

# PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:</b>
<b>Date:</b> 10 <sup>th</sup> March 2016	

Application number	P2014/3572/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	n/a, but several in relatively close proximity
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area (part of site)
Development Plan Context	Bunhill and Clerkenwell key area Central Activities Zone Employment Priority Area (General) Within 100m of Transport for London Road Network Within 50m of New River Conservation Area Adjacent to Site Allocation BC48 – Angel Gate (to the east)
Licensing Implications	n/a
Site Address	7-8 Wakley Street and 328 City Road London EC1V 7QE
Proposal	Demolition of existing buildings and erection of buildings of 1 to 5 storeys (plus lower ground floor level) to provide 26 residential units and office accommodation with associated refuse and cycle storage.

Case Officer	Victor Grayson
Applicant	National Children's Bureau (NCB) and London Square
Agent	Quod

## 1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
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 (Recommendation A).

## 2 SITE PLAN (SITE OUTLINED IN RED)



3 PHOTOS OF SITE/STREET



Photograph 1: Aerial view of site and surroundings



Photograph 2: Wakley Street frontage



Photograph 3: City Road frontage

#### 4 SUMMARY

- 4.1 The application site is currently occupied by the co-applicant the National Children's Bureau (NCB), however parts of the existing buildings are disused. The site is within the Central Activities Zone and an Employment Priority Area (General). Part of the site (328 City Road) is within the Duncan Terrace / Colbrooke Row Conservation Area.
- 4.2 The applicant proposes the demolition of all buildings on site, and the erection of a two-storey building (ground and lower ground floor) with 5-storey frontages to Wakley Street and City Road. The proposed development would accommodate 2,038sqm GIA

business floorspace in 2 units, 1 of which would be occupied by the NCB. The upper storeys would accommodate 26 residential units, 4 of which would be for social rent.

- 4.3 The redevelopment of the site is welcomed in principle, and the application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 4.4 The proposal is considered largely acceptable in terms of land use, transportation and servicing, the quality of the residential accommodation, sustainability and energy, subject to conditions and an appropriate Section 106 agreement.
- 4.5 The proposed affordable housing offer is 16.4% based on habitable rooms or 15.4% based on units. The applicant has submitted evidence to demonstrate that the proposed development could not support a higher provision. This has been assessed by the council's independent viability consultant BPS, and is accepted. The applicant has agreed to an advanced stage review of the development's viability, meaning upon the sale of 75% of the private residential units the development's viability would be tested to ascertain whether further affordable housing (in the form of financial contributions) could be delivered.
- 4.6 The demolition of 328 City Road is regrettable, however given the limited value of this heritage asset, the public benefits of the proposed development, and the quality of the proposed replacement building, it is considered that the proposed demolition is acceptable.
- 4.7 The proposed development would cause adverse impacts to certain neighbouring residential properties in relation to natural light and outlook, however the weight to be given to these impacts is limited, and refusal of permission on these grounds is not recommended.
- 4.8 Appropriate Section 106 Heads of Terms have been agreed with the applicant.
- 4.9 The benefits of the proposed development (including the re-use of an underused site, the replacement of the existing floorspace with business floorspace of a better quality, housing delivery and the reduction of impermeable surfaces) are noted, and have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include neighbour amenity impacts, limited accessibility in parts of the development, and the loss of 328 City Road). On balance, it is recommended that permission be granted.

## **5 SITE AND SURROUNDINGS**

- 5.1 The application site is 0.16 hectares in size, has an irregular shape and has limited street frontages. An existing 3-storey office building fronts Wakley Street. Behind this is a 1- and 2-storey office building covering the majority of the site. The site includes 328 City Road, which presents 6 storeys (including lower ground floor) to the street. The existing floorspace totals 2,037sqm GIA (1,422sqm NIA), in office (B1a) use.
- 5.2 The northern part of the site (328 City Road) is within the Duncan Terrace / Colebrooke Row Conservation Area. The site does not include any listed buildings, however the buildings at 320-326 City Road immediately to the east of the site boundary are Grade II listed.

- 5.3 Most surrounding buildings, including all of the Angel Gate development to the south and east of the application site, are in office use. There are, however, residential properties along the north and west boundaries of the site at 9 Wakley Street (identified as 9-10 Wakley Street on some maps and in some application documents), 14 Wakley Street and Angel Point (330-336 City Road). Other residential buildings nearby include 319 City Road and Langdon Court to the north.
- 5.4 City Road is a busy TfL-controlled red route lined with buildings between 3 and 6 storeys in height. Wakley Street is a 1-way street (also a red route) leading from City Road to Goswell Road, with loading bays on its east side and buildings between 3 and 7 storeys in height. 328 City Road currently has a steep forecourt, sloping into the site from the back of the pavement.
- 5.5 The site is located within the Central Activities Zone (CAZ) and an Employment Priority Area (General). The Angel Gate development adjoining the application site is the subject of Site Allocation BC48, which is allocated for predominantly business floor space with some residential.
- 5.6 The application site has no trees or significant areas of soft landscaping, however a mature London Plan tree stands close to the site in the grounds of 326a City Road, and there are trees close to the site boundaries within the grounds of the Angel Gate development.

