



PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	10 December 2015	NON-EXEMPT

Application number	P2015/4230/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	N/A
Conservation area	N/A
Development Plan Context	Central Activities Zone, Core Strategy Core Area - Bunhill & Clerkenwell, Major Cycle Route
Licensing Implications	Licensing application previously approved for alcohol, dancing, live entertainment and music
Site Address	61 Lever Street, EC1
Proposal	Change of Use of ground floor and part basement level from conference centre (Sui Generis) to office (B1a) use, with associated flexible A1/A3 use at ground floor, alterations to facades and entrances, and the addition of roof lights.

Case Officer	Colin Leadbeater
Applicant	Lever Street Limited
Agent	DP9 Ltd

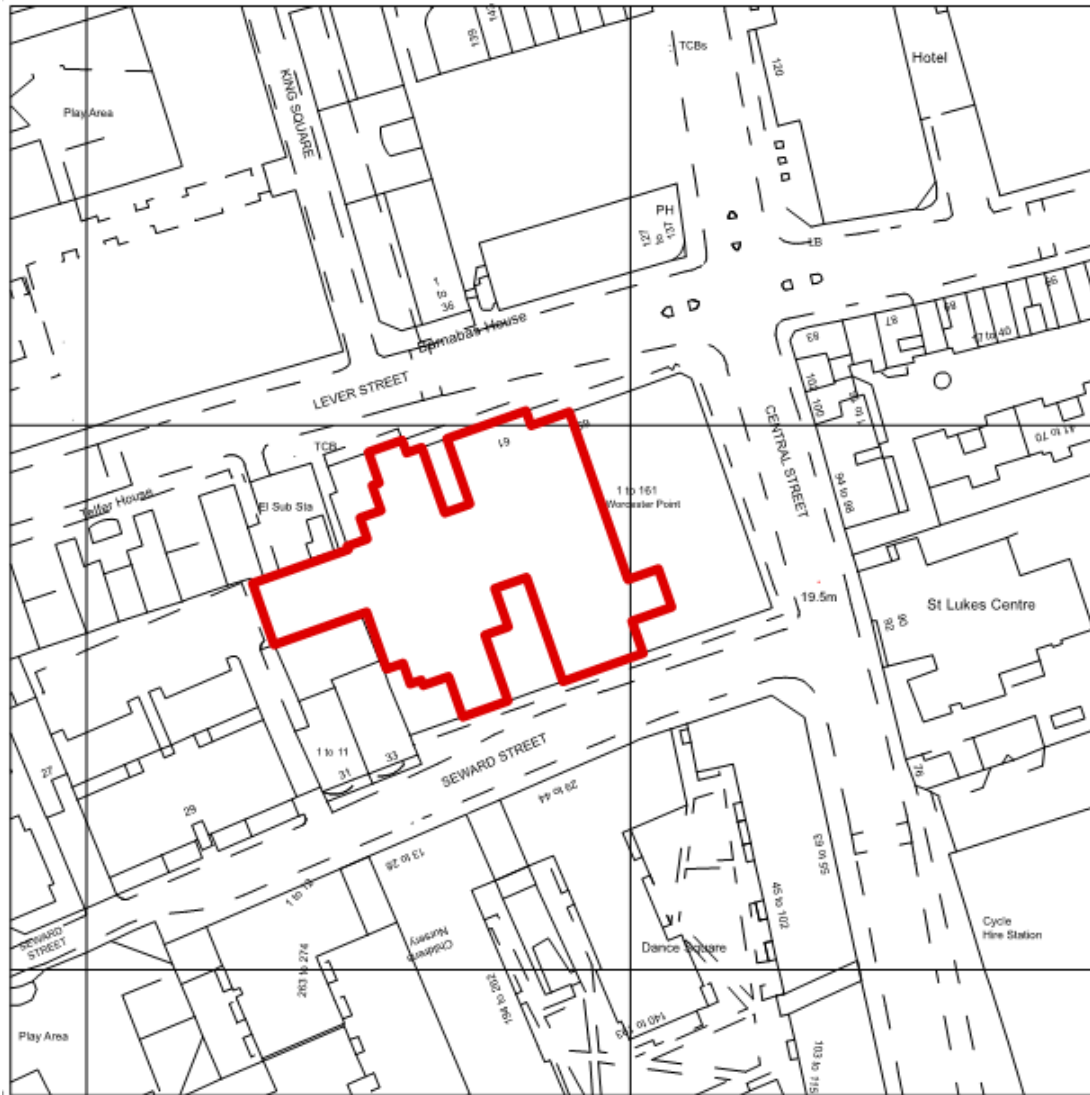
1. RECOMMENDATION

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

- subject to the conditions set out in Appendix 1 and

- conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Lever Street



61 Lever Street Entrance



Seward Street

SUMMARY

- 3.1 The application proposes a change of use of 61 Lever Street from a Sui Generis use as a conference and entertainment centre to provide 2140m² of B1(a) office floorspace and 328m² of A1/A3 café/restaurant floorspace, along with external alterations to the facades including the provision of two new entrances/shopfronts, and the addition of 6 rooflights to an existing flat roof.

