



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	9 th February 2016	NON-EXEMPT

Application number	P2015/4143/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	None on site.
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Core Strategy Key Area – Bunhill and Clerkenwell - Central Activities Zone (CAZ) - Employment Priority Area (general) - Within 50m of listed buildings – 113 Farringdon Road (Grade II); 3 Ray Street (Grade II); 11 Ray Street (Grade II) and 1 Herbal Hill (Grade II) - Site Allocation BC43 - Clerkenwell Green Conservation Area - Protected Vista – Kenwood viewing gazebo to St Paul’s Cathedral & Parliament Hill summit to St Paul’s Cathedral - Within 100m of TLRN Farringdon/Smithfield Intensification Area
Licensing Implications	In the event of the flexible ground floor use being taken up by an A3 use, a licence may need to be applied for.
Site Address	119 Farringdon Road, London, EC1R 3DA
Proposal	Demolition and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors and flexible commercial uses (Class A1,A3,D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm.

Case Officer	Stefan Sanctuary
Applicant	Viridis Properties
Agent	Gerald Eve

APPLICATION DEFERRED

1. The current application was previously heard at the Planning Committee held on the 19 January 2016. A decision on the application was deferred by Committee Members for the following reasons:
 - a) Further clarification regarding the affordable housing contribution (in relation the Central Activities Zone (CAZ) mixed use policies;
 - b) Further clarification regarding the correct application of the affordable workspace requirements of policy BC8 (Finsbury Local Plan 2013);
 - c) Servicing details and the relationship to 2-3 Crawford Passage.

Further responses:

2. Since the previous Planning Committee meeting on 19 January 2016, one further response has been received from the Mount Pleasant Association. The issues raised include:
 - Lack of housing component in the proposal and inadequate monetary compensation for this lack.
 - Proposed removal of most of the protected plane trees fronting the proposed building (and loss of trees in Crawford Passage).
 - Local residents in Crawford Passage will suffer nuisance and inconvenience from both the proposed relocation of the goods access point, and from proposed commercial usage of public space by retail customers.
 - Better architectural design should be required in light of the impending commercial importance of the Farringdon Road area following the completion of the Cross Rail development.

Reason a) Affordable Housing Contribution

3. The proposals, as presented at planning committee, do not provide any residential floorspace on site as the application site is within an Employment Priority Area (General), Central Activities Zone and Farringdon/Smithfield Intensification Area. Whilst there is uplift in office floorspace, the potential to achieve a significant increase in floor area is, in relative terms, fairly limited, due to the constraints of the site along with the desire and policy requirement

to provide a mix of uses/active frontages at ground floor level. Furthermore, as the Site falls within an Employment Priority Area(General) where there should be no net loss of office floorspace.

4. Policy BC8D states that:

“...major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.”

5. Whilst discussion at the previous Committee referred to the heights of buildings being extended and consideration being given to this in order to maximise opportunities for housing on this site, the height of the proposed building on the site is considered to have been maximised. The bulk and massing is also considered to have been maximised whilst still protecting nearby residential amenity, respecting the relationship to historic buildings and spaces around the site and offering an opportunity to enhance the public realm.

6. The supporting text to BC8 refers to supporting the area’s economic role within Central London by prioritising employment development in area’s located on the fringes of the City, reflecting their existing character as well as their exceptional accessibility (which will be further enhanced following the implementation of Crossrail).

7. The calculation for arriving at the appropriate off-site affordable housing contribution, in the event less than 20% of the uplift in business floorspace is provided on site as housing is set out within the Planning Obligations SPD as follows:

“Increase in office floorsapce (sqm) x 20% minus uplift in residential floorspace divided by average residential unit size (75sqm gross internal area) = number of additional housing units that could be achieved.

Contribution due = number of additional housing units that could be achieved (see above) x £60,000 (as this site is located south of Pentonville Road / City Road), in line with the Council’s Small Sites Affordable Housing Policy (see Chapter 6) x the Council’s affordable housing requirement (50%)”.