## **6 PROPOSAL (IN DETAIL)**

- 6.1 The applicant proposes the demolition of the site's existing buildings, and the erection of a building of 1 to 5 storeys (plus a lower ground floor level) with a 5-storey frontage to Wakley Street (block B) and a 5-storey frontage to City Road (block A). Blocks A and B would be connected at lower ground and ground floor level by the 2-storey part of the proposed building. Elevations within the site would be 2 to 6 storeys (including lower ground floor level) in height.
- 6.2 The development would comprise residential and business uses, with associated cycle parking and waste storage. A total of 26 residential units would be provided in the following unit size mix:
- 22 private units (5x 1-bedroom and 17x 2-bedroom units); and
  - 4 social rent units (4x 2-bedroom units).
- 6.3 The affordable housing element would be equivalent to 16.4% based on habitable rooms or 15.4% based on units.
- 6.4 Two wheelchair accessible units (private tenure) are proposed in block B at ground level.
- 6.5 A total of 2,038sqm GIA (1,706sqm NIA) of business floorspace is proposed across 2 units. The unit accessed from City Road (unit C.1) would be occupied by the National Children's Bureau and would comprise 1,071sqm GIA (874sqm NIA) at lower ground and ground floor level. The smaller unit (C.2) would be accessed from a separate entrance on Wakley Street and would measure 967sqm GIA (832sqm NIA) in size, provided mostly at lower ground floor level with a small amount of floorspace at ground floor level adjacent to the site's east boundary.

- 6.6 No on-site car parking is proposed. Space for the parking of a total of 109 cycles is proposed in 4 cycle stores at lower ground floor level (68 for residential, 41 for commercial).

### **Revision 1**

- 6.7 The amendments received on 09/09/2015 increased the quantum of business floorspace proposed, which reduced the number of residential units to 30 (from 33). In connection with this increase, an amendment was made to the massing at lower ground floor level at the south end of the site, so that the lower ground floor would extend southwards into what was previously identified as a communal garden / play area (for use by residents).
- 6.8 An updated schedule of accommodation and drawings were submitted with the amendments.

### **Revision 2**

- 6.9 The plans were further amended on 26 and 30/11/2015 to remove the top (fifth) floor from the proposed Wakley Street building (block B), which reduced the number of residential units to 26 (from 30). A further increase in the quantum of proposed B1 floorspace – from 1,092sqm (GIA) to 2,038sqm (GIA) – was also made.
- 6.10 A further updated schedule of accommodation and drawings were submitted with the amendments.

### **Revision 3**

- 6.11 The plans were amended on 14/12/2015 to relocate a proposed condenser unit to another part of the roof of the proposed Wakley Street building.

### **Supporting information**

- 6.12 Amended Viability Statements (dated 03/09/2015 and 15/12/2015) and a letter from the applicant (dated 26/01/2016, with a revised Development Appraisal appended) were submitted, as was a revised daylight/sunlight assessment (dated 26/11/2015), corrected APSH tables (received 14/01/2016), Overshadowing Assessments (dated 15/01/2016) and an Energy Statement (dated October 2015, but refers to the current 26-unit scheme, and received 30/11/2015), all updated to reflect the above amendments.

## **7 RELEVANT HISTORY**

### **Planning Applications**

- 7.1 Planning permission granted 02/11/1987 for alterations to and refurbishment of the front elevation at 7-8 Wakley Street. Ref: 871674.

### **Enforcement**

- 7.2 None relevant.

## **Pre-application Advice**

7.3 The council issued pre-application advice letters on 24/01/2014 and 11/07/2014, and advice was provided by officers in various emails at pre-application stage, and verbally at meetings. The main points included in the advice of 24/01/2014 were:

- Loss of office floorspace unacceptable. Disuse, inaccessibility and inefficiency of floorspace would not be accepted as justification for loss.
- Not appropriate to include retail, leisure or other non-business uses at this site.
- New accommodation should be suitable for micro and small enterprises, and affordable workspace.
- No objection to demolition of Wakley Street building.
- 328 City Road is a handsome early 20<sup>th</sup>-century building which makes a positive contribution to the conservation area. Its demolition would not be accepted. There is scope for extension, restoration and improvement.
- Parish boundary stone should not be removed, and should remain visible following redevelopment.
- 6-storey massing from Wakley Street to the Angel Gate boundary is acceptable, subject to daylight and sunlight analysis.
- 2-storey massing is acceptable, subject to neighbour amenity impacts.
- Roof plant should be accommodated within the building envelope.
- Off-site provision of affordable housing is contrary to policy.
- Proposed unit size mix unacceptable.
- Majority of residential units would be single-aspect which is contrary to policy, but which could be addressed through a deck access arrangement.
- Revolving door should be deleted from proposals. Two lifts should serve wheelchair-accessible residential units above ground floor level.
- Development would be car-free, in compliance with policy. Parking provision for staff and residents would be necessary.
- Green roofs will be required.
- Further information required regarding neighbour amenity, quality of residential accommodation, inclusive design, energy and sustainability, highways and transportation, and waste storage.