Land Use and Residential Amenity

- 3.2 The proposed change of use from Sui-Generis as a conference centre and Masonic meeting place to B1(a) office and associated A1/A3 café/restaurant is considered to be broadly acceptable due to the original planning permission being granted in 2007 with the ground floor being devoted to office floorspace. It also accords with policy advice contained within CS13 by encouraging new business floorspace. The A1/A3 floorspace is considered to be complementary to this business floorspace, and subject to conditions requiring details of soundproofing, hours of operation, plant and flue/extraction systems being acceptable would create no significant impact on the amenity of neighbouring residential properties over the previously consented scheme as a conferencing centre which would have catered for large parties including weddings.

Design

- 3.3 The proposals include the addition of two new entrances (or shopfronts) to the Lever Street and Seward Street elevations. The proposed design of these entrances is considered to be of a high quality, would encourage an active frontage and would be an improvement over what is currently experienced on the application site.

4. SITE AND SURROUNDING

- 4.1 The application site forms the ground and part basement of an existing building which comprises of a part 6 part 7-storey building containing 162 residential units (76 x1, 64 x2 and 22 x3 bedroom flats), along with B1 office floorspace at ground floor level . The site has 3 street frontages namely Central Street to the east, Lever Street to the north and Seward Street to the south.
- 4.2 The application site is not located within a designated conservation area, but is adjacent to St Luke's Conservation Area. There are no listed buildings, nor any locally listed buildings on site.
- 4.3 The surrounding area is characterised by a mixture of residential, commercial, business and leisure uses. There is no prevailing age or architectural style to the buildings within the vicinity of the site. A site inspection confirmed that there are numerous examples of buildings from the Victorian, interwar, post-war periods along with modern and contemporary structures. Heights of

buildings also vary greatly from residential tower blocks to 2-storey warehouse buildings.

- 4.4 To the west of the application site and fronting Lever Street is a 2-storey residential building known as Telfer House which is separated from the existing buildings by a small car-parking area. The single-storey rear projection of the site wraps behind this parking area. There are no windows to the flank walls of Telfer House which front the application site, however a planning permission was granted in 2014 to redevelop this site to provide a part 5, part 6 storey residential building for 38 units. Also to the west, but fronting Seward Street are nos. 31 and 33 Seward Street which comprise two 6-storey residential buildings.
- 4.5 To the south of the site is a recently developed site which contains a number of buildings varying in height from four to ten storeys. This development includes 274 flats with retail, and office uses at ground floor level. To the north of the site and fronting Lever Street is a part 5, part 4 storey residential building with ground floor commercial use known as Barnabas House. To the east of the site and fronting Central Street is a 5-storey residential building with ground floor commercial use known as Chadworth House.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks a Change of Use of ground floor and part basement level from 2468m² of conference centre and Masonic meeting venue (Sui Generis) to 2140m² of office (B1a) use, associated 328m² of flexible A1/A3 use at ground floor, along with alterations to facades and entrances including the provision of two new shop fronts/entrances, and the addition of 6 new roof lights to an existing flat roof at first floor level within an existing large central lightwell.

6. RELEVANT HISTORY:

- 6.1 **P061400** allowed on appeal on the 26th March 2007 granted the demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level.
- 6.2 **P072016** dated 29th February 2008 granted the demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level.
- 6.3 **P102725** dated the 15th July 2011 allowed a minor material amendment application to vary condition 31 (approved plans) together with associated variation of condition 3, 4, 7, 8, 11, 15, 17, 20 and 24 of planning permission P072106 dated 29/02/2008 for the: 'Demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161

residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level'.

