate boundary treatment for screening or safe play, the overly dense planting and the lack of a laid out defined useable area, it does not constitute useable amenity space for the purposes of policy DM6.3. Notwithstanding this, the proposal would introduce planted areas, new trees, an external area for the use of the community centre, two front gardens fronting Lloyd Baker Street, a rear garden and a new play space to the rear of the site. As set out in the 'Landscape, Trees and Biodiversity' assessment below it is considered that on balance the loss of this space is acceptable.

- 10.15 The existing play space at the site is small in area, measuring approximately 50 square metres and has limited play equipment. This would be replaced with a new play space of a greater size, measuring approximately 73 square metres to accommodate the proposed child yield of the development. Full details of the play equipment are required by condition (5).
- 10.16 The loss of the garages is in accordance with the Council policy CS10 of the Core Strategy and DM8.5 of the Development Management Policies and Council aims to reduce car use.

Conclusion:

- 10.17 The proposal would introduce additional affordable housing of a larger scale and better quality to address housing needs within the borough, improves the quality and quantum of social infrastructure space at the site, provides a larger play space, includes landscaping and introduces a small commercial unit to the site. As such, it is considered that the proposal is acceptable in land use terms, subject to an assessment of all other relevant policy and any other relevant material planning consideration.

Demolition of Buildings within a Conservation Area

- 10.18 On the 1st October 2013, the Government brought in (under various legislature made under the Enterprise and Regulatory Reform Act 2013 (ERRA)) the removal of Conservation Area Consent requirements.
- 10.19 This legislation abolishes the need for conservation area consent where a full planning permission application is made under the Town and Country Planning Act 1990; and consequently the demolition of unlisted buildings in conservation areas will no longer be permitted development under Part 31 of the GDPO (General Permitted Development Order).
- 10.20 The proposal includes the demolition of a four storey block outside of the conservation area and a two storey building incorporating a community centre and garages that is located within the New River Conservation Area. The buildings on the site are of little architectural merit and their demolition and replacement with a high quality building would represent an enhancement to the conservation area (condition 33). As such, the demolition of the buildings at the site would not be resisted. In this regard, their loss is compliant with Chapter 12 of the NPPF, and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

Design and Conservation

- 10.21 The proposal would introduce a part single, four, five and six storey building to this corner site with the tallest elements concentrated on the corner and a reduction in height to the rear.

Site Layout and Heights:

- 10.22 The proposed building follows a traditional terrace layout seen throughout Islington where little importance is given to the use of form to change direction at the end of terraces, usually resulting in blank facades, inactive frontages and/or limited features which do not distinguish the corner. This results in a continuation of the building lines of Lloyd Baker Street and Margery Street until they meet to form right angled elevations (orthogonal) onto Farringdon Road. The layout also completes the perimeter block layout of the Margery Street Estate, while

maintaining an existing gap to Bagnigge House and a pedestrian route through the Margery Street estate. The image below details the general layout of the building as seen at upper floor level:



- 10.23 The five and six storey height of the proposed building is concentrated on the corner of the site where it would front onto an important junction between five roads. The corner would be broken down into three distinct elements; the highest element would be a six storey red brick frontage that would, through the use of distinguishing tall windows and its narrow profile emphasise the verticality of the building where it is most visible; a four storey framed element would step down to Lloyd Baker Street, referencing the lower buildings of this street; and a five storey element with a recessed white brick top floor that reduces the massing of the building and steps down to the lower building heights of the buildings on Margery Street.
- 10.24 The proposed height of the corner element, when considered in the context of the 9 storey existing Holiday Inn building and the consented 8 storey Mount Pleasant scheme suggests that taller buildings would help to define and emphasise this important junction, particularly in views along Farringdon Road and Calthorpe Street.
- 10.25 To the rear the proposal would be largely four storeys in height, with the taller floors designed as setback floors, which would ensure that the building is read in the context of the the four, five and six storey heights of the buildings forming the Margery Street Estate. It should also be noted that due to the rising ground levels to the rear of the site the building would appear lower in views from within the estate.
- 10.26 It is considered that the proposal would be in keeping with the height and scale of the surrounding buildings on the east side of Farringdon Road and would act as a transitional building to the taller existing and proposed buildings on the west side of Farringdon Road.
- 10.27 With regard to the legibility of the site, at present pedestrians can walk through the estate using vehicular entrances at Lloyd Baker Street to the north and Margery Street to the south. The proposal includes the provision of a pedestrian gateway from Margery Street that would clearly define a pedestrian access and would therefore improve the legibility of the site. To ensure that this route remains open a condition (15) is recommended requiring this entrance to remain open at all times.

Protected Vista:

- 10.28 The site falls within the 'Mayor's Protected Vista - *Kenwood viewing gazebo to St. Pauls Cathedral*' where building heights are limited to protect important views of St. Pauls Cathedral. The site is located 1.73 km from St. Pauls Cathedral and the building heights are therefore restricted to 64.92 m. The proposal would measure 20.7 metres in height (at its highest point) and the site has an ordnance datum (AOD) of marginally above 18 metres. As such, the overall height of the building would be below 40 metres, which is significantly below the height thresholds. The proposed building would therefore not interrupt the protected viewing corridor and would be in accordance with London Plan Policy 7.12 and policy DM2.4 of the Islington Development Management Policies.

Materials and Architectural Treatment:

- 10.29 With regard to materiality the principal elevations of the building would be red brick with white detailing (e.g. to window surrounds and entrances), while the majority of the rear elevation and all but one element of the sixth storey would be built in white brick. The overall quality of materials and finishes is considered to be imperative to the success of the proposal and as such, a condition (3) is attached with regard to brick samples, brick detailing and window reveals to ensure that a development of an appropriate high quality would be delivered.

Farringdon Road Elevation:

- 10.30 The Farringdon Road frontage would incorporate a contemporary interpretation of a traditional 'end of terrace' orthogonal elevation. Where the two terraces meet, there would be a strip of recessed glazing, allowing both end of terraces to be read individually but also providing a physical link. The two elevations making up the Farringdon Road façade are treated differently, with the Margery Street façade featuring largely unbroken brickwork that reflects a more traditional end of terrace treatment. Notwithstanding this, two windows are proposed at upper floor level in this façade that provide dual aspect to two units but also relate to the traditional use of secondary windows in flank elevations. The Lloyd Baker Street façade is highly articulated with floor to ceiling window openings and white brick surrounds that emphasise the verticality of the building and activate this frontage. The image below shows the proposal when viewed from Calthorpe Street:

Image 1



- 10.31 At ground floor level the flexible A1/A3/D1 units designed with an arched shopfront fronting onto Farringdon Road. Although its arched shape would be at odds with the geometric form of the upper floors, it would distinguish the ground floor commercial use from the upper floor residential use and the more regular community centre frontage. It would provide visual interest to the principle frontage of the building and appear as a base to the residential upper floors. Since the submission of the application its design has been amended slightly to increase the height of the arch to appear less squat within the elevation.

Margery Street Elevation:

- 10.32 The elevation fronting Margery Street would maintain the existing gap to Bagnigge House, allowing views through to the rear elevation of the Lloyd Baker Street block, which would have eaves lining through with those of Bagnigge House. The repeated window and balcony openings would provide a level of consistency to this elevation and would reflect the well-ordered fenestration of Bagnigge House. While projecting balconies are generally resisted by the Islington Urban Design Guide (2006), the balconies would be set within a projecting brick frame that provides solidity to the building making the balconies appear integral to the structure, while the large openings reduce the solidity and massing of the projection. The top floor would be set back from the frame and main elevation and would be constructed of white bricks, helping to reduce its visual prominence and referencing traditional changes in materials at roof level. The image below details the Margery Street elevation:

Image 2:



- 10.33 At ground floor level the entrances to the building and estate would be framed in white brick, which reflects the stucco detailing of the entrances to Bagnigge House. This is featured across all of the building elevations and would provide consistency across the proposal, announcing entrances in a subtle but effective way.
- 10.34 The ground floor community centre would have large floor to ceiling window openings onto Margery Street that would align with the openings of the framed balconies above and would provide an active frontage. The set back of the ground floor windows from the edge of the projecting frame, and the provision of landscaping would provide an adequate buffer from the highway when the centre was in use. The recessed element would have floor to ceiling height windows facing onto it and open views through it from street level, deterring anti-social behaviour associated with this space.

Lloyd Baker Street elevation:

- 10.35 The element of the proposal fronting Lloyd Baker Street would replicate the varying heights, proportions and rhythm of the adjoining buildings, with repeated changes in frontage widths, projecting and recessed facades and stepped parapet heights. Furthermore, the windows in this elevation would have a repeated opening size and incorporate white brick surrounds referencing well-ordered white painted windows of Riceyman House. The deep window reveals

and framed balconies would provide integrity to this elevation. Again the white brick framed entrances would provide consistency across the buildings. Although the fifth and sixth storey of the building would project above the southern end of the Lloyd Baker Street elevation, these floors would be set back from that elevation with a white brick element reducing the visual prominence and acting as a step to the greater height of the corner of the building. The image below details the proposed Lloyd Baker Street elevation:

Image 3:



Rear elevation:

- 10.36 To the rear, the proposal would be broken into two distinct elements; a five storey red brick element and a four storey white brick element. The red brick element would be viewed in the context of Bagnigge House, providing a level of consistency with this adjoining property. The white brick element would continue the white colouration of the rear of the buildings within this part of the Margery Street Estate and provide a bright colour to this relatively constrained area, maximising light reflectance. The image below details the rear elevation:

Image 4:



Conclusion:

- 10.37 The proposal would introduce a contemporary building of a particularly high quality design that would be of an appropriate scale and which successfully references the surrounding context. The existing building is of little architectural merit and its demolition, subject to the proposed redevelopment of the site, would not detract from the character and appearance of the conservation area. Furthermore, the proposal would not detract from the character and appearance of the surrounding conservation areas or the setting of the listed buildings at 43-46 Lloyd Baker Street. The proposal is therefore in accordance with Policies CS7 and CS9 of the

Core Strategy (2011) and DM2.1, DM2.2, DM2.3 and DM2.5 of the Development Management Policies (2013).

Density

- 10.38 London Plan policy 3.4 encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes a total of 25 new residential dwellings comprised of 72 habitable rooms (hr).
- 10.39 Density is expressed as habitable rooms per hectare (hr/ha) and units per hectare (u/ha) and is calculated by dividing the total number of habitable rooms / units by the gross site area. The site covers an area of approximately 0.0984 hectares.
- 10.40 In assessing density it is necessary to consider that the London Plan policy notes that it would not be appropriate to apply these limits mechanistically with local context, accessibility and other considerations to be taken into account when considering the acceptability of a specific proposal.
- 10.41 The site has a public transport accessibility level (PTAL) of 6a (Excellent). In terms of the character of the area, this would be defined as Central by the London Plan. The London Plan for areas of this PTAL rating identifies the suggested residential density range of 650-1100 hr/ha or 215-405 u/ha.
- 10.42 The proposed development has a residential density of 732 hr/ha and 254 u/ha, both of which are within the density range of the London Plan policy.