7.4 The main points included in the advice of 11/07/2014 were:

- Loss of office floorspace (now greater than previously proposed) unacceptable. The submitted market analysis information does not provide a convincing justification for the loss.
- Convincing case for demolition of 328 City Road has not been made.
- Proposed Wakley Street and City Road buildings need not have the same elevational treatment.
- Relocation of parish boundary stone could be acceptable, if it remains on the parish boundary.
- Proposed affordable housing provision (4 social rent units, equivalent to 12%) is low. Financial viability information has not yet demonstrated this is the maximum reasonably achievable.
- Proposed unit size mix remains unacceptable.
- Single-aspect units are still proposed. Other information is required regarding the size and quality of the residential units.



- Wheelchair accessible/adaptable units have not been proposed across all tenures, the 4 residential units to City Road would not have lift access, and a revolving door is shown on the lower ground floor plan – these aspects of the proposal are contrary to policy.
- Cycle parking is shown at lower ground floor level, but should be provided at ground floor.
- Further information required regarding quality of residential accommodation, energy, overheating, and waste storage.

## 8 CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 399 adjoining and nearby properties at Angel Gate, City Road, Elia Mews, Elia Street, Frederick's Row, Goswell Road, Hall Street, Nelson Place, Sidney Grove and Wakley Street on 05/09/2014. A site notice and press advertisement were displayed on 11/09/2014. Following the receipt of amended plans (Revision 2), all neighbouring properties were re-consulted on 11/12/2015 and a site notice and press advertisement were displayed on 17/12/2015. The public consultation period expired on 07/01/2016, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Objections to the proposed development from (or representing) a total of 11 unique addresses have been received from the public with regard to the application following the council's consultation. Of these, objections from (or representing) 10 addresses were received following the council's initial consultation, and 6 were received following the council's reconsultation. In addition, a query from 1 neighbour property was received, expressing neither objection nor support.
- 8.3 The issues raised following the council's initial consultation can be summarised as follows (paragraph numbers refer to where the matter is addressed in this report):
- The proposal is excessive and extreme. Overly-intensive development on a backland site. Proposal would overwhelm existing buildings fronting Wakley Street (**paragraph 10.29**);
  - Massing and height inappropriate to a backland site. 6-storey building between the existing buildings would make the space look tight, cramped and unfriendly. Contrived design (**paragraph 10.29**);
  - Proposal inappropriate to this principally office environment (**paragraphs 10.16 and 10.108**);
  - Potential damage to neighbouring property (**paragraphs 10.173 and 10.205**);
  - Noise, dust, dirt and disruption (**paragraphs 10.108 to 10.110**);
  - Loss of views from Angel Point and Edward House (**paragraphs 10.92 to 10.94 and 10.100**);
  - Loss of privacy at Angel Point, Edward House and flats at Wakley Street (**paragraphs 10.104 to 10.106**);
  - Oppressive and overbearing effect of development on, and loss of outlook from, flats at 9 Wakley Street (**paragraphs 10.94 to 10.99**);
  - Loss of natural light to Angel Point, Edward House, 11-13 Wakley Street and flats at 9 Wakley Street. Daylight/sunlight assessment does not consider non-residential premises or daylight/sunlight impacts on outdoor terraces at 9 Wakley Street (**paragraphs 10.73, 10.79 to 10.82, 10.85 to 10.86 and 10.89 to 10.91**);

- Only 12% affordable housing would be provided, below the council's 50% requirement (**paragraphs 10.147 to 10.153 and 10.158**);
- Damage to adjoining property values (**paragraph 10.204**);
- A number of proposed residential units would not receive adequate natural light in accordance with BRE guidance (**paragraphs 10.119 to 10.124**);
- Proposal would prejudice the future redevelopment of Angel Gate (site allocation BC48). Proposal relies on natural light from and outlook into Angel Gate, impacting the development potential of Angel Gate (**paragraphs 10.16 and 10.136**); and
- A comprehensive scheme incorporating the application site and Angel Gate would allow the optimisation of the 2 sites, would enable increased massing and flexibility of layout, would deliver a higher quantum of development with less detrimental impact on neighbours, and could incorporate more dual aspect units, high quality employment space, residential units and affordable housing. Approval of proposed development would undermine council's objectives for Angel Gate site (**paragraph 10.203**).