**(470sqm x 20%) - 0 / 75sqm = 6.27 residential units
(6.27 x 60,000) x 50% = £188,100**

8. If the necessary units were to be accommodated on site, a significant amount of the gross residential floorspace (required as part of the 20% minimum to be provided) would be taken up by lift lobbies, circulation, plant, waste and cycle storage requirements associated with the residential units. The scheme architects carried out an exercise and confirmed that no more than 2

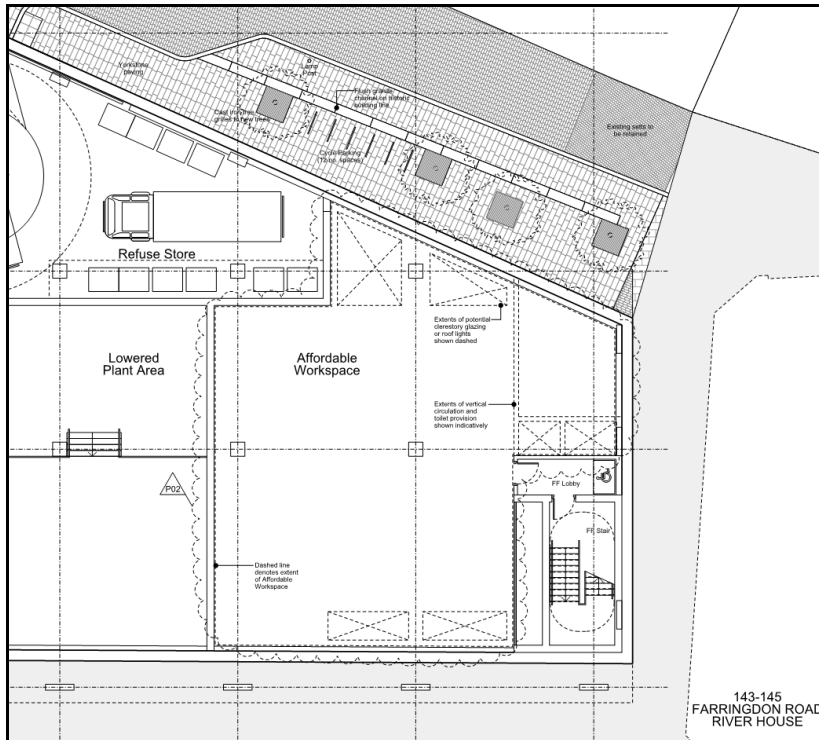
residential units could be provided in practice, once the above necessary supporting facilities' and the floorspace required to provide them was deducted from the floorspace necessary by policy to be provided on site. This 20% of office uplift should be seen in context of the need to maximise employment floorspace at this site, as required by other policies.

9. Whilst the Mount Pleasant Association has written stating that the lack of housing within the proposal forms one of their objections and that the affordable housing contribution in lieu of this is inadequate, it was in fact a compliant financial contribution offered by the applicant as illustrated above.
10. In light of the above, and as only 2 residential units could effectively be achieved on site utilising the 470sqm (20% uplift) floorspace (to meet the policy requirement), a payment in lieu was considered appropriate by officers. Whilst a greater amount of housing could be provided on site, this would be at the direct expense of employment floorspace uplift, which is the priority in this location.
11. In response to the reason for deferral, the applicant has reviewed again the previous policy compliant financial contribution of £188,100. As a consequence of the increase in affordable workspace (and reduction in retail floorspace – see below), the office uplift increases by 224sqm resulting in a total office uplift of 2,575sqm (including affordable workspace). It has therefore been calculated that, based on 20% of this increased uplift, the site could now potentially accommodate 6.87 residential units based on 515sqm GEA, with a policy requirement to provide a payment in lieu of on-site residential floorspace of £206,100.
12. This has been calculated as follows:
 - $2,575$ (increase in office and affordable workspace) \times 20% = 515sqm
 - $515\text{sqm} / 75\text{sqm}$ (average residential unit size) = 6.87 units that could be accommodated on site
 - $6.87 \times £60,000$ (value per unit) = $£412,200$
 - $£412,200 \times 50\%$ = $£206,100$
13. Notwithstanding this, in light of Members concerns about the level of financial contribution, the applicant has confirmed that they are willing to provide an additional contribution taking the total sum to £412,200.
14. For the above reasons, the lack of housing on-site is considered to be appropriate in this instance so as to maximise employment floorspace at this site particularly given the degree of floorspace that would be taken up by ancillary residential floorspace, without actually delivering units, additionally having a knock on by reducing active frontages at ground floor level. The proposal therefore is considered acceptable and to prioritise employment floorspace as is sought by the specific locational policies applying at this site.