- 6.4 **P112417** allowed on appeal 20th September 2012 allowed the erection of a part 6, part 7 storey building over basement to provide for 161 residential units; 2492sqm for use principally as a conference centre and Masonic meeting venue and ancillary to the main D1 use to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; 595sqm of floorspace for flexible B1/A1/A2/A3/D1/D2 use; with associated bicycle, motorcycle and car parking spaces at basement level. This permission has now been implemented, however the D1/D2 use did not commence.
- 6.5 **P120208** dated 27th March 2012 allowed a Section 73 application of the Town and country planning act to vary the wording of condition 14 (renewable energy) and 30 (approved plans) of planning permission reference P102725 dated 15 July 2011 for the Minor material amendment application to vary condition 31 (approved plans) together with associated variation of condition 3, 4, 7, 8, 11, 15, 17, 20 and 24 of planning permission P072106 dated 29/02/2008 for the: 'Demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level'.
- 6.6 **P121020** refused on the 9th August 2012 for a change of Use of the ground floor and part basement level from its current permitted use for operations within the B1 (office) use class and 81 square metres of A1 (retail) floor space to use of 2492 square metres of the floor space for a Sui Generis use as a conference centre and Masonic meeting venue to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; and 595sqm of floor space for flexible B1 (office)/A1 (retail)/ A2 (financial and professional services)/ A3 (cafe and restaurant) /D1 (non residential institutions)/ D2 (assembly and leisure) use. The reason for refusal was the unacceptable loss of the B1(a) office space.
- 6.7 **P122148** dated 17th January 2013 for a Change of Use of ground floor and part basement level from operations within the B1 (office) use class and 81 square metres of A1 (retail) floor space to 2492 square metres sui generis conference centre and Masonic meeting venue floorspace to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; and 595sqm of floor space for flexible B1 (office) /A1 (retail)/ A2 (financial and professional services)/ A3 (cafe and restaurant) /D1 (non residential institutions)/ D2 (assembly and leisure) use. This was approved, because the employment potential of a conference centre was viewed as commensurate to employment levels within the consented B1 scheme.

- 6.8 **P2013/2553/FUL** dated the 9th October 2013 allowed alterations to ground floor facade to install ventilation louvres and relocate glazing.
- 6.9 **P2013/2558/FUL** dated the 25th September 2013 allowed the erection of a canopy with downlighting above main entrance to Clerkenwell Conference Centre and associated works, and installation of 1 x internally illuminated sign.
- 6.10 **P2013/2793/S73** dated 31st October 2013 allowed a variation of condition 2 (approved plans) to allow for changes to the facades and condition 6 (BREEAM) to allow for a change from 'excellent' to 'very good' of planning permission reference P122148 dated 22 January 2013. The application also secured an amendment to the unilateral undertaking to allow for a financial contribution towards the provision of affordable workspace as an alternative to on-site provision.
- 6.11 **Adjoining Sites**
- 6.12 **P2013/2437/FUL** dated 14th April 2014 allowed the demolition of an existing two storey residential building and construction of a part 5, part 6 storey residential building for 38 units comprising of 7 x 1 bed flats, 25 x 2 bed flats and 6 x 3 bed flats, with landscaping and other associated works.

ENFORCEMENT:

- 6.13 None

PRE-APPLICATION ADVICE:

- 6.14 Q2015/1687/MJR: The principle of B1 (office) floorspace is considered to be acceptable, and would be in line with the scheme as it was originally consented.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 380 adjoining and nearby properties at Lever Street, Seward Street, Dance Square and Central Street on 29/10/2015. A site notice and press advert were displayed on 29/10/2015. The public consultation of the application therefore expired on 26/11/2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report a total of 3 responses had been received from the public with regard to the application, all of which were objections. The issues raised can be summarised as follows (with paragraph numbers where those issues have been addressed in brackets):
- Potential noise and nuisance from A3 (café/restaurant) floorspace. (10.23 and 10.24)
 - Concentration of café/restaurant uses in the area (10.9)

- Noise of deliveries (10.32)
- Noise of patrons accessing and leaving the proposed A3 use (10.23 and 10.24)
- Cycle Parking provision in basement posing a security risk to residents, and additional cycle parking to the front of the building causing noise disturbance to neighbouring residential properties (10.31)
- Objection to possible tables and chairs on pavements (10.24)

External Consultees

7.3 None

Internal Consultees

7.4 **Access Officer** has raised no objection.

7.5 **Design and Conservation Officer** raised no objection.

7.6 **Public Protection Division (Noise Team)** raises no objection subject to a condition being added in order to mitigate any noise/nuisance from fixed plant and/or extraction systems.