8.4 The issues raised following the council's reconsultation can be summarised as follows:

- Proposal does not incorporate the maximum amount of business floorspace reasonably possible on the site, does not prioritise employment development, and no market demand assessment has been submitted (**paragraph 10.8**);
- Proposed commercial component is unfettered commercial office floorspace and does not comply with planning policy. Proposal should include additional commercial uses, floorspace suitable for micro and small enterprises, and affordable workspace (**paragraphs 10.9 to 10.11**);
- Proposal would alter fabric of the area, represents cramming and overdevelopment, and allows little space for landscaping (**paragraphs 10.29 and 10.168**);
- Noise, vibration, debris, dirt and disruption during demolition. Noise when completed. Some local residents work nights (**paragraphs 10.108 to 10.110**);
- Condition relating to asbestos should be applied (**paragraph 10.191**);
- Loss of privacy, including at Angel Point (**paragraphs 10.104 to 10.106**);
- Loss of natural light to Angel Point, flats at 9 Wakley Street and 326a City Road. Applicant's latest report does not consider impact of overshadowing upon fourth floor of 9 Wakley Street, which is illuminated via glazing at roof terrace level. Loss of sunlight quality – in terms of heat and brightness – is not measured. Impact on sunlight at winter solstice is not considered. Impact of overshadowing caused by rooftop installations is not considered. Daylight/sunlight assessment does not consider non-residential premises. Sunlight report incorrectly allocates windows to flats in Angel Point and has amended existing winter APSH figures. Dark apartments can adversely affect mental health (**paragraphs 10.73, 10.79 to 10.82, 10.85 to 10.86 and 10.89 to 10.91**);
- Overbearing impact of north wall of development upon, and loss of outlook from, 9 Wakley Street (**paragraphs 10.94 to 10.99**);
- Affordable housing provision is low compared with other schemes (**paragraphs 10.147 to 10.153 and 10.158**);
- Damage to adjoining property values (**paragraph 10.204**);
- Proposal is inefficient, fails to optimised development potential of the site, and would prejudice optimisation of development potential of Angel Gate (site allocation BC48) and application site and Angel Gate together (**paragraphs 10.16 and 10.136**);

- A comprehensive scheme incorporating the application site and Angel Gate may provide more residential dwellings, better quality residential accommodation, more affordable units, more space for jobs, affordable workspace for small and starter businesses, and enhanced standards of daylight, sunlight, privacy and other amenities. Owners of Angel Gate may be able to temporarily accommodate the NCB during construction (paragraph **10.203**); and
- Should permission be granted, hours of operation, unloading and parking (for construction vehicles and staff) should be controlled (**paragraphs 10.16, 10.181, 10.183 and 10.186 to 10.187**).

### **Applicant's Consultation**

- 8.5 The applicant appointed a public affairs company (Four Communications) in April 2014 to carry out community and stakeholder consultation in relation to the emerging proposals. The consultation process included the sending of letters to over 1,000 local residents and businesses, and a 2-day public consultation exhibition (10 and 11/07/2014), where completed questionnaires were collected from attendees. Throughout the consultation process a telephone number, email and freepost address were provided. Meetings were held with the commercial agent of Angel Gate, the owner of Flat 5, 9 Wakley Street, and the freeholder of 9 Wakley Street.
- 8.6 The applicant's submission details that during the exhibition 11 people (2 residents, 4 businesses and 5 staff) attended. At the time of writing the Statement of Community Involvement, 7 completed questionnaires had been received by the applicant. However, full details of these responses have not been submitted. The applicant's Statement of Community Involvement summarises consultee responses as follows:
- Nearly all consultees welcome the redevelopment;
  - There is a clear consensus that the building is no longer fit for purpose;
  - Consultees were in support of a mix of private and affordable housing;
  - Car-free development is right for the site; and
  - There is concern that staff will lose the site's existing outdoor space and consultees requested access to the proposed private communal garden.

### **External Consultees**

- 8.7 Environment Agency (commented 15/12/2015) – Recommend the requirements of the NPPF and NPPG be followed. In previous comments (18/09/2014), the EA advised that planning permission could be granted subject to conditions (37 and 38).
- 8.8 Historic England (Archaeology – commented 13/01/2015 as English Heritage) – Recommend approval of the Historic Environment Assessment. There is sufficient information to establish that the development is not likely to cause harm to archaeological remains. The archaeological interest of the site should be conserved through a condition (11).
- 8.9 Historic England (Historic Buildings and Areas – commented 15/09/2015) – The application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.
- 8.10 London Fire and Emergency Planning Authority (commented 07/01/2016) – There should be fire brigade access to the perimeter of the building(s) and sufficient water mains in the vicinity. Sprinklers should be installed.

- 8.11 London Underground (commented 21/12/2015) – No objection in principle, however there are constraints applicable to this site which is close to underground tunnels and infrastructure. Condition (25) recommended relating to foundations and piling.
- 8.12 Thames Water (commented 14/12/2015) – Developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. Recommend condition (25) requiring details of impact piling method statement, and an informative.
- 8.13 Transport for London (TfL) (commented 22/09/2014) – Car free development is supported and residents should be made ineligible for local parking permits. Proposed cycle parking spaces are welcomed – all should be conveniently and safely located, and shower and changing facilities should be provided for the proposed offices. A Delivery and Servicing Plan would need to be submitted for approval prior to occupation (condition 31). A Construction Management Plan and Construction Logistics Plan must be submitted prior to commencement, and this should be conditioned (29). No construction vehicles should load or unload on the Transport for London Road Network at any time. A workplace travel plan should be secured through a Section 106 agreement. A Section 278 agreement with TfL is required to renew the footways along the City Road and Wakley Street frontages. Excavation of the basement requires structural approval of TfL to ensure TfL's highway asset is not compromised (condition 23).
- 8.14 Further comment 12/02/2016 – Highway reinstatement should cover the site's entire frontages on Wakley Street and City Road.