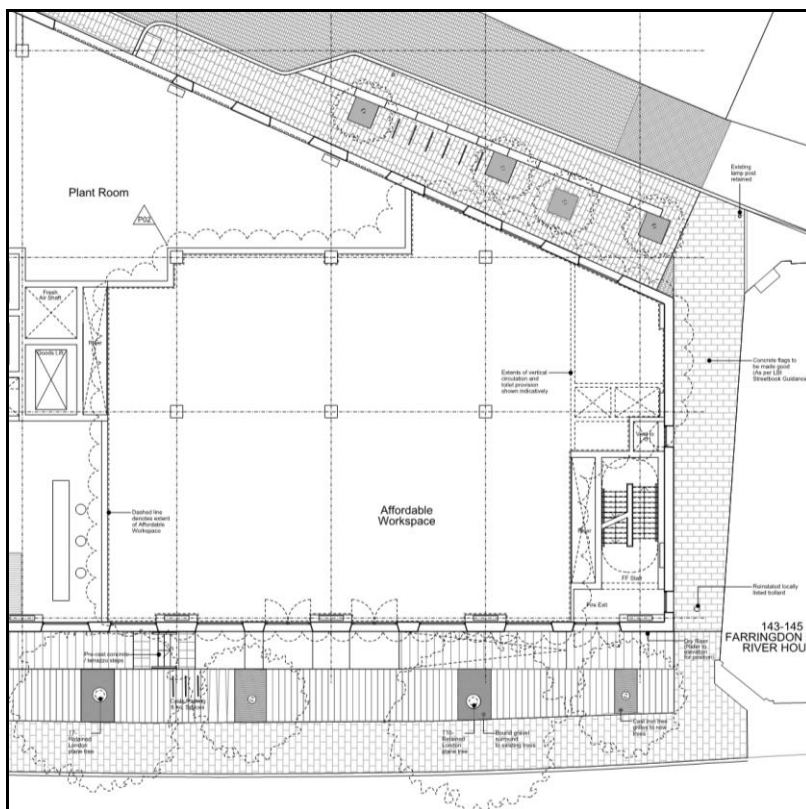
Reason b) Affordable Workspace Provision

15. The proposals when presented to 19 January Planning Committee provided for 461sqm Gross External Area (GEA) of SME space of which 50% of that floor area would be affordable workspace. This is equivalent to 12% of the uplift in employment floorspace.
16. Having reviewed the policy relating to this part of the Borough, policy BC8 'Achieving a balanced mix of uses' of the Finsbury Local Plan (2013), part B of the policy is applicable as the site is within an Employment Priority Area (General). The later part of the policy states:

"For proposals in excess of 10,000sqm gross employment floorspace, the proportion of micro, small and / or affordable workspace or retail space to be provided should be equivalent to at least 5% of the total amount of proposed employment floorspace..." [emphasis added]
17. It was not considered clear within this text, nor does the supporting text clarify if this is intended to be applied to the uplift or the total scheme being delivered. Officers, having reviewed this again now take the view that it could be applied to the total floorspace being delivered, rather than the uplift.
18. This proposal delivers a total quantum of 12,952sqm (GIA) of employment floorspace (employment floorspace including both the office and the retail floorspaces within this proposed development). As this proposal offers more than 10,000sqm of gross employment floorspace, then the above requirement is triggered, resulting in an affordable and/or a small/micro workspace provision requirement of 647.6sqm (GIA).
19. In light of Members' concerns, the applicant (Viridis) has confirmed that the entire 461sqm of SME workspace will now all be affordable, provided at a peppercorn rent for 10 years.
20. Furthermore, a further 224sqm of affordable workspace is now proposed, again at peppercorn rent for 10 years. This takes the total to 685sqm GEA which equates to 5% of the total proposed employment floorspace (as opposed to just the uplift). This has been achieved through a small reduction (224sqm) in retail area.
21. Whilst the updated plan now demonstrates that 685sqm of affordable workspace can be achieved, the detailed design requires finalisation which may result in some minor changes to the final plans and elevations. It is therefore recommended that a new planning condition be attached to any permission requiring final plans and elevations of the lower ground and ground floor levels (and elevations) to be submitted and approved prior to superstructure works. This will pick up any slight movement of louvres and doors to accommodate the shift from retail to workspace use and internal change to facilitate this.