7.7 **Planning Policy** note that Finsbury Local Plan policy BC1 seeks to secure a range of small and affordable workspaces, and note that any new A1/A3 floorspace would have to minimise any adverse amenity impacts, but are content the A3 use is suitable provided DM4.4 Part B is addressed, demonstrating that the proposed use would not individually, or cumulatively have a detrimental impact on the vitality of Town Centres, would have no adverse impact on amenity; and the proposal would support existing clusters of similar uses within or adjacent to the Central Activities Zone. Additionally, Planning Policy note there is a need to ensure that appropriate measures are put in place to ensure privacy and security for office occupiers.

8. RELEVANT POLICIES

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

National Guidance

8.1 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.

- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.3 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).

Development Plan

- 8.4 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

- 8.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Central Activities Zone
 - Core Strategy – Bunhill and Clerkenwell
 - Major Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 An EIA screening 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). No formal decision has been issued to this effect.

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use;
 - Design;
 - Accessibility;
 - Neighbour amenity;

- Planning Obligations.

Land-use

Employment floor space:

- 10.2 Core Strategy policy CS13 and Finsbury Local Plan policy BC8 safeguard existing employment floor space and encourage new employment floorspace (particularly business floorspace) to locate in the Central Activities Zone (CAZ) where access to public transport is greatest. New business floorspace is required to be flexible to meet future business needs and shall include the provision of a range of unit types and sizes, including those suitable for Small/Medium Enterprises (SMEs).
- 10.3 The proposed change of use from a Sui Generis conference centre and Masonic meeting venue to B1(a) office floorspace would provide 2,140 sqm of high quality employment floorspace within the CAZ, potentially accommodating up to 179 employees (1 employee per 12sqm, HCA Employment Densities Guide, 2010).
- 10.4 Part A of Policy CS7 identifies that 'Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Policy BC8 encourages the provision of micro and small workspaces. The site does not fall within an Employment Priority Area (in which proposals are required to provide a proportion of affordable workspace equivalent to 5% of the total proposed employment space) , nevertheless, the applicant has agreed to provide affordable workspace in the form of 5 desk spaces (from a total of 100 hot desking spaces) to be provided at a 50% discount for a period of 5 years, to be managed by the Council's Business Employment Support Team. This provision is supported by the Council's Planning Policy Team.
- 10.5 DM5.4 of the Islington Development Management Policies Document 2013 (Size and Affordability of Workspaces) states that where workspace is to be provided for small or micro enterprises but not within physically separate units the applicants will be required to demonstrate that the floorspace will meet the needs of such enterprises through design, management and/or lease terms.
- 10.6 It is considered the proposed design and management of the development which will offer individual desks, or clusters of desks to be occupied would align with the spirit of policy DM5.4.
- 10.7 It is proposed that a clause be added S106 agreement be added to seek details of management and lease terms of the affordable workspaces, along with the overall development.

Principle of A1 and A3 Uses

- 10.8 The proposed change of use includes 328m² of flexible A1/A3 (retail, café, restaurant) use to be located adjacent to the main entrance to the proposed office unit on Seward Street. The previously consented scheme under a Sui

Generis use as a conference facility and Masonic meeting venue included weddings, private parties, the provision of music, dance, entertainment as well as a bar and lounge area.

- 10.9 Policy DM4.3 establishes where café/restaurant uses are appropriate, stating that restaurants, drinking establishments and similar uses should not have a negative cumulative impact due to an unacceptable concentration of such uses in one area and should not cause unacceptable disturbance or detrimentally affect the amenity, character or function of an area. The Finsbury Local Plan confirms on Figure 16 (page 86) that the application site does not fall within an area suffering from a cumulative impact of alcohol licensed premises, and falls outside of any other area with a high concentration of alcohol licenced premises.
- 10.10 It is considered the proposed café/restaurant will mainly be used in association with the shared office/workspace provision as an informal meeting space, and for snacks, lunches and dinners for employees working in the building and will not be as intensive nor have the same potential to cause disturbance to neighbouring residential dwellings as the previously approved use.
- 10.11 Additionally the proposed A1/A3 unit would provide activity to the street frontage and would also be publicly accessible. It is considered that the proposal would not result in an unacceptable concentration of such uses in this area and the proposed uses would be in keeping with the character and function of the area. Policy DM 4.2 and 4.3 also seek to ensure restaurant uses do not cause unacceptable disturbance or detrimentally affect the amenity, character and function of the area. Conditions to address noise, odour and hours of operation are recommended to ensure these concerns are addressed (see paragraph 10.24 and conditions 8 and 9).
- 10.12 A condition (Condition 10) is proposed in order to restrict the free movement of users of the A1/A3 use to the B1 office use so as to protect the security of office users, in line with comments raised by the Council's Planning Policy Team.