### **Internal Consultees**

- 8.15 Design and Conservation Officer (commented 26/02/2016) – No objections to design (including massing and elevational treatment) of the Wakley Street building (block B). The 5-storey elevation would sit comfortably next to its immediate neighbours, and would not harm the character or appearance of the nearby New River Conservation Area.
- 8.16 The demolition of 328 City Road is regrettable, and would cause some harm to the significance of the conservation area due to the existing building's contribution to the character and understanding of the historic development of the area. However, it is accepted that the existing building makes a limited positive contribution to the significance of the conservation area due to its age, alterations and the immediate context. For this reason, it could be argued that its loss would cause less than substantial harm to the conservation area, therefore NPPF paragraph 134 applies.
- 8.17 The quality of the design of the replacement building at 328 City Road (block A) has improved during the life of the application, with the amendments made to the front entrance, forecourt, fenestration and cornice detail. The duality of the fenestration to this elevation would be relieved by the fluting proposed to the window openings. The quality of the design of block A weighs positively in the balance of considerations necessary under NPPF paragraph 134. Nevertheless, other public benefits should be weighed against the demolition to justify it.
- 8.18 Due to its design and materials, proposed block A would sit comfortably within the Duncan Terrace / Colebrooke Row Conservation Area, and would not harm the significance of the listed buildings at 320-326 City Road.

- 8.19 The proposed relocation of the parish boundary stone to another position on the historic parish boundary is acceptable.
- 8.20 The proposed materials are considered acceptable, subject to details and samples being submitted at conditions stage.
- 8.21 Conditions relating to materials, rooftop plant, window reveals, the cornice detail of block A, the parish boundary stone, and the plinth and enclosure to the City Road forecourt are recommended (conditions 3, 5, 6, 7, 9 and 18).
- 8.22 Energy Conservation Officer (commented 06 and 12/01/2016) – Carbon dioxide offset requirement will be £72,620. Applicant's preferred strategy (of providing infrastructure to connect to a decentralised energy network, and a communal heating system supported by on-site combined heat and power) is supported. Bunhill network will come within 500m of the application site by the end of 2016, and officers will provide the applicant with information regarding connection viability. Details of future-proofing of the development for future connection are required. Although no comfort cooling is proposed, clarification regarding the proposed heating and cooling systems is required. Details of any dynamic thermal modelling should be provided (condition 28).
- 8.23 Housing Development and Regeneration Manager (commented 10/02/2016) – 2-bedroom social rent units are welcomed, as long as they are 2-bed/4-person units, and not 2-bed/3-person units.
- 8.24 Inclusive Design Officer (commented 16/10/2014) – The 4 social housing units would not be visitable by anyone unable to use stairs. The wheelchair accessible units are only served by 1 lift – more than 1 lift is required. No wheelchair accessible units are proposed in the affordable element or in a range of unit sizes. Ramps with gradients of 1:16 should be a maximum of 6m in length. Accessible cycle parking is welcome, and space for storage / charging facilities for mobility scooters should be shown on the drawings. Changing facilities should be accessible to all potential users (condition 14). Any fob access and security controls should meet the needs of any disable person that may use them. Any glazed doors and panels will need manifestations for safety. New offices will need to fully comply with the Building Regulations.
- 8.25 Licensing Manager (commented 11/09/2014) – No objection.
- 8.26 Public Protection (commented 21/10/2014 and 11/11/2015) – No objection subject to conditions (33, 34, 35, 36, 37 and 38).
- 8.27 Street Environment Manager (commented 15/10/2014) – No objection.
- 8.28 Sustainability Officer (commented 13/02/2015) – Commitment to reduce the notional baseline water efficiency performance level by 50% is supported. Greywater usage commitment supported. Commitment to target 66% of materials credits under BREEAM is supported. Approach to materials use is supported. Developer should sign up to the Considerate Constructors Scheme and should comply with Islington's Code of Construction Practice. A Green Performance Plan has been submitted with the application – this is generally acceptable as a draft, however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement.
- 8.29 Further comment 17/02/2016 – Applicant has addressed previous comments regarding BREEAM and the Code for Sustainable Homes. The applicant's BREEAM

commitments should be secured by condition (26) and the Code for Sustainable Homes assessments should be included in the approved documents. Previous comments regarding waste have been addressed. The extent of the green roofs need to be agreed at application stage, and should occupy the maximum area available. The proposed green roof area is not the maximum possible, and amended roof plans or justification should be provided. Applicant is required to address sustainable urban drainage policies (London Plan policy 5.13 and Development Management Policy 6.6) at application stage.

- 8.30 Tree Preservation Officer (commented 05/11/2014) – There are currently no trees on site and no meaningful landscaping. There is limited scope for impacts on existing off-site trees, and limited potential for landscaping. The proposed landscaping scheme is indicative and a landscaping scheme should be conditioned (18). Facilitation pruning to the off-site trees can be managed by condition (19).