Accessibility

- 10.43 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

A new National Standard

- 10.44 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.45 Planners are only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

Accessibility Assessment:

- 10.46 The proposal provides 2 wheelchair accessible units (Category 3) amounting to 8% of the total number of units. Whilst this falls marginally below the 10% required by London Plan policy 3.8, there is insufficient space at ground floor level for the provision of further wheelchair units and the provision of two lifts to each core would result in a loss of further residential units. As such, the level of provision is considered to be acceptable in this particular case.

- 10.47 The proposed community centre would have level access, with two accessible W.Cs provided and a stair lift is detailed to lead from the community centre courtyard up to the proposed play space to the north of the site. Whilst the Access Officer has objected to the provision of a stair lift, a platform lift is supported by officers because it is considered to be more inclusive. Condition 14 secures details of the platform lift. Full fit out details for the flexible use unit have not been detailed as this is dependent upon the occupier. Notwithstanding this, the flexible use unit would have level access and a condition is recommended requiring it to be constructed in accordance with the principles the Inclusive Design in Islington SPD (condition 13).

Landscaping, Trees and Biodiversity

- 10.48 Policy DM6.5 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. The proposal includes extensive landscaping works across the entire estate and the provision of new amenity space.
- 10.49 The proposal includes the removal of a planted area at the site that fronts onto Farringdon Road, and while the space does not provide usable amenity space and the trees are of little individual merit, the area does provide visual amenity and biodiversity value, and provides environmental benefits to an area of high pollution. The planting in this area includes shrubs, two mature trees and a grouping of small trees, which although falling below British Standard survey size thresholds have been included within the Arboricultural Impact Assessment for their grouping value.
- 10.50 While the loss of the two mature trees at the site is regrettable, these trees have both been repeatedly crown reduced due to their scale and proximity to the existing building. One of these trees is also a Category C as defined by British Standard BS 5837:2012 '*Trees in relation to design, demolition and construction*' as being of low quality and value. Trees in this category are generally not considered as a restraint to development given appropriate justification for removal and mitigation.
- 10.51 The Tree and Landscape Officer has confirmed that while there is insufficient space within the surrounding area (i.e. within the street scene) for replanting, there is sufficient space within the site for adequate replacement / mitigating planting. The two trees detailed to the front of the site are capable of achieving a medium size, which would ensure that there would be little to no impact upon the development once completed. The architect has confirmed that there would be sufficient space to provide 30 cubic metres of soil space for the two proposed trees fronting Farringdon Road and 10 cubic metres for each of the smaller trees. The trees detailed on the landscaping plan would represent an equivalent level of tree planting to those removed.
- 10.52 Although the proposal does not include the re-provision of the same quantum of planted space it includes the introduction of planted areas to the Farringdon Road and Margery Street frontage, an external amenity area for the community centre, two planted gardens fronting Lloyd Baker Street which continue the established character of this street, a rear garden, a larger play space to the rear of the site, the planting of five new trees (four fronting onto the surrounding highways and one within the community centre amenity space) and the provision of biodiverse green roofs. To ensure that the proposed landscaping is of the highest quality design and maximises biodiversity value, conditions are recommended requiring full details of the landscaping (condition 5) and the biodiverse green roofs (condition 21) to be submitted to and approved in writing by the Local Planning Authority.
- 10.53 Whilst the Tree Officer has objected to this proposal, having regard to the surrounding context of the site and the schemes proposed reduction in green space the following considerations are relevant; to the south of the site at Sherston Court is a heavily planted area fronting Farringdon Road and the Mount Pleasant scheme opposite the site would introduce has extensive planting and public open space. As such, the area would retain a relatively good

amount of green space. Furthermore, although details have not been submitted as part of this application, the applicant has stated that Islington Council have wider plans to improve the green spaces at the Margery Estate.

- 10.54 Whilst it is unfortunate that more planting cannot be accommodated along the street frontage of the site, it is considered that the proposed planting and measures set out above would represent adequate mitigation for the loss of the planted space at the site, the two trees and group of small trees.

Neighbouring Amenity

- 10.55 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.56 Overlooking/Privacy: policy identifies 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 policy, consideration has to be given also to the nature of views between 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 harm.
- 10.57 The proposed windows in the main south, east and west frontages all face over highways and therefore would not result in unacceptable level of overlooking.
- 10.58 The rear elevations of the proposal face into the centre of the Margery Street Estate and the proposal has been designed to have an angular footprint and oriel windows to direct views and prevent any potential overlooking.
- 10.59 The main rear façade of the building incorporates four windows opening per floor, with an open side to the projecting balcony frame. These openings are set within an angled elevation such that any views towards Bagnigge House are at an oblique angle that would not result in unacceptable overlooking. The image below details the windows and balcony openings across the rear elevation of the proposal:



- 10.60 The rear elevations include a number of oriel windows, directing outlooks either to the east or north. These windows are angled so as to not result in any overlooking to the neighbouring properties. The oriel windows also include an obscure glass panel which allows light into the rooms they serve but would not provide an outlook.
- 10.61 Across the first to fourth floor of the proposal a north east facing window would look onto windows in the south west flank elevation of Bagnigge House. However, these windows are secondary windows to the rooms they serve and as such a condition (4) is recommended requiring these windows to be obscurely glazed to ensure that there would be no overlooking.
- 10.62 The proposed balconies on the rear elevation would be set within a deep brick frame with the balustrade set back from the frame edge. This would ensure that any views from these balconies towards Bagnigge House would be at an oblique angle and views would be directed over the community centre amenity space and Margery Street.
- 10.63 The balconies on the east facing façade of the building have an opening at the northern end which would face back towards windows in Bagnigge House. As such, a condition (4) is proposed requiring the installation of a 1.7 metre high obscure glazed privacy screen to ensure that there is no overlooking.
- 10.64 At fifth floor level a north east facing roof terrace is proposed that would face back towards the south west facing windows in Bagnigge House. However, the roof terrace would be set back 0.4 metres from the building edge and would have a 1 metre high parapet surround, which would limit ability for views towards lower windows at the neighbouring property. To ensure that there would be no overlooking to the upper floor windows a condition (4) is recommended requiring the provision of a 1.5 metre high privacy screen set to the rear of the parapet on the north east side of the roof terrace to ensure that there would be no overlooking. While the privacy screen would project above the parapet, due to the set back from the building edge and the limited projection above the parapet, only limited views of the screen would be afforded in longer views along Margery Street. The resultant appearance of the upper floor would not detract from the character and appearance of the proposal, and its height is appropriate due to its set in to protect privacy.
- 10.65 As such, it is considered that the proposal would not result in unacceptable overlooking to the neighbouring occupiers, subject to the conditions specified above and within Appendix 1.
- 10.66 Sense of Enclosure: The rear windows in Bagnigge House face north west and therefore mostly face away from the proposed development. However, the south windows closest to the site in this neighbouring building have outlook partially back towards the proposed rear elevation of the proposal on the Lloyd Baker Street side. The existing building at this point, as measured from the highest ground level on Lloyd Baker Street has a height of 4.3 metres, while the proposal would have a height of 12.4 metres. Although significantly increasing the height of built form at this point, the proposed building would be set on the same building line as the existing community centre, retaining a distance of over 13 metres to the nearest window at Bagnigge House and any views towards this elevation would be at an oblique angle, such that the proposal would not be overbearing or lead to an unacceptable sense of enclosure.
- 10.67 Notwithstanding this, 10 windows in the south facing elevation of Bagnigge House would face directly onto the five storey flank elevation of the proposed part of the building fronting Margery Street. At present these windows are located a minimum of 5.2 metres from the 13.9 metre high stair core serving Charles Simmons House. Although the proposal would have a height of 16.9 metres with a recessed top floor at a height of 19.3 metres, the proposed building would be set a minimum of 7.1 metres from these windows, providing a greater distance before built form. Furthermore, with the exception of two windows serving non-habitable rooms, these windows are secondary openings to rooms with outlooks over Margery Street or into the central area of the Margery Estate. As such, these rooms would maintain an acceptable outlook from the primary windows.

- 10.68 The windows in Riceyman House have an east-west aspect that ensures that these windows would not face onto the proposed building and would retain their current outlook.
- 10.69 Noise and Disturbance: This area is predominantly residential and therefore the proposed residential use of the site would be in keeping with the local context.
- 10.70 The proposed community centre replaces an existing community centre and a condition is recommended requiring the submission of a Community Centre Management Plan to ensure that any potential disturbance is mitigated (Condition 11). Additionally the new community centre would be accessed from Margery Street rather than through the estate, reducing impacts from people coming and going.
- 10.71 The proposed flexible A1/A2/D1 unit would be small in size and would front onto Farringdon Road. Additionally a condition (29) is recommended which restricts the level of emissions from plant noise. As such, it would not lead to unacceptable disturbance to the surrounding residential occupiers.
- 10.72 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.73 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);
- And
- The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.
- 10.74 It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room, it is commonly held that losses in excess of 50% NSL are not acceptable, even in densely located sites such as this.
- 10.75 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*
- In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*
- 10.76 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes 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.

Sunlight and Daylight Losses for Affected Properties Analysis

10.77 A hotel and residential dwellings within the properties set out below and on the map have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:

- 162 Farringdon Road;
- 1-21 (inclusive) Bagnigge House;
- 1-38 (inclusive) Riceyman House;
- 47-50 (inclusive) Lloyd Baker Street;
- 86 Margery Street;
- 2 Kings Cross Road;
- Block H, Mount Pleasant development; and
- The Holiday Inn hotel.



10.78 It should be noted that the daylight/sunlight assessment has been carried out on the presumption that Block H, an eight storey largely residential block, forming part of the Mount Pleasant redevelopment scheme is built. Should this not be built then it would be likely that the existing and proposed windows/rooms facing onto Farringdon Road would have an uplift in levels of daylight/sunlight from those presented.

10.79 The property at No. 51 Lloyd Baker Street is in commercial use and has therefore not been assessed

10.80 162 Farringdon Road: The BRE assessment demonstrates that while there would be reductions in daylight, the reductions to relevant windows would be within BRE Guidelines. Two corner windows at the site would have no reduction in sunlight levels while all of the other relevant windows are not within 90 degrees of due south and therefore do not require testing for levels of sunlight.

10.81 1-21 Bagnigge House: The rear of this property includes two projecting deck access routes and a projecting stairwell. The windows in the rear elevation of Bagnigge House are not within 90 degrees of due south and therefore do not require testing for sunlight. However, ten side windows facing onto the site would be within 90 degrees of due south and have therefore been assessed for sunlight.