Conclusion:

- 10.13 In accordance with policies CS7, CS13, DM4.2, DM4.3 and DM5.4 the proposal would result in employment floor space on the site, along with introducing uses complimentary to the primary business function of the area. The provision of 5 workspaces at 50% market rate would address the small/medium workspace requirements for affordable workspace.
- 10.14 Additionally, the proposed retail/restaurant uses are not considered to represent an over concentration of uses subject to sound insulation, flue and extraction details and hours of operation conditions to protect residential amenity.

Design

10.15 Proposals for any new development in this location are required to achieve high quality design in order to meet the of Policy BC 3 (Buildings of a High Quality Architectural Design) of the Finsbury Local Plan 2013 and Policy DM2.1 that requires all forms of development shall be of a high quality of the Islington Development Management Policies 2013.



Fig 1: Indicative mockup of typical shopfront

10.16 The proposed external alterations to the façades fronting Lever Street and Seward Street consist of bi-folding windows on Seward Street (the main entrance) crittal style windows and 3-D signage which would also double as cycle storage. These are considered to be of a good quality of design, and will allow for some active frontages to a building which currently has a poor interaction with the street. The proposed alterations will be of a design and material which will complement the host building, and make a positive contribution to the streetscene, and Condition 3 secures details and samples of these for agreement.



Fig 2: Existing and Proposed Seward Street Elevation



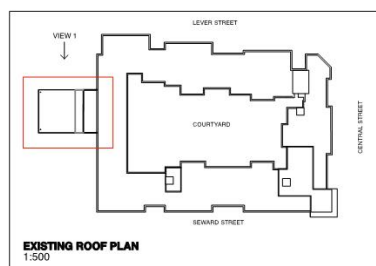
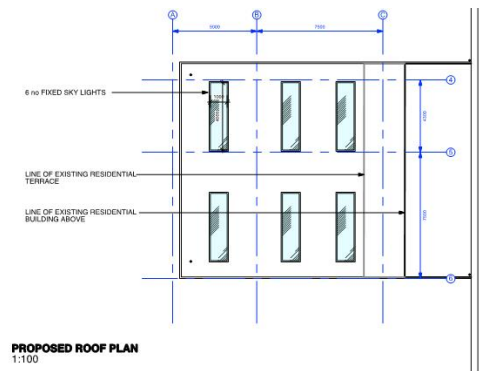
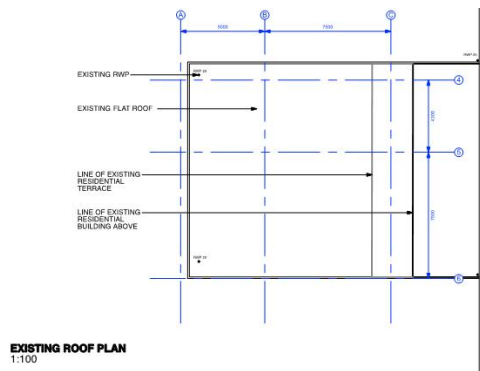
EXISTING ELEVATION



PROPOSED ELEVATION AND ENTRANCE WITH CRITICAL STYLE WINDOWS AND INTEGRATED BIKE STORAGE SIGNAGE (NOTE THAT SIGNAGE IS INDICATIVE AND SUBJECT TO CONDITION)

Fig 3: Existing and Proposed Lever Street Elevation

10.17 Six new roof lights are proposed to an existing flat roof over the west of the development to offer more natural light to reach the office floorspace below. They would have no significant impact on the amenity or privacy of neighbouring residential properties due to their location beneath and set away from existing residential windows therefore no overlooking or loss of privacy will result.



VIEW 1 - EXISTING



EXAMPLE OF SKYLIGHT

Fig 4: Location and design of proposed rooflights



Fig 5: Location of flat roof where rooflights are to be located

Accessibility

- 10.18 It is considered that while the access arrangements are generally acceptable, a condition should be attached to any decision requiring detailed plans relating to level and inclusive access, and requiring the provision of at least one disabled toilet at ground floor level (Condition 4).
- 10.19 The proposed floorplans as submitted do not include a disabled toilet or changing facilities at ground floor level, and do not show inclusive cycle or scooter storage. This is considered to be necessary to ensure inclusive access and use of the premises, and is supported by the access officer.

Landscaping and Trees

- 10.20 The proposed development would not create any new landscaped areas, and would not remove nor replace any existing trees.