### **Other Consultees**

- 8.31 Baroness Massey of Darwen (Member of the House of Lords and Chair of the All Party Parliamentary Group for Children) and Baroness Tyler of Enfield (Member of the House of Lords and President of the National Children's Bureau) have both registered representations of support for the proposal. The points made are in these representations are set out below:

- The National Children's Bureau (NCB) is an established presence in Islington, employing over 150 staff, many of whom live locally. It works extensively with many other charities and providers in the immediate vicinity contributing to policy development for children and young people.
- The current offices are no longer fit for purpose, with poor quality office and meeting spaces, becoming increasingly expensive to maintain. NCB is committed to staying in the area in accommodation which supports the work it does and enables the charity to further develop its reach and impact.
- NCB conclude that its current headquarters provide an opportunity to build new homes and retain the existing jobs in a new and fit for purpose office building.
- Alongside its development partner London Square, NCB will deliver:
  - New Headquarters – inclusive of 103 work spaces which is fully accessible to the many young people who use the facility;
  - Homes at social rent;
  - Wheelchair accessible flats;
  - High quality homes with private amenity space;
  - A communal garden; and
  - Car-free development.

### **Members' Pre-application Forum**

- 8.32 An earlier iteration of the proposals was presented to the Members' Pre-application Forum on 24/03/2014.

## **9 RELEVANT POLICIES**

- 9.1 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**

- 9.2 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.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 Under the Ministerial Statement of 18/12/2014, 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 local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).
- 9.5 On 01/10/2015 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 25/03/2015
  - Deregulation Act 2015 (amendments to the Building Act 1984) – to enable “optional requirements”; and
  - Deregulation Act given Royal Assent 26/03/2015

## **Development Plan**

- 9.6 The Development Plan comprises 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.
- 9.7 In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP), which have weight as a material consideration relevant to this application.

## **Designations**

- 9.8 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 key area
  - Central Activities Zone
  - Employment Priority Area (General)
  - Duncan Terrace / Colebrooke Row Conservation Area (part of site)
  - Within 100m of Transport for London Road Network
  - Within 50m of New River Conservation Area

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

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

## **Environmental Impact Assessment**

- 9.10 The applicant team did not submit a request for an Environmental Impact Assessment (EIA) scoping opinion, however the general characteristics of the site and the proposed development are not considered to fall within Schedule 1 or 2 development as set out in the Environmental Impact Assessment 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 (nor is it considered appropriate in this case to bring other, local designations into consideration as allowed for under paragraph 032 (ref: 4-032-20140306) of the NPPG). As such, the proposal is not considered to be EIA development, however no formal decision has been made to this effect.

## **10 ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Principle of development
- Land use
- Design and conservation
- Inclusive design
- Neighbour amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing and financial viability
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Contaminated land and air quality
- Planning obligations

### **Principle of Development**

- 10.2 The site's existing buildings are under-used, inefficient, and offer very poor accessibility to people with disabilities. Redevelopment of the site is considered acceptable in principle, as it provides an opportunity to reprovide business floorspace to a better standard than currently exists, to provide residential accommodation, and to use this relatively central and accessible site more efficiently. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.
- 10.3 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

### **Land Use**

#### *Employment floorspace*

- 10.4 All parts of the site are, or were most recently, used by the National Children's Bureau (NCB). Existing floorspace totals 2,037sqm GIA (1,422sqm NIA). The applicant's application form states that only B1(a) floorspace currently exists on site, and this accords with officers' observations during site visits. It is understood that other uses



carried out on site (relating to the NCB's direct work with children, and the NCB's library) are ancillary to the primary business use of the site.

- 10.5 No site allocation applies to the application site, however it is located within the Central Activities Zone (CAZ) and an Employment Priority Area (General).
- 10.6 Planning policies relevant to this site safeguard existing employment floorspace, and generally encourage office development. The supporting text of London Plan policy 4.2 identifies a need for significant increases in office floorspace in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business provision will be encouraged. Part Aii of policy BC8 in the Finsbury Local Plan 2013 states that within Employment Priority Areas (General and Offices), proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 10.7 It is again noted that the site's existing buildings offer poor quality, inaccessible business floorspace, and that parts of the existing buildings are disused.
- 10.8 The proposal would provide 2,038sqm GIA of business floorspace across the lower ground and ground floors of the proposed development, which represents an uplift of 1sqm GIA. While this uplift in GIA floorspace is minimal, the proposal would provide a higher quality, more accessible and more flexible employment space than the existing building currently offers, and due to a more efficient layout it would result in an uplift of 284sqm NIA floorspace. While the site is physically capable of accommodating a higher proportion of business floorspace (and London's improved office market suggests there would be demand for such space), in accordance with part D of policy BC8 of the Finsbury Local Plan 2011 and London Plan policy 4.3 (which encourage mixed use development within the CAZ), the proposal includes the provision of 26 residential units. Considering this together with the applicant's financial viability information which states that the scheme would achieve a deficit, the proposed quantum of office floorspace provision is considered to be the maximum reasonably possible at this site, and officers are of the view that the proposed development strikes the right balance between employment and residential floorspace provision. Given these conclusions, and given that no loss of business floorspace is now proposed, it is not considered necessary to require the applicant to submit a further business floorspace market demand assessment (which would normally be required in accordance with paragraph 11.1.3 of the Finsbury Local Plan), nor is it considered necessary to require an update to the applicant's Commercial Floorspace Assessment (dated September 2014), which was written in support of a previously-proposed loss of business floorspace at this site.
- 10.9 Part B of policy BC8 of the Finsbury Local Plan states that in the Employment Priority Area (General), the employment floorspace component of a development proposal should not be unfettered commercial office uses, but must – where appropriate – include retail or leisure uses at ground floor level, along with a proportion of non-B1(a) business or business-related floorspace, and/or office or retail floorspace that may be suitable for accommodation by micro and small enterprises, and/or affordable workspace. However, given the character of these parts of City Road and Wakley Street, and the constraints of the site (in particular, its limited street frontages), it is not considered appropriate to secure non-B1(a) uses at this site. Notwithstanding this conclusion, it is noted that Appendix 1 of the submitted Design and Access Statement includes floorplans illustrating how part of the proposed business floorspace could be