- 10.82 The BRE assessment details that all of the rooms in these properties would continue to have acceptable levels of daylight distribution (NSL), illustrating that the rooms are served by more than one window. However, 11 windows would have reductions in VSC in excess of 20% contrary to the BRE Guidelines. Of these 11 windows 3 would have reductions of between 20-30% which is considered to be a lesser/minor infringement in urban areas, in particular when the rooms they serve have more than one window and retain compliant daylight distribution. Although 4 further windows would have losses to VSC between 30% and 50%, these are secondary windows to the rooms they serve, with the other windows in these rooms continuing to receive sufficient levels of both daylight and sunlight, while one window showing an increase in sunlight levels.
- 10.83 A further 2 of the 11 windows with reductions in VSC (40% in this case) would be at second floor level, one rear facing and one flank window. However, the rooms these windows serve would have sufficient levels of NSL and the side window would continue to receive more than 25% annual sunlight and a high level of winter sunlight (11%).
- 10.84 At ground floor level three windows serving a kitchen would have VSC reductions of 30%, 40% and 50%. The 30% reduction has previously been addressed above and is considered a lesser/minor infringement. While the other VSC losses are considerable, this assessment models the extent of daylight received at the centre point of a window, it does not take into account window size, room layout or room size. Notwithstanding this, the daylight distribution within the room would be within BRE Guidelines, the unit has a triple aspect and is a maisonette with improvements in daylight/sunlight to the upper floors and windows set away from the development. Furthermore, fundamental changes to the massing of the building would be required to address the VSC levels. Considering the above, together with the location of the affected property at a pinch point surrounded by high built form this comprises an isolated impact and it is considered appropriate to balance this against the benefits of the scheme.
- 10.85 1-38 Riceyman House: The rear elevation of this property includes projecting deck accesses, balcony areas and a stairwell projection to the north. The flats in this building have a dual aspect. The BRE Assessment demonstrates that while there would be some reductions in VSC to the ground floor unit, these would all be within the BRE Guidelines. There would be no loss in NSL to the rooms in these properties. However, with regard to sunlight, with the exception of 5 windows, the windows in the rear elevation of these properties would continue to receive sufficient levels of sunlight.
- 10.86 Of the five windows which fall below the BRE Guidelines for sunlight, four of these windows would only receive insufficient sunlight in the winter months. Three of these four windows would fall only marginally below the minimum winter levels, providing 4% winter sunlight rather than 5% as set out in the BRE Guidelines, but would continue to have adequate levels of annual sunlight hours.
- 10.87 The fourth of these windows falling below the BRE Guidelines for winter sunlight is formed of two large window panes serving a kitchen. Of these two window panes, one would be reduced by 25%, which is only marginally above the BRE Guideline figure of 20%. Notwithstanding this, these windows would continue to receive acceptable levels of annual sunlight and due to the existing low levels of winter sunlight owing to the surrounding built form, the reduction of winter sunlight to these windows would not be significant for an urban area.
- 10.88 At ground floor level a double casement window incorporating small fixed lower panes currently receives substandard levels of sunlight. The BRE assessment details that there would be no change in sunlight levels to the larger upper panes but that there would be reductions in both annual and winter sunlight to one of the fixed lower panes and solely winter reductions to the other lower pane. The annual loss of sunlight to this small pane would be 22.2%, which is only marginally above the BRE Guideline figure of 20%. However, due to the very low existing level of winter sunlight received by these windows the percentage changes (80% and 75%) are disproportionately high and would be unlikely to result in a perceptible loss of sunlight.

- 10.89 47-50 Lloyd Baker Street: With the exception of the front basement windows, all of the relevant windows/rooms in these properties would have adequate daylight and sunlight levels in accordance with the BRE Guidelines. The large basement bay window to each of the three terraces would have reductions in daylight distribution (NSL) to the rooms they serve of 50%, with two of these three windows having significant reductions in winter sunlight. However, these windows are set partially within lightwells where a lower level of daylight is expected and the reduction in sunlight relates to the north facing chamfered edge of two bay windows, with the other two panes of each window receiving adequate levels of sunlight. Notwithstanding this, the windows would continue to receive good levels of VSC.
- 10.90 86 Margery Street: With the exception of two ground floor windows, all of the windows would have adequate daylight and sunlight levels in accordance with the BRE Guidelines. Two ground floor windows at this property have reductions of 40% and 50% in VSC and the room would have a reduction in NSL of 30%. However, these windows are set back from the frontage, resulting in an overhang and in accordance with the BRE Guidelines, these windows have been re-tested with the overhang element omitted (i.e. set flush). The re-tested figures show a 10% reduction in VSC to both windows and a 20% reduction in NSL, both of which would be in accordance with the BRE Guidelines. Therefore the presence of the overhang rather than the impacts of the proposed development is the main factor in the relative loss of light.
- 10.91 2 Kings Cross Road: The BRE assessment demonstrates that while there would be reductions in daylight these would be within the BRE Guidelines. Furthermore, with the exception of a second floor window, the reductions in sunlight would be within the BRE Guidelines. The second floor window would fall marginally below expected winter sunlight levels, but would retain a good level of annual sunlight.
- 10.92 Block H, Mount Pleasant development: With the exception of five windows, although there would be reductions in daylight, these would be within the BRE Guidelines. Five windows would have reductions in VSC in excess of 20%. Although one window would have a reduction in VSC of 60% and two windows would have reductions in VSC of 40%, the reduction to the other two windows would be between 20-30% which is generally considered to be a lesser/minor infringement in urban areas. Notwithstanding this, each of the rooms served by these windows would retain acceptable levels of NSL and would have further large windows that continue to retain sufficient levels of VSC. Therefore, considered together, the resulting light to these units would be acceptable.
- 10.93 With regard to sunlight, the relevant windows in Block H are not within 90 degrees of due south and therefore do not require testing for sunlight.
- 10.94 The 'Holiday Inn' hotel: There would be some minor reductions in daylight at the hotel opposite the site but these would be within the BRE Guidelines, while the relevant windows do not face within 90 degrees of due south and therefore do not require testing for sunlight:
- 10.95 Taking into account the points set out above it is considered that the impact upon these properties can be accepted.
- 10.96 Overshadowing: 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 submitted Daylight/Sunlight and Overshadowing Report details that the communal amenity space would continue to receive sufficient sunlight in accordance with the BRE Guidelines.
- 10.97 At present none of the gardens serving the properties at Bagnigge House receive over 2 hours of sunlight to 50% of the garden on 21st March, with four of the six gardens receiving no direct sunlight. While two gardens receive some sunlight, the area receiving 2 hours or more of sunlight on the 21st March are minimal at 2.9% and 5.2% respectively and therefore their resulting loss would be negligible. However, a garden at Riceyman House would have a

significant reduction in the area receiving 2 hours of sunlight on the 21st March from 70.1% to 17.2%.

Quality of Resulting Residential Accommodation

- 10.98 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 10.99 Unit Sizes: All of the proposed residential units comply with the minimum unit sizes as expressed within this policy.
- 10.100 Aspect and outlook: Policy DM3.4 part D sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'. With the exception of six units, all of the proposed flats would have a dual aspect and in some cases a triple aspect.
- 10.101 Of these six units, three single aspect units on the west and two single aspect units on the east of the development above ground floor level would have large floor to ceiling height windows with western or south eastern outlooks respectively. While all of the flats would have an efficient layout that locates more readily used space closer to the windows with the framed balconies providing a sheltered and useable amenity area with a more expansive outlook, which also acts as a buffer to the busy surrounding roads. These features are considered to provide sufficient mitigation in this instance, having regard to the unusual site shape.
- 10.102 The proposed one bed unit at ground floor level would be west facing and would be single aspect. However, it would have a large floor area with an efficient layout and the floor to ceiling height windows would provide an outlook onto a private garden set within a lightwell. Single aspect units that do not face north are less of a concern and the design provides sufficient mitigation in this instance.
- 10.103 With regard to outlook, the proposed oriel windows at upper floor level to the rear would direct views away from neighbouring properties whilst the raked obscured panel would allow some light through. The outlook from these windows, whilst restricted, would be acceptable. As such, all of the rooms within the proposal would have an acceptable outlook.
- 10.104 Daylight: Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of Vertical Sky Component (VSC) and Average Daylight Factor (ADF), as well as sunlight (APSH).
- 10.105 There are 75 windows within the proposal that would fall below the BRE Guidelines for VSC. Of these windows 11 serve rooms that have other windows that would have good levels of VSC. A further 23 of these windows are set within or immediately next to framed balconies, 20 are oriel windows, 5 are set within lightwells and 9 are located within the deepest recess of the rear 'V' profile of the building, all of which reduce the VSC levels at each window. The remaining 7 windows below the BRE Guidelines for VSC are located at first and second floor level on the south and south east facing elevations where the high buildings to the south of the site restrict access to light.
- 10.106 The framed balconies are integral to the design and would provide good sized amenity space and act as a barrier between the windows and the busy surrounding road network. The rear oriel windows face into an open area bound by high buildings that reduce light to the existing building at the site and this design has been employed to addresses overlooking to neighbouring properties. Furthermore, the larger raked panel serving the oriel windows would allow light into the rooms. The proposed lightwells provide defensible space to the ground floor

units, which are set into the rising ground levels and achieve dual aspect to one flat. It should also be noted that of the 75 windows below the BRE Guidelines for VSC, 30 windows would have VSC levels of 20%, which is often considered to be acceptable within a dense urban context such as this.

- 10.107 Notwithstanding this, although VSC models the extent of daylight received at the centre point of a window, it does not take into account window size, room layout or room size. Daylight distribution (the ADF assessment) considers these elements to provide a more representative model of actual daylight received within a defined space.
- 10.108 With the exception of five rooms, all of the rooms within the development would have sufficient daylight distribution. Of the five rooms with insufficient daylight distribution, one is a bedroom where the BRE Guidelines state that daylight distribution is of less importance. All of the other four rooms comprise living/kitchen/dining rooms, one at ground floor level and three rooms across the first, second and third floors.
- 10.109 The affected ground floor room is set within a lightwell due to the rising ground levels along Lloyd Baker Street, which together with the deep room layout limits the extent of daylight capable of being received. However, this room is laid out to locate the kitchen set furthest from the window, while the living and dining area are closer to the window openings. Furthermore, this unit also has a floor area over 10% larger than minimal requirements, which worsens Daylight Distribution at its rear but mitigates in terms of spaciousness of the living arrangements.
- 10.110 The three other affected rooms are located above one another on the south eastern elevation of the property. These rooms have deep layouts with a corridor at the furthest point from the window, which together with the previously discussed framed balconies exacerbates the results of the ADF assessment. Notwithstanding this, each of these three rooms has been laid out to locate those parts requiring less natural light, such as the corridor set furthest from the window, while the living and dining area are closer to the window openings. Furthermore, these rooms would have a dual outlook and direct access onto private amenity space.
- 10.111 Taking into account the points set out above it is considered that the proposed residential units would provide acceptable levels of amenity for future occupiers.
- 10.112 Amenity Space: Policy DM3.5 of the Development Management Policies identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above).
- 10.113 With the exception of the fifth floor family unit each of the proposed units would have adequate amenity space in accordance with policy DM3.5. Although the top floor family unit would have 26 square metres of amenity space, this would be split across two roof terraces with an open aspect and good levels of natural light and any increase in the quantum of amenity space would reduce the extent of biodiverse green roof. Furthermore, there would be an increase in play space immediately to the rear of the site.
- 10.114 Overlooking/Privacy: The ground floor windows serving the residential units would be set back from the highway within lightwells providing front garden areas, ensuring that these units would have adequate defensible space and privacy. There would be no mutual overlooking between the proposed units and subject to condition (4) all units would have adequate levels of privacy.