Neighbouring Amenity

- 10.21 Council policy identifies that residential amenities should be appropriately safeguarded when assessing the implications of development proposals. In the case of this application there is no physical change in terms of the siting of the floorspace, and thus the evaluation purely relates to whether the proposed use and associated operations would unduly compromise neighbouring amenities.

10.22 Directly above the floors subject to the proposed change of use are recently constructed and occupied residential units. The surrounding area is characterised by a mixture of uses with residential as well as commercial uses. However with regard to overlooking and privacy, the proposed change of use raises no additional concerns due to the window arrangement at ground floor level remaining unaltered, and the proposed roof lights in the existing flat roof at first floor level within the internal courtyard being at such an obtuse angle that views into adjacent residential properties would not be possible.

Noise and Extraction

10.23 The previously approved use at ground floor included allowance for weddings, private parties, the provision of music, dance, entertainment as well as a bar and lounge area. The proposed use as B1(a) with an 328m² of flexible A1/A3 retail/restaurant floorspace are unlikely to cause the same degree of disruption to nearby residential properties as the previously approved scheme could have potentially generated. However a condition is proposed to ensure adequate sound insulation between the ground floor office/restaurant function and the residential units above. The hours of operation of the A1/A3 floorspace will be restricted (Condition 9) to protect residential amenity with regard to noise of patrons coming to and leaving the premises.

10.24 A condition is proposed (Condition 15) to seek noise details of any roof-top plant and/or mechanical extraction/ventilation, which will be required to operate within specific acoustic and filtration/odour parameters as set out by the Council's Environmental Health team in order to ensure neighbouring residential properties are not unduly affected by any plant and/or kitchen extraction. An objection raised concerns that there may be noise associated with outdoor tables and chairs in association with the proposed A3 café/restaurant use, however no such provision has been sought under this application for planning permission, and the location of the 3D signage/bicycle storage directly in front of this window would make such an arrangement unlikely.

Sustainability

10.25 The application proposes the change of use of parts of the ground and basement floor of the building recently constructed in accordance with planning permission LBI reference P120208 dated the 27th March 2012. The guiding principle is for the change of use not to diminish the sustainability levels and energy efficiencies achieved and secured under the original planning permission including a BREEAM rating of 'very good', an on-site carbon reduction, along with a connection to the Bunhill Decentralised Energy Network.

10.26 Typically the Council would require documentation and evidence at application stage to demonstrate that an acceptable BREEAM rating could be achieved for the proposed development.

- 10.27 Given the sites planning history and the fact that this application proposes a change of use as opposed to significant physical alterations it is considered appropriate that a condition could be attached in the absence of this information at application stage requiring that the proposed floorspace affected by the change of use achieve a BREEAM 'Very Good' rating (Condition 6).
- 10.28 With regard to other relevant considerations such as CO₂ reduction via renewable technologies and connection to a decentralised energy network these matters are not considered necessary to be conditioned as part of any approval for this application as these have already been secured within the permission for the wider development under application LBI reference P120208.

Highways and Transportation

- 10.29 The site has a Public Transport Accessibility Level (PTAL) rating of 'very good' (PTAL = 5) and the application site is located within Zones 'A' and 'C' Controlled Parking Zones (CPZ). Old Street Underground Station is located approximately 500m east of the site, and 2 bus stops, served by 5 services are located within 500 and 200m of the site. The London Borough of Islington is the Highway Authority for Lever Street, Seward Street and Central Street and none of these roads are categorised as a red route.
- 10.30 The application has been submitted with a Transport Statement. The transport statement concludes that the included trip generation assessment demonstrated that the quantity of daily trips for the proposed office and restaurant/café use are comparatively similar to the previously approved use as a conference centre/Masonic hall, and that the additional trip generation at peak AM and PM hours, due to the location of the development and its existing PTAL rating would be accommodated by the existing car parking and public transport provision on the site. Additional cycle spaces are proposed in the basement of the development with a total provision of 37 spaces internally (above the 30 spaces required under Appendix 6 of the Islington Development Management Policies), with an additional amount of cycle stands incorporated into the signage of the development at street level, including the provision of accessible cycle stands to each end of such a provision. Details of such cycle parking will be sought through the standard materials condition (Condition 3).