Basement Plan (now proposed)

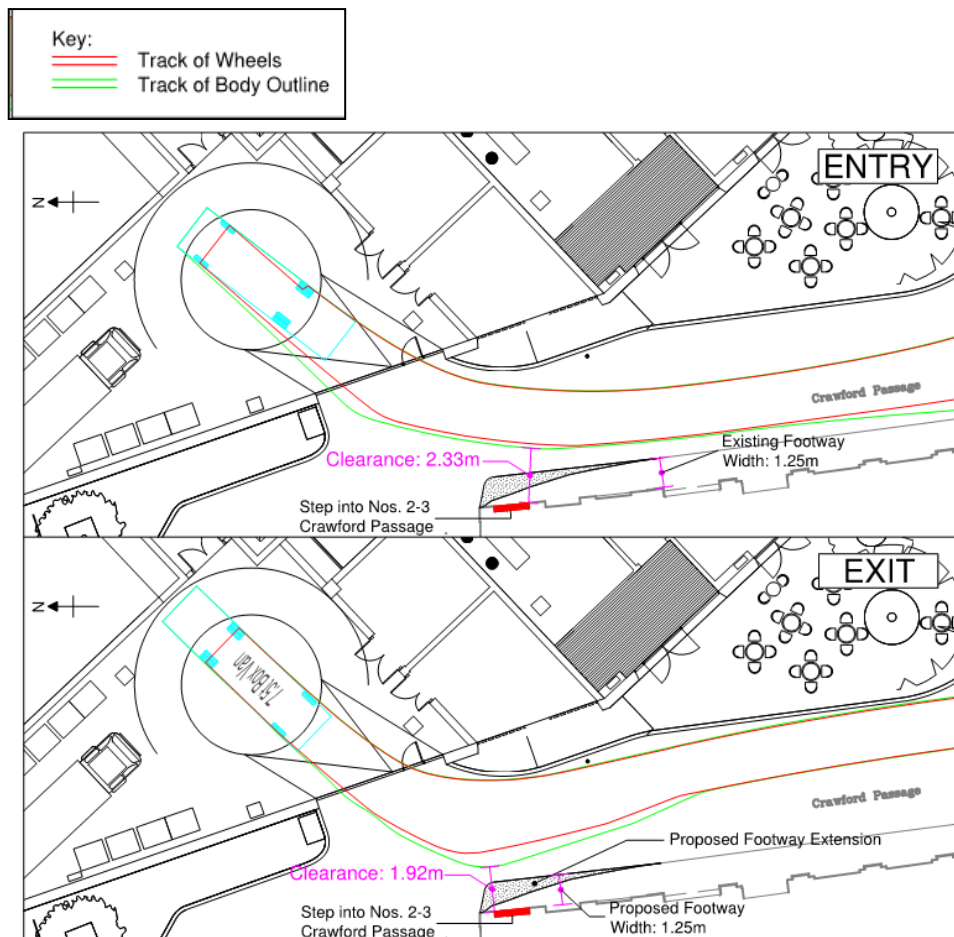


Ground floor plan (now proposed)

22. On this basis, the scheme will include a total of 685sqm of affordable workspace which equates to 37.4sqm of affordable workspace floor area above the policy requirement for 5% of the total employment floorspace. This is to be secured in an amended head of term for the legal agreement.

Reason c) Servicing Arrangements and Crawford Passage

23. The proposals currently offer a fully compliant position (Highways Act) in respect of servicing and deliveries, and the swept paths pass in excess of a minimum (1.2m) footway width from the residential building line opposite.
24. Notwithstanding this, following Members deferral of this item, the applicant has considered this matter further and has proposed to implement an extension of the footway to run in front of the entrance to Nos. 2-3 Crawford Passage to provide additional protection between the vehicles and the building line. This would not affect use of the three resident inset parking spaces. This would be secured by updated head of term as set out below.
25. The 'zoomed' in drawing for the entry and exit path of the 7.5t Box Van, the largest vehicle that will visit the site, clearly illustrates the clearances from the entrance to Nos. 2-3 Crawford Passage and also footway widths. These are in excess of minimum footway width requirements, and therefore comply with the Highway Act requirements and meet minimum safety requirements. The drawing referred to is inserted below:



26. The landscaping plan has been updated to reflect this change and the heads of terms are also amended to secure the extension of the footway at the cost of the developer.