- 10.115 Noise and vibration: The site is located in an area of relatively high noise exposure, predominantly from Farringdon Road and noise and vibration from the Thameslink and London Underground lines running below the site. As such, conditions are recommended requiring sufficient noise insulation to the residential units to meet British Standards (condition 25) and a scheme of anti-vibration to be submitted (condition 27). While it is noted that some of the proposed amenity spaces would front onto highways, these have been located to front onto Margery Street and Lloyd Baker Street to minimise any impact.
- 10.116 A further condition (26) is recommended relating to plant noise and to ensure there is sufficient sound insulation between the residential units and the proposed community centre, flexible A1/A3/D1 unit and energy centre.
- 10.117 Air Quality: The development is exposed to poor air quality and the submitted air quality assessment report advises that mitigation (mechanical ventilation either drawing the cleaner air from height or using an air scrubbing system) should be employed for the ground to 3rd floor units only. Notwithstanding this, the predicted exposure is close to the limit for the upper floors and due to prediction uncertainty a condition (28) is recommended requiring mitigation to be fitted for all floors.
- 10.118 Refuse: The proposal includes the demolition of an existing bin store to the rear of the site which serves both Charles Simmons House and other properties on the Margery Estate.
- 10.119 The proposed building would have a shared refuse and recycling store for the proposed residential occupiers, which would be conveniently located close to all of the residential entrances onto Lloyd Baker Street. The flexible use unit and community centre would have independent refuse stores. Refuse collection arrangements would remain the same as existing.
- 10.120 Although the Margery Street Estate has a large refuse and recycling store located to the north of the site within a parking area, the proposal would reduce the amount of available refuse and recycling storage for existing residents. However, the submitted Planning Statement details that the applicant intends to re-provide this as part of wider estate improvements. As such, a condition (17) is recommended requiring details of a replacement refuse and recycling store to be submitted prior to the demolition of the existing refuse and recycling store.
- 10.121 Play Space: The proposal would result in a child yield of approximately 9, which requires 45 square metres of play space to be provided based on Islington's requirement of 5 square metres per child (including semi-private outdoor space, private outdoor space and gardens suitable for play).
- 10.122 All of the units would have private amenity space, the estate includes an open space for play to the rear of the site and the plans detail the re-provision of a play space to the rear of Charles Simmons House. Although full details of the play space and associated equipment have not been submitted, the quantum of useable space would be increased from approximately 50 square metres to 73.3 square metres. A condition is recommended (condition 5) requiring details of play equipment to be submitted. The proposed private amenity space and enlarged play space would provide sufficient space for the child yield of the proposal and represent an improvement to the semi-private amenity space and play provision for the wider estate residents.

Dwelling Mix

10.123 The scheme proposes a total of 25 residential units with an overall mix comprised of:

Dwelling Type	Social Rent (No. units / %)	Policy DM3.1 Target Mix	Private (No. units / %)	Policy DM3.1 Target Mix
One Bedroom	3 / 21.4%	0%	4 / 36.4%	10%
Two Bedroom	9 / 64.3%	20%	7 / 63.6%	75%
Three Bedroom	2 / 14.3%	30%	0 / 0 %	15%
Four Bedroom or more	0 / 0%	50%	0 / 0%	0%
TOTAL	14	100%	11	100%

10.124 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies.

10.125 The social rent dwelling mix, when compared to the target social rent dwelling mix departs in as much as an over provision of 1 and 2 bedroom units and an under provision of large family units. The private dwelling mix has an over provision of 1 bedroom units, an under provision of 2 bedroom units and no family units.

10.126 Although, the proposal includes the provision of only two family units, regard has to be given to the constraints of the site and characteristics of the development and its location. There is insufficient space at ground floor level to provide private family gardens due to the unusual shape of the site, while at first to third floor level the provision of adequately sized balconies for family units would severely impact upon the design and would restrict the amount of units provided and would be difficult to prevent overlooking of neighbouring properties. The family units are located at fourth and fifth floor level where there is sufficient space for the provision of private amenity space to meet policy requirements, whilst protecting the privacy of the adjoining properties. As such, the characteristics of the development and site constraints restrict the provision of family units.

10.127 The supporting text of Development Management policy DM3.1 relates to the objectives of Core Strategy Policy CS12, stating *'there may be proposals for affordable housing schemes that are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation). In these situations deviation from the required policy housing size mix may be acceptable. In such cases registered providers will need to satisfy the council that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington'*.

10.128 Since the adoption of policy DM3.1, which was informed by Islington's *Local Housing Needs Assessment* (2008) changes to housing legislation (the Welfare Reform Act 2012) to address the under occupation of social housing have created a greater demand for smaller social housing units. This is reflected by the higher proportion of 1 and 2 bedroom units proposed

that will allow for mobility within the social housing sector to accommodate these national changes to the welfare system. The provision of smaller units will allow for mobility within the borough which would help to address under occupation.

- 10.129 For the reasons set out above it is considered that on balance the proposed dwelling mix is acceptable in this case.

Affordable Housing and Financial Viability

- 10.130 The London Plan, under policy 3.11 identifies that boroughs within their LDF preparation should set an overall target for the amount of affordable housing provision needed over the plan period in their area and separate targets for social rented and intermediate housing and reflect the strategic priority accorded to the provision of affordable family housing. Point f) of this policy identifies that in setting affordable housing targets, the borough should take account of *“the viability of future development taking into account future resources as far as possible.”*
- 10.131 Policy CS12 of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that *“50% of additional housing to be built in the borough over the plan period should be affordable and that provision of affordable housing will be sought through sources such as 100% affordable housing scheme by Registered Social Landlords and building affordable housing on Council own land.”* With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the *“maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver **at least** 50% of units as affordable subject to a financial viability assessment the availability of public subsidy and individual circumstances on the site.”*
- 10.132 Policy CS12 confirms that an affordable housing tenure split of 70% social rent housing and 30% intermediate housing should be provided.
- 10.133 LB Islington Housing New Build Programme: The proposal forms part of a wider LB Islington Housing New Build programme to provide affordable housing to meet identified needs within the borough. The current programme includes investigation and progression of some 33 sites across the borough at various stages of progress (including on-site, pre-contract, pre-planning & feasibility/design) with the aim of delivering 500 new affordable social rented units within the borough by 2019. The programme factors in Right to Buy receipts, S106 funding, GLA grant and recycles returns from the sale of private sale units back into the programme. This then informs the amount of Housing Revenue Account (HRA) subsidy required to balance the financing of the programme. In the case of Major schemes (those proposing over 10 residential units) these often require significant HRA subsidy to address the shortfall between any revenues generated by the development through the sale of private tenure units (which are reinvested into the programme) and the costs of providing it. However, the wider programme currently enables Minor schemes (those proposing less than 10 residential units) to provide 100% affordable housing. All Major proposals forming part of the programme achieve an affordable housing level of over 50%, which together with the Minor schemes in the programme helps to deliver the Planning Policy target of 50% of additional housing within the borough being affordable, through Council New Build schemes.
- 10.134 The Affordable Housing Offer: The proposed development would provide a total of 25 residential units (both for private sale and affordable housing). Of the 25 units (73 habitable rooms, hr), 14 of these units (43 hr) would comprise affordable housing (social rent tenure). The scheme provides 56% affordable housing if measured by units and 59.7% affordable housing by habitable rooms.
- 10.135 Within affordable housing provision there is a policy requirement for 70% of provision to be social rent and 30% as intermediate/shared ownership. Although the proposal does not include any intermediate housing, a higher percentage provision of social rent tenure is not considered

to be of concern given the identified significant housing needs for this type of accommodation and the emphasis of the policy for the provision of social rented housing. Additionally there remain affordability concerns with respect of shared ownership tenures, particularly in the south of the borough. The Council will have 100% nomination rights in perpetuity on the proposed Social Rented units and these will be let through the local lettings policy.

- 10.136 The proposal fails to provide 100% affordable housing as sought by policy CS12 for developments on Council's own land. The proposed mix includes private housing to financially support the delivery of the affordable housing element.
- 10.137 The proposal would introduce only two additional social rented units when compared to the currently vacant, Charles Simmons House, which previously accommodated 12 social rented units. However, the previous social rented units at the site comprised of 7 studio units, 5 x 1 beds and 3 x 2 beds, comprising 19 habitable rooms. The proposal would significantly increase the number habitable rooms within the social rented units from 19 to 43 habitable rooms, whilst also providing units of a much higher quality and greater size than the existing units, and introducing family units
- 10.138 Viability Review: In accordance with policy requirements, a financial viability assessment has been submitted with the application to justify the proportion of affordable housing offered. In order to properly and thoroughly assess the financial viability assessment, the documents were passed to an independent assessor (BPS) to scrutinise and review.
- 10.139 The applicant's Viability Assessment identified that the development as proposed is unviable in a purely commercial sense as it still requires an amount of public subsidy to address the shortfall between the revenues generated by the development and the costs of providing it. The key constraints to the viability of the proposal in this case include the buyback of leaseholder properties and construction costs associated with the foundation design and loading above two railway tunnels. Furthermore, as set out in the pre-application section above an earlier design was not considered to be acceptable and the re-design of the proposal incurred considerable consultant costs. BPS has considered the information submitted and has advised that the scheme would be unviable without such a subsidy. The BPS Report is attached at Appendix 4.
- 10.140 In conclusion it is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing is unviable. However the applicant, LBI Housing is not a commercial developer and in line with Council corporate objectives, is primarily seeking to deliver affordable housing and the re-provision of non-residential uses to meet identified needs such as the re-provision of an improved community centre, the costs of which are included in the applicant's Viability Assessment.
- 10.141 Though Core Strategy Policy CS12 seeks 100% affordable housing schemes from development on Council land, it is not considered that a failure to provide 100% affordable housing on Council owned land is contrary to that policy where it is shown that considerable public subsidy is required to support the lower provision. In this case, it is not considered that it would be reasonable to require (in planning terms) an additional amount of public subsidy/grant funding to be committed to this scheme to provide a 100% affordable scheme. This offer provides for an element of mix of tenures to be added into this existing estate.
- 10.142 The offer of 56% affordable housing by units (59.7% by habitable rooms) is considered to deliver a good mix of tenures and as supported by a financial viability assessment is considered the maximum reasonable amount of affordable housing and thus is considered to accord with policy. This provision is secured with a Directors Level Agreement.

Sustainability Energy Efficiency and Renewable Energy

- 10.143 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.144 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock (CS10).
- 10.145 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 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. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.146 Carbon Emissions: The applicant proposes a reduction in total CO₂ emissions of 28%, compared to a 2013 Building Regulations baseline. This exceeds the minimum policy requirement and is therefore strongly supported. The development also considerably exceeds (at 54%) the London Plan policy requirement of 35% reduction on regulated emissions, which is again strongly supported. In order to mitigate against the remaining carbon dioxide emissions generated by the development a financial contribution of £46,543 will be secured in the Directors' Agreement. Condition 25 secures the Energy Strategy that is described in further detail below.
- 10.147 Efficiency: The proposal would include high performance building fabric, appropriate air tightness and 100% energy efficient lighting. This would result in highly efficient and well-insulated buildings.
- 10.148 Heating and CHP: Policy DM7.3 of the Development Management Policies document identifies that major development should connect to a Shared Heating Network linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible.
- 10.149 Currently there is no network within 500 metres of the site, however, should the Mount Pleasant scheme come forward then there would be an opportunity for a connection to this system. Notwithstanding this, due to uncertainty of delivery dates for the Mount Pleasant scheme it is considered acceptable to future proof the development to connect to this scheme.
- 10.150 As such, in accordance with the hierarchy set out in policy 5.6 of the London Plan and Islington's Environmental Design SPD, the application proposes a site wide CHP, which would be future proofed to allow a connection to a network should this be forthcoming. This is secured in the Directors' Agreement.