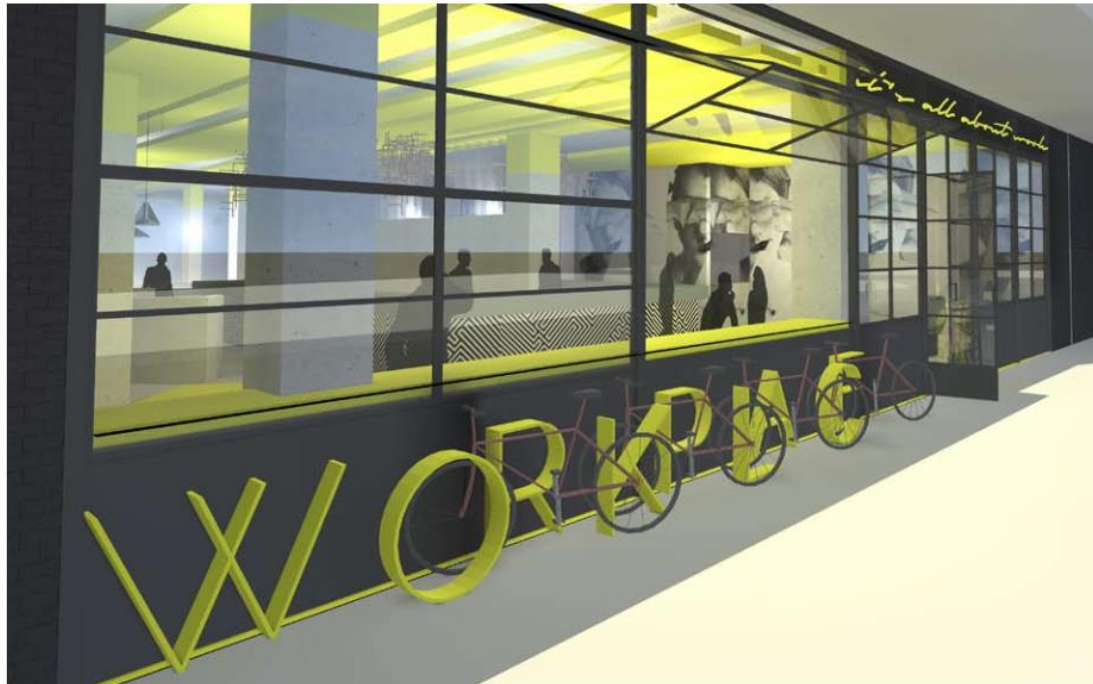


Fig 5: Indicative design of external bicycle parking.

- 10.31 Concerns have been raised by a nearby resident that the internal bicycle storage would pose a security risk to residents of the development due to additional persons having access to the basement, however it was always envisaged that the original B1 office floorspace as originally approved would have access to bicycle storage in the basement level. The principle of mixing commercial and residential bicycle storage does not put the security of the basement space at risk, it would be the responsibility of building management to ensure the security credentials of persons using this space.
- 10.32 Delivery and Servicing arrangements would be largely the same as have been previously permitted on the development, with the majority of servicing occurring between 10am – 4pm Monday – Friday via light vans. The deliveries attributed to the B1/A3 floorspace would replace deliveries to the consented conference centre, so it is not considered that there would be a significant detrimental change in the pattern or mode of delivery.
- 10.33 Refuse arrangements will not change from the previously approved scheme, and will take place on Lever Street and Seward in line with the proposed Delivery & Servicing Plan.
- 10.34 It is considered that the details provided are acceptable, and delivery and servicing arrangements are sustainable in this location.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.35 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate

the negative impacts of this development in terms of a lack of accessible parking spaces and local accessibility, cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the accessible transport and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

- 10.36 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 10.37 The accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. In the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 10.38 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments.
- 10.39 The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.

Security

- 10.40 The Council's Planning Policy Team raised concern with regard to the possibility of unauthorised persons being able to access the B1(a) floorspace through the publicly accessible A1/A3 floorspace without prior permission of the operators. A condition is proposed (Condition 10) in order to ensure a method of securing the two uses is installed and operational prior to first occupation of the development.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The current scheme replicates the ground and basement floors of the scheme as it was originally granted permission in 2010. The proposal involves the provision of 2,140sqm of B1 office floorspace, and 328sqm of A1/A3 floorspace, which is considered to be in accordance with all relevant national, regional and local policy. The provision of employment generating floorspace is welcomed in this location.
- 11.2 Should permission be granted, it would be subject to the recommended conditions to ensure that residential amenity is protected, the principles of