27. It is important to note that the existing building at 119 Farringdon Road has not been fully occupied since 2008 and therefore the servicing yard has not been used to its full capacity since this time. Clearly if the existing building were to be fully occupied the open service yard (with no controls over servicing) would have a significant detrimental impact on residential amenity. It should also be noted that there would be no increase in HGV servicing as a result of the proposals (the largest vehicle undertaken for the assessment).
28. Notwithstanding this, alternative solutions for the location of the servicing were previously considered and the proposed location is considered to be the only suitable location for the servicing of the building for the following reasons:
- a. The existing servicing is located on Crawford Passage, the proposals do not change this;
 - b. Servicing could not take place on Farringdon Road as it is a strategic TLRN and would impede traffic flow. It would also compromise the landscaping and public realm works proposed;
 - c. The continuous drop in levels along Ray Street makes it impossible to provide off-street loading and would also interfere with the active frontages which are required by planning policy. Ray Street is also proposed to be part of the GLA's North-South Cycle Super-Highway (NSCS) and servicing in this location would create a risk of conflict between cyclists and servicing vehicles;
 - d. The key decision to internalise the servicing area within the building was made in order to reduce the impact on the amenity of local residents and to meet relevant highways policy requirements. The location was carefully considered with the access being sited opposite the inset residential parking area at a point where the existing residential building is furthest from the proposed service access;
 - e. The proposed location allows all servicing to be undertaken within the fully enclosed (with a shuttered door) service yard in line with formal management strategy controlling access and arrival and departure times. The turntable also allows vehicles to service by entering and exiting in forward gear. Both of these factors offer a significant improvement on the existing situation.

Trees

29. It is acknowledged that Policy DM6.5Bii) has a presumption against the removal of protected trees. However, the supporting text of the policy states that:

“in wholly exceptional circumstances, where protected trees are proposed to be removed or where their health would be detrimentally affected, suitable re-provision will require replacement and/or additional planting to re-provide at least equal canopy cover and/or equal environmental

amenity and visual value. Where on-site re-provision cannot be provided, a financial contribution of the full cost of appropriate re-provision will be required.”

30. For the following reasons it is considered that the proposals fulfil all of these requirements:
- The impact on the townscape and visual amenity will be in some respects minimised through the retention of 3 of the 10 existing London Plane trees;
 - This will be further enhanced through the planting of an additional 14 new trees, including mature and semi-mature trees of between 6-10m on site;
 - A further 11 new trees will be planted within the Clerkenwell ward, where detailed analysis has been carried out in order to locate positions where these new trees can be accommodated, in a ward that has traditionally been considered as extremely difficult to identify new public locations for tree planting. An increase of 25 new trees in total which will more than replace the existing canopy cover;
 - The 25 new trees will be planted using a Silva Cell System, an advanced tree pit system which will ensure their survival and future potential;
 - The new trees will provide increased species diversity whilst also delivering sustainable and successional planting;
 - The proposals will have substantial arboricultural, ecological and biodiversity benefits;
 - The historic building line will reinstated;
 - The pedestrian environment along Farringdon Road will be significantly improved.
 - A new area of public realm will be provided.
31. It must be acknowledged that Islington’s Tree Officer is supportive of the proposals.
32. Member’s need to be aware that the redevelopment of the existing building would not be feasible without the replacement of 7 of the existing Plane trees, proposed for removal. As such, the existing, unattractive, not fit for purpose, building would remain. None of the substantial public benefits of the

proposals, including the enhancement to the character and appearance of the Conservation Area, would be realised with the retention of these 7 trees.