put to alternative uses such as a GP's surgery, a learning/training centre, and a gym, although it must be noted that for some of these uses further planning permissions would need to be secured.

- 10.10 The applicant's submission does not clarify how the proposed business floorspace would be suitable for occupation by micro and small enterprises by virtue of its size and design, and floor plans 6330 D4100 rev 04 and D4149 rev 04 do not show parts of the proposed business floorspace divided into units of 90sqm (GIA) or smaller. It is noted, however, that parts of unit C.2 could be subdivided to provide suitable accommodation for micro and small enterprises without the quality (including natural lighting) of the remaining business floorspace being compromised, although no separate street entrance or core could be provided due to the constraints of the site. To ensure the development would comply with part Bii of policy BC8 of the Finsbury Local Plan, condition 17 is recommended, requiring the submission of floorplans showing 5% of the business floorspace subdivided to provide accommodation for such enterprises.
- 10.11 No affordable workspace is proposed. Given the financial viability of the proposed development (considered later in this report), and the limited proposed uplift in commercial floorspace, it is not considered appropriate to require and formally secure affordable workspace in this instance. As confirmed by the applicant on 14/01/2015, as part of its arrangements with London Square the NCB would rent offices within the development at a discounted rate of £25/sqft for a period of 15 years, subject to reviews every 5 years. Although significantly discounted and intended to benefit a voluntary sector organisation, this is not considered to be affordable workspace of the sort required (and defined) by relevant planning policies and guidance, it would not be offered for a 10 year period at a peppercorn rate (as set out under Development Management Policy DM5.4) with the council taking the head lease, and the public benefit of the NCB taking this space has not been quantified. The proposed lease arrangement, therefore, does not weigh positively in the balance of planning considerations relevant to this application.
- 10.12 Part I of policy BC8 of the Finsbury Local Plan requires new business floorspace to be designed to allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation, and should provide full separation of business and residential floorspace. The proposed business floor space would be divided into 2 separately-accessed units but could be amalgamated in future if required, while each of the units have open floor plans and adequate floor-to-ceiling heights, allowing for a flexible fit out, shared use of space and subdivision. The residential and business uses would have separate entrances and adequate separation in accordance with policy.
- 10.13 Paragraph 6.7 of the submitted Planning Statement states that the NCB currently employs 108 full- and part-time staff on site (83 FTE), and that the proposed development would not result in the net loss of NCB jobs, but would provide capacity to expand to 125 (99 FTE). These assertions were made before the proposed quantum of business floorspace was increased – under the current proposal the overall employment potential of the business floorspace would be 142, based on the HCA's ratio of 1 employee per 12sqm NIA of offices.

#### *Residential use*

- 10.14 Policy CS12 of the Islington Core Strategy 2011 encourages the provision of new housing of good quality to meet identified and pressing housing needs, particularly

affordability and inclusivity needs. With regard to the provision of residential accommodation as part of the proposed development (as required by London Plan policy 4.3 and Finsbury Local Plan policy BC8 (part D)), proposals that would result in a net increase of office floorspace should provide at least 20% of the total net increase in office floorspace as housing.

- 10.15 With a total uplift in business floorspace of 1sqm (GIA) in the proposed development, the proposed 2,511sqm (GIA) of residential floorspace more than meets this requirement.
- 10.16 Notwithstanding this policy requirement, subject to the residential quality considerations set out later in this report, the introduction of residential use to this site is considered acceptable in principle. Residential use is normally compatible with adjacent B1(a) office floorspace, and the hours of use of office floorspace do not normally need to be restricted for neighbour amenity reasons. Representatives of the owners of the Angel Gate development have objected to the proposed development (most recently on 04/02/2016), on the grounds that it would restrict the development potential of Angel Gate, which is the subject of Site Allocation BC48. These objections refer specifically to the amenities of the proposed residential accommodation being reliant on the current layout of Angel Gate. These matters are considered later in this report, however in terms of land use it is considered that the introduction of a residential use to the application site would not unacceptably prejudice the future development of land to the south and east.