inclusive design are adhered to and the required sustainability criteria are met. A legal agreement is required to ensure the management of the affordable and SME workspace is properly carried out.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. Affordable workspace – Of the 100 hot-desking spaces to be provided at the site, a total of 5 (five) desk spaces will be made available at 50% discount on market rates for a period of 5 (five) years.
2. The provision of an additional number of accessible parking bays, or a contribution towards bays or other accessible transport initiatives of £4000.00.
3. Submission of a Green Performance Plan.
4. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
5. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within an agreed PPA timescale, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall begin no later than the of 3 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
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Design and Access Statement, Planning Statement dated October 2015, Indicative Basement Layout, P02, Indicative Ground Layout, P01, 003, 101, 007, 102, Sustainability Summary, 61 Lever Street Transport Statement Note (including Delivery and Servicing Plan).</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
3	Materials and samples
	<p>CONDITION: Detailed design, and details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none">a) Details of the glazed external screen/shopfront to match as closely as possible to the photograph shown on drawing 101 (which appears to be a painted steel product, and not a powder coated aluminium)b) Window and door treatment (including sections and reveals);c) roof lights including sections;d) render (including colour, texture and method of application) (if applicable);e) External cladding (including material, colour, texture and method of application);f) Signage details;g) Cycle stand provision within signage (including finishes and materials);h) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the</p>

	resulting appearance and construction of the development is of a high standard.
	Access
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. Plans and details confirming that these standards have been met and in accordance with the Islington Inclusive Design SPD shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) Refuge Areas on all floors; b) Cycle storage and changing/shower facilities including: <ul style="list-style-type: none"> i) Provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection) and accessible changing/shower facilities; ii) Stair link between ground floor cycle storage and upper floor to be inclusive and in accordance with design guidance; and iii) Routes to and arrangement of wheelchair accessible facilities, including accessible WC facilities. <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 order to facilitate and promote inclusive and sustainable workplaces.</p>
5	Cycle Storage
	<p>CONDITION: The internal bicycle storage area(s) hereby approved shall be covered, secure and provide for no less than 37 bicycle spaces as well as the provision of showering, changing and locker facilities.</p> <p>The approved bicycle storage details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
6	BREEAM (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM (2011) rating of no less than 'Very Good'.</p> <p>A Green Guide shall be provided to future retail tenants to inform them of the measures they will need to incorporate as part of the fit out process to further enhance the environmental performance of the units.</p> <p>A copy of the Green Guide shall be provided to the Council prior to occupation of any of the units.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

7	<p>Plant and Extraction</p> <p>CONDITION: Details of the design and installation of new items of fixed plant and/or mechanical extraction/ventilation shall be submitted and approved by the Local Planning Authority prior to first occupation of the unit to which they relate, and be such that when operating the cumulative noise level $L_{aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 10dB(A) below the background noise level $L_{AF90,Tbg}$.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>Any mechanical extraction/ventilation must be designed and located in such a way to ensure no negative impact on the amenity of nearby residential properties including vibration, gas, dust and odour.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
8	<p>Noise</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor uses and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the use 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: In the interest of preventing undue noise transfer between the office and residential units.</p>
9	<p>A1/A3 Opening Hours</p> <p>CONDITION: The ground floor unit (A1/A3) hereby approved shall not operate except between the hours of 07:00 and 22:00 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the unit do not unduly impact on residential amenity, and to ensure the operation of any café/restaurant units do not unduly and/or cumulatively impact on the amenity of neighbouring residential amenity, in accordance with Policy DM4.2 of the Islington Development Management Policies 2013.</p>
10	<p>Security</p> <p>CONDITION: Notwithstanding the floorplans hereby approved, a method of securing access between the A1/A3 café/restaurant floorpace from the B1(a) office floorpace in order to ensure no unauthorised access occurs between the publicly accessible and</p>

	<p>private areas of the development can occur must be installed and operational prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the operation of the A1/A3 retail/café/restaurant unit does not unduly impact on the security of persons occupying of the B1(a) office floorspace.</p>
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List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <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> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
3	<p>Roller Shutters</p> <p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

Since March 2014 Planning Practice Guidance for England has been published online.

2. 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, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

3 London's people

Policy 3.1 Ensuring equal life chances for all

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.12 Improving opportunities for all

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 5.9 Overheating and cooling

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 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

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 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

Employment

DM5.1 New business floorspace

DM5.4 Size and affordability of workspace

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.5 Primary and Secondary Frontages

DM4.7 Dispersed shops

DM4.8 Shopfronts

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

BC10 Implementation

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Central Activities Zone
- Core Strategy – Bunhill and Clerkenwell
- Major Cycle Route

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London