- 10.151 Renewables: The proposal includes the provision of a solar photovoltaic panel array on the roof of the development with a total capacity of 12kWp. This is supported as it maximises the potential of a green sustainable form of energy.
- 10.152 Overheating and Cooling: The energy strategy and overheating analysis do not propose artificial cooling for the residential units, which is supported. However, the proposed commercial unit and community centre would require ventilation and cooling, details of which have not been submitted. A condition is recommended requiring details of the cooling for these units to be submitted. Subject to this condition (19) the overheating modelling and cooling hierarchy is acceptable.
- 10.153 Sustainability: The proposed dwellings are detailed to be equivalent to the former Code for Sustainable Homes Level 4, which is in accordance with policy. The community centre would have a BREEAM rating of 'Excellent', which is in accordance with policy (Policy 18). The flexible A1/A3/D1 unit falls below thresholds for a BREEAM assessment and has therefore not been assessed.
- 10.154 Green Performance Plan: This is secured by the Directors' Agreement.
- 10.155 Sustainable Urban Drainage: There is a loss of permeable soft landscaping to the front of the site which would need to be offset through the provision of soft landscaping elsewhere on the site at ground level. The proposed play space to the rear of the site offers an opportunity for this together with tree pits and the other landscape proposals. Although the volume of attenuation proposed is acceptable a complete SUDS strategy, inclusive of a drainage hierarchy and maintenance plan has not been submitted. As such, a condition (22) is recommended requiring the submission of a SUDS strategy and maintenance plans.
- 10.156 Green Roofs and Water Usage: The proposal includes green roofs, condition 24 requires details of grey water/rainwater harvesting systems to be submitted to and approved in writing by the Local planning Authority and condition 20 ensures that the water usage at the site is acceptable.
- 10.157 Bio-diversity: Condition 30 requires the submission of bird and/or bat box details and condition 21 secures the provision of biodiverse green roofs
- 10.158 The energy and sustainability measures proposed are, on balance, considered to be acceptable.

Highways and Transportation

- 10.159 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is 'Excellent'. The site is located in close vicinity to Farringdon Train Station and a number of bus routes.
- 10.160 Public Transport Implications: The development would give rise to additional demands on transport infrastructure in terms of the introduction of residential occupiers and their visitors relative to the existing situation. However, due to the high PTAL level of the site, the proposal would not detrimentally impact upon the surrounding transport infrastructure. A Travel Plan is secured in the Directors' Agreement.
- 10.161 The application site is located directly over a TfL Underground railway tunnel and partially over a Network Rail Thameslink railway tunnel. Condition 7 requires details of the demolition and construction to be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London to ensure that the proposed development would not adversely impact upon the public transport infrastructure. Furthermore, condition 6 ensures that disruption to the highway would be minimised during construction.

- 10.162 Vehicle Parking: The site currently accommodates 5 garaged car parking spaces and the applicant has detailed that only two of these spaces are in use. The proposal includes the demolition of these garages and does not include the provision of any car parking in accordance with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies.
- 10.163 With regard to accessible parking there is insufficient space within the site or surrounding highway for the provision of accessible parking bays for the two proposed wheelchair accessible units. However, the Directors' Agreement requires the applicant to provide a contribution towards the provision of two accessible parking bays within the locality where this may be possible or to provide a contribution towards other accessible transport initiatives. Notwithstanding this, the site is highly accessible by a variety of sustainable transport modes and there is a safe drop off point opposite the two wheelchair accessible units on Lloyd Baker Street.
- 10.164 Residential occupiers of the new units would not be eligible to attain on-street car parking permits for the surrounding Controlled Parking Zone (CPZ) in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure, this is secured in the Directors' Agreement. The exceptions to this would be where, in accordance with Council parking policy, future persons occupying the residential development are currently living in residential properties within Islington prior to moving into the development and they have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. These residents are able to transfer their existing permits to their new homes. Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ.
- 10.165 Delivery and Servicing Arrangements: Policy DM8.6 of the Development Management Policies (2013) requires commercial developments in excess of 200 square metres to provide on-site servicing.
- 10.166 Although the proposed commercial unit and community centre would have a combined floor area below 200 square metres, the proposed community centre and energy centre would be serviced from the amenity space to the rear of the community centre, using the existing vehicular crossover onto Margery Street in accordance with this policy. While servicing and delivery vehicles would cross an important cycle route, this is an existing vehicular crossover serving five garages. It is considered that the community centre and energy centre would have limited servicing requirements and would represent a decrease in the potential use of this entrance by vehicles.
- 10.167 Transport for London have stated that should a dedicated servicing bay not be provided on Lloyd Baker Street they would raise an objection to the proposal. These comments seek to ensure that no servicing would be carried out to the front of the site for the proposed commercial unit. However, to the front of the site Farringdon Road is a TfL red route where servicing is prohibited at any time and controlled by strict parking enforcement outside of planning control. As such, it is considered that there are sufficient measures in place to ensure that Farringdon Road would not be used for servicing.
- 10.168 Notwithstanding this, the servicing entrance to the proposed commercial unit and both of the proposed residential entrances would be onto Lloyd Baker Street. Although outside of controlled parking times there is no restriction on loading and unloading to Lloyd Baker Street, due to the number of residential units and the commercial unit there is likely to be some pressure on the highway network and parking due to servicing requirements. As such, a condition (32) is recommended requiring further details to be submitted to and approved in writing by the Local Planning Authority.
- 10.169 Cycle Parking: The proposal would provide a total of 49 cycle parking spaces, in accordance with the requirements of Appendix 6 of the Development Management Policies 2013. The

residential cycle parking spaces would be located within the secure entrances to the residential units and would consist of stacking spaces due to space restrictions but would include accessible spaces.

- 10.170 Four cycle parking spaces have also been provided to the front of the community centre. The small size of the proposed flexible unit results in it not requiring the provision of cycle parking, TfL cycle hire is however available on Margery Street and the site is highly accessible by public transport.
- 10.171 **Construction:** The Directors' Agreement ensures the repair and re-instatement of the footways and highways adjoining the development and that the development would be constructed in compliance with the Code of Construction Practice and secures a monitoring fee. Conditions 6 and 7 secure details of the construction methods to minimise disruption to surrounding streets and residential amenity.

Planning Obligations, Community Infrastructure Levy and local finance considerations

Community Infrastructure Levy:

- 10.172 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (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) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

S106:

- 10.173 This is an application by the Council and the Council is the determining local planning authority on the application. It is not possible legally to bind the applicant via a S106 legal agreement. It has been agreed that as an alternative to this a letter and memorandum of understanding between the proper officer representing the applicant LBI Housing and the proper officer as the Local Planning Authority will be agreed subject to any approval. The agreed heads of terms are set out in Appendix 1 to this report. All of those listed obligations are considered to meet the three tests set out above, including the updated requirements restricting the pool of more than five contributions towards a single project.

National Planning Policy Framework

- 10.174 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

Other Matters

- 10.175 A representation received raises concern regarding the upkeep of the ground floor gardens in the wheelchair accessible units. The garden would be a private garden and would therefore be the responsibility of the occupier.
- 10.176 A representation has been received raising concern over the free flow of air. The proposal would maintain a gap between the site and Bagnigge House where there is a current gap and while enclosing part of the Margery Estate, due to its modest height, it is unlikely that the

proposal would result in a material impact upon the wind flow in the locality or detrimentally impact upon the neighbouring occupiers.

- 10.177 A representation has been received regarding the loss of views. Although the loss of a view is not a material planning consideration, all of the surrounding properties would retain acceptable outlook and the proposal would not be overbearing in views from these properties.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.8 of this report.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and Director Level Agreement securing the heads of terms as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development 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:

- On-site provision of affordable housing in line with submission documents including a provision of 56% affordable housing (Social Rent) measured by habitable rooms or of 59.7% affordable housing measured by units.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Removal of eligibility for residents' on-street parking permits.
- Compliance with the Code of Employment and Training
- Prior to the demolition of the existing community centre, a community centre user group relocation strategy shall be submitted with the temporary facilities to be ready and available as soon as reasonably practicable;
- Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £5000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2500 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
- The provision of 2 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £4000.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920); Total amount to be confirmed by the Council's Energy Conservation Officer (£46,543).
- Connection to a local energy network (Bunhill 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 (a Shared Heating Network) and future proof any on-site solution so that in all cases (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.
- Submission of a final post occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period

- Submission of a draft framework Travel Plan with the planning application, of a draft Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Prevention of wasted housing supply. To require all dwellings to be fully furnished and equipped for use as a home; dwellings not to be left unoccupied for any continuous period of 3 consecutive months or more (plus additional – as per the wording in the Wasted Housing Supply SPD). The applicant agrees to include obligations in sales and marketing information and also agrees to have the s106 requirements written in to any head lease or sublease should they be granted.
- Council’s legal fees in preparing the Directors’ Agreement and officer’s fees for the preparation, monitoring and implementation of the Directors Agreement.

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement (ref: LNBI/CSH/01), Design and Access Statement, Heritage Statement, Arboricultural Impact Assessment (ref: 02342R), Drainage Planning Statement (Ellis and Moore), Air Quality Assessment (ref: J0039/1/F1, Noise Assessment (dated 16th July 2015), Transport Statement (dated July 2015), Energy Strategy (ref: G6/K150022), Utilities Statement (ref: G6/K150022), Draft Green performance Plan (ref: G6/K150022), Daylight Sunlight Report (dated 19th May 2015), Updated Daylight Sunlight Report (Dated 18th August 2015), 472 PA 001, 472 PA 002 Rev A, 472 PA 003, 472 PA 004, 472 PA 005, 472 PA 006, 472 PA 007, 472 PA 010, 472 PA 011, 472 PA 012, 472 PA 013, 472 PA 014 Rev A, 472 PA 015, 472 PA 016 Rev A, 472 PA 017 Rev A, 472 PA 018, 472 PA 020 Rev A, 472 PA 021 Rev A, 472 PA 022 Rev A, 472 PA 023, 472 PA 024 Rev A, 472 PA 025 Rev A, 472 PA 026 Rev A, 472 PA 027 Rev A, 472 PA 028 Rev A, 472 PA 029 472 PA 030 and 472 PA 032.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and Samples (Details)
	<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 of the relevant phase commencing on site. The details and samples shall include:</p> <p>a) Sample panels of the facing brickwork, as detailed above, showing the colour, texture, pointing and interface between brick types and balustrades at roof level shall be provided</p>

	<p>on site; b) window reveals, soldier courses and balconies; c) Window Treatment, inclusive of obscure oriel window panels; c) Roof capping; d) Doors; e) Balustrades; f) Roofing materials; g) Canopies; h) Green procurement plan; and i) 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>
4	<p>Obscure Glazing and Balcony Screens (Compliance)</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, the north west facing windows facing onto the flank elevation of Bagnigge at first to fourth floor level shall only be obscurely glazed and non-opening and retained as such permanently thereafter.</p> <p>And notwithstanding the approved plans, a 1.7 metre high obscure glazed privacy screen shall be erected on the north eastern edge of each of the balconies at first to fourth floor level on Margery Street elevation and a 1.5 metre high obscure glazed privacy screen set to the rear of the brick parapet shall be erected to the north east edge of the fifth floor roof terrace.</p> <p>The privacy screens and obscure glazing shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking within the development itself and to protect the future amenity and privacy of residents.</p>
5	<p>Landscaping/Tree Planting/Play Space (Details)</p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) proposed trees: their location, species, size at planting and tree pit details; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls, hedges and the feature metal gate to the community centre; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; g) all playspace equipment and structures; and h) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to</p>