33. 119 Farringdon Road is a physically constrained site. There is very little opportunity to extend the footprint of the existing building to the rear due to daylight and sunlight and amenity issues, as highlighted by residents at committee. There is also little opportunity to extend the building upwards as the site is within the strategic viewing corridor of the LVMF view of St Paul's Cathedral from Parliament Hill. There are additional local townscape issues with increasing the height further than proposed and whilst options for an additional storey were explored with Islington officers, it was considered unacceptable in townscape terms. For this reason, the only way in which to increase the floorspace of the building (in order for it to be feasibly redeveloped) is to extend the building line forwards on Farringdon Road, resulting in the removal of seven of the London Plane trees.
34. Notwithstanding the removal of the trees, officers including Design and Conservation Officers as well as the Design Review Panel consider that the proposed scheme proposed is the right approach, in architectural, environmental and townscape terms.

Conclusion and Updated Condition:

35. The proposed replacement commercial building has been designed to be particularly high quality reintroducing the historic building line to Farringdon Road and whilst the existing building is taller than its immediate neighbours and the proposed replacement building would stand one storey taller, its exceptional design does enable it to sit much better with its immediate neighbours and to contribute much more positively to the character and appearance of the conservation area.
36. Whilst the proposal to remove 7 of the 10 TPO trees from the frontage of the site is unfortunate the wider benefits of the proposal including the substantial replanting and species diversity is considered to achieve a net improvement in biodiversity terms.
37. The proposal would see the increase in employment floorspace at this site within an employment priority area and also within the Clerkenwell and Farringdon / Smithfield intensification area, with a total of 685sqm of floorspace to be secured as affordable workspace (peppercorn rent) for a minimum of 10 years. The proposal secures an off-site affordable housing contribution of £412,200 in lieu of on-site provision of housing, which is considered appropriate given that the provision of circulation cores, refuse storage and other ancillary residential space would take up a considerable amount of floorspace leaving little for actual housing provision at the expense of employment floorspace which would be at odds with the locational designation of the site within this part of the borough.

38. The following updated conditions are recommended in order to secure the amendments to the scheme following the deferral of the item from the 19th January Planning Committee:

- Condition 2 (Approved drawings) of the previous 19 January recommendation to be updated to replace the following plans:

12164_(00)_P101 Rev P02	replaces 12164_(00)_P101 Rev P01
12164_(00)_P102 Rev P02.	replaces 12164_(00)_P102 Rev P01.
Plan 001.001 Rev. B	replaces plan 001.001
TPHS/045/DR/25 Rev A	(additional)

- New Condition 31: Affordable Workspace:

CONDITION: Notwithstanding the details and plans hereby approved, prior to superstructure works commencing on the site, final ground floor and lower ground floor plans including elevations shall be submitted to and approved in writing by the Local Planning Authority.

The details shall confirm 685sqm of affordable workspace is provided and the drawings shall be provided at 1:100 scale (floorplans) and 1:50 scale (elevations).

REASON: The current updated drawings of the affordable workspace area have been confirmed as able to accommodate the 685sqm required by policy, however it is considered that the final detailed design would need to be worked up. The only likely changes to the elevations as a result of the changes to the affordable workspace will be changes from window to louvre or vice versa albeit not changing the extent of solid (brick) panels. The condition is recommended in order to ensure that the affordable workspace is designed to be of a high quality internal working environment without adversely impacting on the appearance of the building or the character or appearance of the wider area.

UPDATED RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1 of the 19th January 2016 Committee report (Appended) as amended by suggestions set out above;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the 19th January 2016 Committee report (Appended), with the following heads of terms amended (**new text provided in bold** below);
14. A contribution towards provision of off-site affordable housing of **£412,200** where it is accepted that housing cannot be provided on site.

15. The off-site provision of **a minimum of 11** new trees at three separate locations **across the Clerkenwell ward, all of which will be planted using a silva cell system.**
 16. The delivery of public realm improvements around the site, **to include the installation of granite setts on the carriageway (Crawford Passage/ Ray Street) and Yorkstone paving on the footway, the works to be carried out by the developer as part of a s278 agreement with the Council and finished to an adoptable standard, based on drawing 001 001 Rev B.**
 18. Provision of **685sqm** of affordable workspace which shall be occupied by companies and organisations as per a nomination and approval mechanism to be agreed with the council. **The whole of this floorspace shall be let at a peppercorn rent for a minimum period of 10 years.**
3. subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

Appendix 1 – 19th January Planning Committee Report