	<p>be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>REASON: In the interests of residential amenity and ecological and biodiversity value.</p>
6	<p>Demolition and Construction Management Plan and Demolition and Construction Logistics Plan (Details)</p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management Plan (DCMP) and a Demolition and Construction Logistics Plan (DCLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the approved DCMP and DCLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
7	<p>Design and Method Statements (Compliance)</p> <p>CONDITION: Prior to the commencement of the development hereby approved, a detailed design and construction method statement for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London) which shall:</p> <ul style="list-style-type: none"> a) provide details on all structures b) accommodate the location of the existing London Underground structures and tunnels; c) accommodate ground movement arising from the construction thereof; and d) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels <p>The development shall be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>REASON: To ensure that the development does not impact on existing London Underground transport infrastructure.</p>
8	<p>Site Waste Management Plan (Details)</p> <p>CONDITION: Full particulars and details of a Site Waste Management Plan (SWMP) which ensures waste produced from any demolition and construction works is minimised shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.</p> <p>The SWMP shall identify the volume and type of material to be demolished and or excavated and include an assessment of the feasibility of reuse of any demolition material in the development. The SWMP shall also consider the feasibility of waste and materials transfer to and from the site by water or rail transport wherever that is practicable.</p>

	<p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
9	<p>Impact Piling (Details)</p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the 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 impact on local underground sewerage utility infrastructure.</p>
10	<p>Hours of Operation (Compliance)</p> <p>CONDITION: The flexible A1/A3/D1 unit hereby approved shall not operate except between the hours of 08:00 and 23:00 Monday to Saturday and 10:00 and 20:00 hours on Sundays and Bank Holidays unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of protecting residential amenity.</p>
11	<p>Community Centre Management Plan (Details)</p> <p>CONDITION: Prior to the occupation of the Community Centre hereby approved a Community Centre Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include, but not be limited to:</p> <ul style="list-style-type: none"> - Hours of operation - Type of use - Number of staff and site users <p>The community centre shall only operate in accordance with the details of the approved document unless otherwise agreed in writing.</p> <p>REASON: To ensure the sustainable management of the Community Centre, in order to suitably mitigate/minimise any possible disturbance to existing and future residential occupiers of the estate.</p>
12	<p>Accessible Housing (Compliance)</p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 23 of the residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 2 units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 1 x 1-bed and 1 x 2-bed units shall be provided to Category 3 standards. Both of the Category 3 units shall be fully fitted out and ready for a wheelchair user at handover.</p> <p>A total of 6 x 1-bed, 15 x 2-bed and 2 x 3-bed units shall be provided to Category 2 standards.</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by Local Planning Authority prior to any superstructure works beginning on site.</p>

	<p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with London Plan (FALP) 2015 policy 3.8 (Housing Choice).</p>
13	Accessible Units (Compliance)
	<p>CONDITION: The flexible A1/A3/D1 unit hereby approved shall be constructed to the standards set out in the Inclusive Design in Islington SPD (2014).</p> <p>REASON: To ensure the retail units are accessible and inclusive.</p>
14	Platform Lift (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to the first occupation of the community centre, details of a platform lift between the community centre courtyard and the play space to the north of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved platform lift shall be installed and operational prior to the first occupation of the community centre hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the community centre and play space are accessible and inclusive.</p>
15	Gates (Compliance)
	<p>CONDITION: The pedestrian entrance onto Margery Street hereby approved shall be fixed open and shall not be closed at any time.</p> <p>REASON: To ensure that the site is accessible and inclusive at all times.</p>
16	Cycle and Refuse Stores (Compliance)
	<p>CONDITION: The cycle stores and refuse stores detailed on the plans hereby approved shall be provided prior to the first occupation of the relevant part of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
17	Refuse Store (Details)
	<p>CONDITION: Prior to the demolition of the refuse store to the north of the site, details of a replacement refuse store shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse store shall be provided prior to the demolition of the existing store and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the estate and to ensure that responsible waste management practices are adhered to</p>
18	Sustainability (Compliance)
	<p>CONDITION: The residential units hereby approved shall achieve the credits detailed in the 'Code for Sustainable Homes Pre-Assessment Report' (Ref: G6/K150022) and the Community Centre hereby approved shall achieve a BREEAM New Construction rating (2014) of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

19	Ventilation and Cooling (Details)
	<p>CONDITION: Prior to the commencement of superstructure works details of the proposed ventilation and cooling to the ground floor flexible A1/A3/D1 unit and the community centre shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and operational prior to the occupation of the relevant unit and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
20	Water Usage (Compliance)
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
21	Green Roofs (Details)
	<p>CONDITION: Prior to any superstructure work commencing on the development a plan detailing the extent of biodiversity (green/brown) roofs across the development shall be submitted to and approved in writing by the Local Planning Authority. The green/brown roof shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80 -150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roofs should be maximised across the site and 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.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details as approved, shall be laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
22	Sustainable Urban Drainage System (Compliance)
	<p>CONDITION: No development shall take place unless and until a detailed Sustainable Urban Drainage System (SUDS) scheme inclusive of detailed implementation and a maintenance and management plan of the SUDS scheme has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:</p> <ul style="list-style-type: none"> I. a timetable for its implementation, and II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p>

	<p>The scheme shall thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
23	<p>Energy Efficiency – CO2 Reduction (Compliance/Details)</p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy (ref G6/K150022) which shall together provide for no less than a 28% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2030 as detailed within the Sustainable Design and Construction Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 28% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation 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>
24	<p>Rain water/Grey water harvesting (Details)</p> <p>CONDITION: Details of the rainwater and grey water recycling system or where this is not possible a feasibility assessment shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>Where approved the rain water / grey water recycling system shall be carried out strictly in accordance with the details so approved, installed and operational 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 sustainable use of water.</p>
25	<p>Noise Control (Compliance)</p> <p>CONDITION: The residential units hereby approved shall employ sound insulation and noise control measures to achieve the following internal noise targets:</p> <ul style="list-style-type: none"> - Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) - Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour - Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour <p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local</p>

	<p>Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
26	Sound Insulation (Details)
	<p>CONDITIONS: Full particulars and details of a scheme for sound insulation between the proposed ground floor community centre and energy centre and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
27	Anti-vibration Treatment (Details)
	<p>CONDITION: A scheme for anti-vibration treatment of the foundations and services shall be submitted to the Council for written approval prior to the commencement of the development, and implemented to the satisfaction of the Council to achieve the following internal noise targets:</p> <p>Internal vibration levels shall not exceed the category of "low probability of adverse comment" in Table 7 of Appendix A of BS 6472:2008."</p> <p>"Groundborne noise shall not exceed 40dB LAmax, Slow as measured in the centre of any residential room</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
28	Air Quality (Details)
	<p>CONDITION: Prior to the commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> - the area within the boundary of the site which may exceed relevant national air quality objectives; - specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives; - identify areas of potential exposure; and - detail how the development will reduce its impact on local air pollution. <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
29	Plant Noise (Compliance)
	<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</p>

	<p>measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
30	Nesting Boxes (Details)
	<p>CONDITIONS: 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 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>
31	No Plumbing or Pipes (Compliance/Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
32	Delivery and Servicing Plan (Details)
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements for the flexible A1/A3/D1 unit and the residential units including the location, times and frequency of delivery/service vehicles shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant units of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
33	Contract for Redevelopment (Details)
	<p>CONDITION: No demolition shall take place unless and until a contract for the associated re-development of the site has been secured and evidence of such contract(s) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent premature demolition in a Conservation Area, in order to protect the heritage asset including the character and appearance of the designated heritage asset (conservation area) and prevent a gap site from occurring.</p>

List of Informatives:

1	Planning Obligations Agreement
	You are advised that this permission has been granted subject to the completion of a director level agreement to secure agreed planning obligations.
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>
4	Car-Free Development
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.</p>
5	Water Infrastructure
	<p>There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.</p> <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. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	Working in a Positive and Proactive Way
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative</p>

	<p>manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
7	Materials
	<p>INFORMATIVE: In addition to compliance with condition 4, materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.13 Affordable housing thresholds

Policy 3.14 Existing housing

Policy 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

4 London's Economy

Policy 4.1 Developing London's Economy

Policy 4.7 Retail and Town Centre Development

Policy 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services

Policy 4.9 Small Shops

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

CS7 Bunhill and Clerkenwell
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

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

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.5 Landmarks

Housing

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

Shops, cultures and services

DM4.1 Maintaining and promoting small and independent shops
DM4.7 Dispersed shops
DM4.8 Shopfronts
DM4.12 Social and strategic infrastructure and cultural facilities

Health and open space

DM6.1 Healthy development
DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood Prevention

Energy and Environmental Standards

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

Transport

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

Infrastructure

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

Designations

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

- Bunhill and Clerkenwell Core Strategy Area
- Central Activities Zone
- Major Cycle Route (Margery Street, Lloyd Baker Street and Farringdon Road)
- Within 100m of Transport for London Road Network
- Mayors Protected Vista – Kenwood Viewing Gazebo to St

- Paul's Cathedral
- Within 50 metres of Roseberry Avenue Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

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

London Plan

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

APPENDIX 3: DRP Comments

9th December 2014



Mr David Ronan
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Our ref: **DRP/48**

Date: 12 January 2015

Dear David Ronan,

ISLINGTON DESIGN REVIEW PANEL

RE: Charles Simmons House, 3 Margery Street and Margery Street Estate Community Centre, London – application reference P2013/3110/MJR

Thank you for coming to Islington's Design Review Panel meeting on 9 December 2014 for review of a proposed development scheme at the above address. The proposed scheme under consideration was for demolition of existing 4 storey residential building facing onto Farringdon Road and the single storey building housing a community centre facing onto Lloyd Baker Street. Redevelopment of the site through the erection of part 4, 5 and 6 storey building comprising of 27 residential units, a community centre and a commercial (A1/A3) unit. Landscaping works and other minor associated works proposed. (Officer's description)

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Paul Reynolds, Stephen Archer, Charles Thomson, Stafford Critchlow on Tuesday 9 December 2014 including a site visit in the morning, followed by a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Municipal Offices 222 Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

As in the previous review in May 2014, the Panel supported the concept of provision of housing and community facilities on the site and considered the scheme to be a vast improvement to the previous one. They were of the opinion that fundamental concerns which had been previously raised in relation to the proposed design, in particular regarding the quality of the accommodation being delivered, the lack of contextuality, the varied language and materials, had been addressed or improved.

Height, scale, massing and form – Panel members thought the general composition and distribution of massing was positive. The Panel expressed their views that the articulation and

complexity of the form was commensurate with the building's position on the larger urban block. However, comments were made in relation to the resolution of the corner and panel members were of the opinion that that the subtle curve detracted from the overall concept and felt that a stronger resolution was required for the ends. However the composition of solid wall and windows on this end was in principle supported

Materiality and elevational treatment – Panel members welcomed the proposed use of brickwork but stressed the importance of conditions to ensure the quality of the brick was fully understood and would be delivered at implementation stage. They also strongly recommended that more detail/information was required on the interface detail at roof level between red, white brick and balustrade. It was suggested that an isometric view and/or model would assist in exploring and understanding this aspect of the scheme.

Ground floor – Some concerns were raised in relation to the flexibility of the community centre. Panel members felt that a rectangular plan would be more positive with a suggestion that the bike storage could be pushed to where the toilets were proposed which in turn would deliver a better commercial unit (squarer in plan). Panel members encouraged a rethink of the ground plan to provide a better resolution of both the community and commercial spaces appreciating that this could potentially mean the loss of a residential unit.

Courtyard – The Panel did not raise direct concerns but pointed out that a model of the courtyard would be useful as it is a very complex space with a series of complex relationships.

Landscaping – The Panel encouraged the design team to give further thought to the landscaping of the front area in particular the relationship with the commercial unit and the community centre to ensure the delivery of a meaningful amenity space. The current proposal did however use landscape as a buffer to protect the glazed community centre frontage which was a positive step.

Summary

The Panel once more supported the aspirations of the scheme to provide housing and community uses on site with the added commercial unit at ground floor. Panel members were happy to see significant and meaningful improvements to the scheme since it was first reviewed in May 2014. The Panel was generally supportive of the scheme but identified some areas for further development and design evolution.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that as the scheme under review is currently the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

**Charles Simmons House, Margery Street,
WC1X**



Independent Viability Review

Planning application Reference: P2015/3050/FUL
5th November 2015

1.0 INTRODUCTION

1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington to review a viability assessment of the proposed scheme at Charles Simmons House, WC1X.

1.2 The application site is approximately 0.09 ha and is located in the Clerkenwell Ward. The proposed scheme comprises:

"Demolition of an existing four-storey residential building and a two-storey community building and 5 garages. Construction of a part-four / part-five / part-six storey mixed use building comprising of a new community centre (D1) of 123sqm, a retail unit (A1/A3/D1) of 42 sqm, and 25 residential units comprising of 7 x 1B2P flats, 7 x 2B3P flats, 9 x 2B4P flats, 2 x 3B5P flats."

1.3 Of the 25 proposed residential units, 14 will be affordable and the remaining 11 units will be privately owned representing 56% affordable housing provision by unit (60% by hab room). Islington Borough Council's Core Strategy policy CS 12 sets a strategic target that "50% of additional housing to be built in the borough over the plan period should be affordable." This is a borough wide target across all sites and as such it is still relevant to test the level of provision to ensure that this is at the maximum level.

1.4 CS 12 also sets out the Council's tenure split requirement of 70% social housing and 30% intermediate housing. The applicant is providing 100% of the affordable units as Social Rent tenure which therefore exceeds the target for this unit type.

1.5 Our review of viability is based primarily on the following submissions:

- Valuation report prepared by JLL, dated July 2015
- Excel spreadsheet of the proposed scheme valuation prepared by the applicant
- Cost Plan prepared by Baily Garner, dated 4th June 2015
- Schedule of market values prepared by JLL, dated 24th July 2015
- Information regarding the applied viability benchmark, received 22nd October 2015

We have subsequently received the following additional documents from the applicant:

- Update note prepared by the applicant dated 4th November 2015
- Update Cost Plan prepared by Baily Garner dated 5th November 2015.

We have also had reference to relevant documents contained on the Council's planning portal.

- 1.6 Our review has sought to scrutinise the methodology together with the costs and value assumptions that have been applied in the applicant's development appraisal in order to evaluate whether the currently proposed level of affordable housing represents the maximum that can viably be delivered.

2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 Our findings confirm this scheme is in deficit and viability would only be further impacted through any increase in the level of affordable housing proposed.

Benchmark Value

- 2.2 The proposed benchmark land value for the purposes of viability testing is circa £3.83 million. This figure is based on a composite value of the 16 existing residential units currently on site together with five garages and community space.
- 2.3 We accept that the residential units appear to have been ascribed broadly realistic values although we have no information concerning the condition of the existing units.
- 2.4 The five garages have been valued at a level which is lower than our market evidence would suggest. We have allowed for a total value of [REDACTED] compared to the proposed [REDACTED] when undertaking our assessment.
- 2.5 We have received a further submission in respect of the valuation of the existing community space and we accept the assumptions adopted in its valuation appear reasonable.
- 2.6 Our estimate of the total existing use value is £3,782,844 which is not dissimilar to the value proposed by the applicant. It should be noted that it is generally regarded as reasonable for a landowner to share in any uplift in value generated by a planning consent. This usually takes the form of a premium over existing use value. Our analysis has not allowed for a premium which is usually applied in a range of 10%-30% of EUV and if applied would only serve to increase the apparent deficit further.

Private Unit Values

- 2.7 We have analysed the private unit values and have adjusted them in line with advertised and sales information for new and second hand units. In undertaking our own analysis we have also included anticipated ground rent revenue. We calculate that the total revenue from private residential units equates to approximately [REDACTED] million.

Social Rent Unit Values

- 2.8 We have undertaken our own assessment of the value of the social rent units which broadly accords with the value proposed. We are therefore satisfied that this figure is reasonable.

Commercial Space Value

- 2.9 The value ascribed within the financial appraisal is [REDACTED] which reflects JLL's estimated value. We have analysed the proposed valuation of the commercial unit

and are of the view that the rental value is reasonable, however the yield assumption has not been supported by comparable market evidence. We ascribe a value of circa [REDACTED] to this space based on our own research.

Community Space Value

- 2.10 JLL's report outlines potential income that can be generated from library halls/meeting rooms. We are of the view that community centres of this type often run at a loss or the income generated is only sufficient to cover costs. We have allowed for a value of [REDACTED] within our residual appraisal to reflect the valuation attached to the existing community space. We have not factored in a profit allowance on this element.

Development Costs

- 2.11 Our Cost Consultant initially concluded that the build costs had been overstated by approximately £1m. We have since received an updated cost plan which shows a cost saving and provides additional information regarding the fees attributed to the development over rail tunnels. We now accept that the proposed development costs are reasonable.
- 2.12 No finance cost allowance has been included within the financial appraisal. In running our own appraisal we have allowed for typical finance costs at current market rates.
- 2.13 No allowance has been made for a development 'profit' although in this case we are of the view that this figure relates to the internal costs incurred by the Council. We have included market standard profit allowances within our residual appraisal.

Summary

- 2.14 Following our adjustments of the financial viability appraisal based on market research and standard assumptions, we are of the view that the residual value of the scheme is circa [REDACTED]
- 2.15 When allowing for the EUV, we identify a scheme deficit of approximately -£3.14. Therefore, we conclude that the scheme cannot feasibly deliver additional affordable housing contributions.

3.0 BENCHMARK LAND VALUE

- 3.1 The proposed benchmark land value for the purposes of viability testing is £3,828,750 million as demonstrated within the table below.

Unit type	Total	Number of Units	£ per unit
Private flats	[REDACTED]	4	[REDACTED]
Social flats	[REDACTED]	12	[REDACTED]
Community Centre	[REDACTED]	1	[REDACTED]
Garages	[REDACTED]	5	[REDACTED]
Total	£3,828,750		

- 3.2 The submitted Design and Access statement confirms that 4 of the 16 existing residential units are private (1x studio, 2x one bed and 1x 2 bed flats). We have

not been given details regarding the condition or size of these units which creates difficulty in establishing a clear estimate of value. We are aware of the following second hand sales transactions which are likely to be relevant in valuing these units:

- A studio apartment at 102 Russel Court, WC1H 0LP sold in April 2015 for £310,000 (£1,314 sq.ft / £14,091 sq.m). The unit was sold in good condition and is set within a 1930's mansion block with the benefit of porter service. A slightly larger unit sold in April 2015 for £353,900 (£1,255 sq.ft / £13,508 sq.m).
- A studio apartment at 171 Sinclair House, WC1H 9QA sold in February 2015 for £390,000 (£1,342 sq.ft / £14,444 sq.m). The unit was sold in reasonable condition on the third floor of a residential block
- A one bed unit at 6 Amwell House, WC1X 9HG sold in June 2015 for £387,000 (£776 sq.ft / £8,413 sq.m). The unit was sold in satisfactory condition and is within a dated residential block
- A one bed unit at 11 Bruswick Mansions, WC1N 1PE sold in August 2015 for £485,000 (£1,095 sq.ft / £11,687 sq.m). This unit is in good condition and is situated on the third floor of a residential block
- A two bed unit at flat 6 Merlins Court, WC1X 0LG sold in December 2014 for £600,000 (£774 sq.ft / £8,333 sq.m). The unit was sold in good condition and has the benefit of a private balcony and a communal roof terrace
- A two bed unit at flat 26 Wells House, EC1R 4TR sold in August 2015 for £635,000 (£1,000 sq.ft / £10,763 sq.m). The unit was sold in good condition but is situated within a dated residential block.

3.3 Based on our market evidence, the four existing private units could be valued at a total of [REDACTED] however, without further information concerning their size and condition there is a degree of ambiguity in arriving at this conclusion. It is our preliminary finding that the proposed value of [REDACTED] for the private units is not unreasonable.

3.4 The social units have been valued at [REDACTED] each. The Design and Access statement notes that these units are made up of:

- 7 x studio/bedsits
- 3 x one bed flats
- 2 x two bed flats.

3.5 We note that the social units could potentially be valued on the assumption of private market values assuming they are currently vacant. It has not been ascertained whether the social and private units have been finished to a similar standard. We do not have information regarding existing social tenancies and any statutory compensation that may be payable in securing vacant possession which may or may not need to be included in the assessment of current value.

3.6 On the basis of our social valuation model, we have ascertained a total value for existing units at a value of [REDACTED]. This is slightly lower than the proposed value of [REDACTED].

3.7 We understand that five garages are situated below the community centre and are accessed from Margery Street. The applied value per garage is [REDACTED]. We have reviewed garages/parking spaces currently for sale or recently sold within close proximity of the subject site:

- The new Lexicon development provides a limited number of car parking spaces for £50,000 each
- We are aware that allocated spaces at the Bramah, Grovesnor Waterside development were costed within a range of £50,000 - £80,000 each
- Car parking spaces within the New Providence Wharf have been valued at £25,000. Parking is subterranean and valet service is available.

We have applied a figure of [REDACTED] to reflect the fact this is a second hand development. We therefore calculate a total value for the five garages of [REDACTED]

3.8 The existing community centre measures 1,141 sq.ft / 106 sq.m GIA and has been valued at [REDACTED]. We have been advised that this is based on a rental rate of [REDACTED] sq.ft and a yield of 9%.

3.9 We have acquired the following D1 market rental evidence:

- 333 High Street, Wood Green, London, N22 8JA was let for £12.90 sq.ft (£139 sq.m). In use as a nursery. Modern building in good condition. In less central location than the application site.
- 93 Camberwell Station Road, SE5 9JJ is a three storey building with adjacent car park located in Camberwell. The unit has planning permission for nursery, youth and community space. Total gross internal floor area equals approximately 8,356 sq.ft / 776 sq.m) and the annual rent is £100,000 (£12 sq.ft / £129 sq.m)

3.10 A rental rate of [REDACTED] sq.ft for D2 space is slightly lower than the market evidence would suggest. However, in light of the fact this is a second hand unit with no car park we accept the proposed rate. In addition, the proposed yield does not appear to be unreasonable.

3.11 Based on our assessment of the existing site we calculate a combined value of circa £3.8 million.

4.0 PRIVATE RESIDENTIAL UNIT VALUES

4.1 The total value of the private market housing is £7.18m, which is based on 11 market sale units. JLL proposed the following range of values:

- 4x one bed units with a range of £557,500 - £650,000
- 7x two bed units with a range of £692,500 - £800,000.

4.2 The units comply with London Plan minimum space requirements, the Planning Statement includes measurements as follows: 1B2P 50 sq.m and 2B3P 61 sq.m.

4.3 We accept that the specification of the proposed units may not reach the same standard as all-private schemes in the surrounding area.

One Bed

- 4.4 We have undertaken research into the local residential market in order to determine whether the values that have been applied in the appraisal are realistic. JLL draw on another development in Margery Street. One bed advertised prices for this scheme provided average values of £528,333 (£1,039 sq.ft / £11,184 sq.m). We are aware of a one bed unit in this scheme which sold within the last year for £520,760 (£1,076 sq.ft / £11,582 sq.m).
- 4.5 We note that 1 bed units in the Pakenham Street development are currently advertised for £495,000 (£1,398 sq.ft / £15,048 sq.m).
- 4.6 The Lincolns development in Camden recently completed and includes 16 private residential units. The site is located towards the southern end of Gray's Inn Road and Chancery Lane station is located 200m south of the site. We understand this scheme is car free. The units have been refurbished to a high standard. We have had access to asking price/reserved price information which averages at a rate of £1,703 sq.ft / £18,359 sq.m (see appendix 1).
- 4.7 The Pickstock Court development site is located on the western side of Gray's Inn Road, close to the junction with Guilford Street and is a converted warehouse building. Residents will have access to an underground car park and landscaped communal gardens. Advertised sales prices for one bed unit's average at a rate of £1,423 sq.ft / £15,415 sq.m.
- 4.8 We have had reference to sale prices of second hand units in very good condition and allowed for House Price Index (HPI) increases referenced from Land Registry information for Islington. This information averages at a rate of £1,124 sq.ft / £12,103 sq.m.

Two Bed

- 4.9 We note that 2 bed units in the Pakenham Street development are currently advertised within a range of £725,000 - £795,000 (£1,272 sq.ft / £13,692 sq.m - £1,233 sq.ft / £13,272 sq.m).
- 4.10 We have reviewed reserved prices for units within the Lincoln development which average at a sales rate of £1,659 sq.ft / £17,851 sq.m.
- 4.11 The average asking rate for two bed units within the Pickstock Court development is £1,365 sq.ft / £14,634 sq.m.
- 4.12 We have also reviewed second hand sales information for units within close proximity of the subject site. This information averages at a sales rate of £1,127 sq.ft / £12,133 sq.m.
- 4.13 We have included an assumption that the private flats will generate further revenue from capitalised ground rental income. The Lexicon development notes ground rental values to be £450, £500 and £550 per annum for one, two and three bed flats respectively. We have applied an average value £500 per private unit and capitalised this at a yield of 6%. Purchaser's costs at 5.80% have been deducted. This generates additional revenue of £86,367.

5.0 SOCIAL RENT UNIT VALUES

5.1 The proposals include the provision for 14 social rent units which breaks down to 3x one bed units, 9x two bed units and 2x three bed units. The proposed total revenue from social units equals £2.83 million.

5.2 The social rent units will be let at target rents, set by the Council, as follows:

- One bed flat: £193.52
- Two bed flat: £237.41
- Three bed flat: £283.99.

All target rents are set below the LHA caps.

5.3 We have valued the proposed units on the basis of a 30 year cashflow period and our basic fee assumptions. Our valuation takes into account the reductions of -1% real terms for the next 4 years and then rental growth at 1% thereafter.

5.4 We value the units at £2.3 million. We have adopted the Council's figure within our residual appraisal as this serves to maximise viability.

6.0 COMMERCIAL VALUES

6.1 The proposed scheme includes a 'flexible A1/A3/D1 unit' measuring 409 sq.ft / 38 sq.m. The commercial space is organised on a single level with its main entrance at the junction of Farringdon Road and Lloyd Baker Street. We note that the commercial unit is likely, due its relatively small area, to be restricted in the uses it can accommodate and the quality of tenant it can attract. We consider it could be suited to operate as newsagents or small convenience store.

6.2 The value ascribed within the financial appraisal is £120,000 which reflects JLL's estimated value. JLL note that the estimated annual rental income for this unit could be £12,500 per annum.

6.3 JLL have analysed commercial rental value evidence within a 3 mile radius of the subject site. We note that the site is not considered 'prime' for retail space, however, may be viable due to the numbers of surrounding residential units and the anticipated increase in numbers from planned developments. We note that the larger units within JLL's evidence reflect rental values around the £25 sq.ft level.

6.4 We have had reference to currently advertised retail rental values and note the following:

- 2B Kings Road WC1X is currently advertised for £10,000 pa and is located on the east side of Kings Cross Road (A201), just north of the junction with Lloyd Baker Street. The unit is located on a road with numerous other retail units. The unit measures 295 sq.ft / 27 sq.m (£33.90 sq.ft / £370.37 sq.m). We are of the view that this unit would command significantly higher rents when compared to the subject unit due to its location
- 324A St John Street EC1V is currently on the market for £26,000 pa and is located on St John Street between its junctions with Rawstorne Street and Friend Street. The unit comprises 442 sq.ft of ground floor space and 291 sq.ft of basement space which totals 776 sq.ft (72.09 sq.m). The advertised rental value converts to a rate of £33.50 sq.ft / £360.66 sq.m)

- 338 Caledonian Road is currently on the market for £16,000 pa and measures 432 sq.ft / 40 sq.m (£37.04 sq.ft / £400 sq.m). The property is prominently located on Caledonian Road between its junctions with Bridgeman Road and Richmond Avenue. The retail unit is situated on the ground floor and was previously used as a florist.
- 6.5 We further note that 9 Penton Street let in March 2013 for £17,500 pa and has an area of 717 sq.ft / 66.72 sq.m (£24.41 sq.ft / £262.29 sq.m). The lease length is 8 years with a break in 2018 (5 years). The premises comprise the ground floor and basement of a corner building which has been refurbished throughout.
- 6.6 On the basis of the provided evidence we conclude that the proposed rental rate is not unreasonable in light of the unit size and secondary location.
- 6.7 JLL have applied a capitalisation yield of 10%. There is no apparent end user type or prospective tenant for this space.
- 6.8 A newsagent was sold at auction on June 2014 for £500,000. The property is situated on Rosslyn Hill, Hampstead and comprises of an A1 ground floor shop with basement. The upper part comprises four flats. The unit is situated some distance from the subject site, however, gives indication of a reasonable yield. The rental income per annum at the time of the sale was £40,000. We calculate a net yield of 7.5%.
- 6.9 A convenience store on 212-220 Essex Road was sold on a long leasehold of 994 years unexpired. The unit comprises the ground and basement floors of a mid-terraced building which formerly traded as a supermarket. We calculate the net yield to equal 7.3%. This retail space is significantly larger than the proposed commercial unit at 331 sq.m / 3,562 sq.ft which may allow for a larger pool of potential investors.
- 6.10 The subject site is in a more central location and we would anticipate a slightly lower yield. We have applied a yield of 7%.

7.0 COMMUNITY VALUES

- 7.1 The proposed community centre measures 127 sq.m / 1,367 sq.ft. The community centre is organised on a single level with its main entrance being on Margery Street. A secondary entrance is provided to the courtyard space at the rear of the block. The new community centre includes a large hall and associated ancillary uses including a kitchen, storage, toilets, disabled access and the retained play area.
- 7.2 JLL notes regarding this space that *"most of the custom will come from locals wanting a large room for children's parties or small cell meetings."* The applicants Planning Statement is broadly in alignment with this view.
- 7.3 JLL have relied on the rates charged by Islington Council for their library halls and meeting rooms which are £85 - £100 an hour.
- 7.4 It may be suggested that community space may not generate an inherent value. On the assumption that non-residents could be permitted to hire the community space we expect the valuation to be at least £99,000 i.e. reflecting the existing community space valuation.

7.5 We also note that this space may potentially have a higher value in an alternative use if converted.

7.6 If the proposed application was submitted by a private developer, we would consider that the re-provision of community space could potentially be required through a s106 agreement. This would therefore represent a cost to the scheme and a profit on this element would not be factored into the financial appraisal. We have followed this approach for the purpose of our analysis.

8.0 BUILD COSTS

8.1 Our Cost Consultant, Neil Powling reviewed two documents prepared by Baily Garner dated 4th June and 6th October 2015. Neil concluded, based on BCIS benchmark data and standard market assumptions, that the proposed build costs were higher than anticipated by circa £1.0 million (see appendix 2 for full report).

8.2 We subsequently received additional justification for the proposed build costs. Firstly, as the development has undergone a full redesign we understand that the Council incurred substantial abortive consultant costs amounting to £150,000. Furthermore, the development spans two rail tunnels which will inevitably increase complexity as well as costs. We have been informed that the initial survey will cost £84,000. The applicant has also allowed for a £300,000 fee for Network Rail tunnel monitoring. These costs are not unreasonable and can be legitimately included within the development cost total. These additional costs total £534,000.

8.3 Furthermore, the updated cost plan prepared by Baily Garner concludes that the current cost forecast is £6,590,589 which represents a saving of approximately £260,000 on the original cost plan. The updated information also includes a relevant level of detail in the explanation and quantification of the additional costs associated with developing over rail tunnels.

8.4 The updated information accounts for £794,000 of the £1.0 million apparent difference in cost estimates. We consider that a margin of £200,000 is negligible in that our cost benchmarking makes no allowance for the additional design and construction costs inevitably associated with development over tunnels. We are therefore broadly satisfied that the proposed costs are adequately justified.

8.5 An additional contingency allowance of £690,000 has been included within the cost plan which is largely unexplained. We have removed this additional allowance from our residual appraisal for the purpose of our analysis, however, we accept that a higher contingency level may be justified in acknowledging specific site circumstances and the complexities involved with the tunnels.

8.6 The financial appraisal includes an allowance for 'developer profit' however, in this instance this allowance may be reflective of internal costs incurred by the Council. The proposed allowances differ from what we would accept to be standard profit allowances for private developments. To demonstrate this, we express the proposed allowances as an approximate of revenue for each component as follows:

	Applied Assumption	Market Norm
- Private residential	5%	20%
- Social residential	11%	6%
- Commercial	108%	15%

We can see that the residential allowances are lower than the market norm for private scheme profit allowances, however, the value of the commercial space is effectively eliminated after the respective "profit" allowance has been included.

- 8.7 We have adjusted the allowances along with standard market assumptions which we consider to be 20% profit on private residential, 15% on commercial revenue and 6% for social rent units.
- 8.8 We have allowed for sales agent and legal fees of 1.5% on residential market sales revenue and marketing fees of 2.5%.
- 8.9 No allowance for the costs of development and land finance has been made in the appraisal. We have calculated finance costs on all construction costs using Argus software based on a 7% finance rate.