#### *Other land use considerations*

- 10.17 The application site is within Flood Zone 1 (and has a low probability of flooding), is less than 1 hectare in size, and is not within a Local Flood Risk Zone. The applicant was not required to submit a Flood Risk Assessment with the application. Sustainable urban drainage is considered in the Sustainability section of this report.

#### *Conclusion*

- 10.18 The proposal would replace the site's existing substandard, poor quality office accommodation at the site with a greater quantum and quality of useable business floor space, and would introduce additional residential accommodation, inclusive of affordable housing. As such, it is considered that the proposal is acceptable in land use terms.

### **Design, Conservation and Heritage Considerations**

- 10.19 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan. Policies CS8, CS9 and CS10 in Islington's Core Strategy, and policies in chapter 2 of Islington's Development Management Policies, are also relevant. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and Conservation Area Design Guidelines for the Duncan Terrace / Colebrooke Row Conservation Area, and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.

### *Site and surroundings*

- 10.20 The northern part of the site (328 City Road) is within a sensitive location, as it is within the Duncan Terrace / Colebrooke Row Conservation Area. It is close to a row of listed buildings at 320-326 City Road (listed by Historic England under the single address "326, City Road"), a locally listed building at 14 Wakley Street (identified in some documents as 14-15 Wakley Street) and fronts a major thoroughfare (City Road). The site presents other challenges, given its irregular shape and neighbouring residential properties close to its boundaries.

### *Demolition of existing buildings*

- 10.21 On 01/10/2013, under the Enterprise and Regulatory Reform Act 2013, the need for Conservation Area Consent for the demolition of unlisted buildings in conservation areas was removed. Such works now require planning permission.
- 10.22 The existing building fronting Wakley Street has some historic interest particularly in its rear elevation. However, it is not located within a conservation area and its interest is very limited, therefore its demolition is considered acceptable. The 1- and 2-storey office accommodation behind it has no historic or architectural interest and there is therefore no objection to its demolition.
- 10.23 328 City Road is a non-designated heritage asset which lies within the conservation area (which itself is a designated heritage asset) and is highly visible in views from City Road and Nelson Terrace. Although significantly altered at lower ground and upper ground floor levels, it is a relatively handsome early 20<sup>th</sup> century building which makes a positive contribution to the conservation area.
- 10.24 Part E of Development Management Policy DM2.3 confirms that non-designated heritage assets should be identified early in the design process for any development proposal which may impact on their significance, and the council encourages their retention, repair and re-use. Part B of the policy states that the council will require the retention of all buildings and structures which make a positive contribution to the significance of a conservation area.
- 10.25 The demolition of 328 City Road would result in some harm to the significance of the conservation area, and would be contrary to policy DM2.3, however in this case it must be noted that the positive contribution made by the existing building is limited by the fact it has been significantly altered, and does not reflect the prevailing character, appearance and age of other buildings in the Duncan Terrace / Colbrooke Row Conservation Area. Given these limitations to the existing building's contribution, its loss would cause significant, but less than substantial, harm to the conservation area, therefore paragraph 134 of the NPPF applies. This states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Having regard to paragraph 134, officers are of the view that while the demolition of 328 City Road would be regrettable, its loss could be accepted if a suitable high quality replacement is secured as part of a scheme that brought with it sufficient public benefit. This matter is considered further as part of the final balance of planning considerations set out under the Conclusions section of this report.

### *Heights and massing*

- 10.26 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed or as a 'hook' for site planning and design".
- 10.27 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 10.28 The context of the site must be noted. Buildings on Wakley Street vary in height from 3 to 6 storeys. 7-8 Wakley Street itself is flanked by a 5-storey building (9 Wakley Street) and a 4-storey (plus attic storey) building (Edward House, part of the Angel Gate development). On the site's City Road frontage, 328 City Road is flanked by a 3-storey listed building (326a City Road) and a 4-storey (plus lower ground floor and attic storey) residential building at 330-336 City Road (Angel Point). Given this context, modest, low or medium-scaled development would be appropriate for this site.
- 10.29 5-storey frontages are proposed to both Wakley Street (Block B) and City Road (Block A). It is considered that the east elevation of the new building at 328 City Road – although prominent and over 1 storey taller than the listed building at 326a City Road – would not appear unduly obtrusive or overdominant in views from street level, and it is noted that the proposed height in would be similar to the building to be demolished. The 5 storeys proposed to Wakley Street would sit comfortably next to their immediate neighbours, and would replace a 3-storey building that underuses its site. The 5 storeys (plus lower ground floor level) proposed within the site would not exceed the heights found on the edges of the block formed by City Road, Hall Street, Goswell Road and Wakley Street, therefore the pattern of heights normally found in perimeter block layouts (where the block's tallest elements are found at its edges) would not be disrupted. Notwithstanding the amenity impacts discussed later in this report, it is considered that the proposed heights demonstrate sufficient sensitivity to the site's context.

### *Architecture and elevations*

- 10.30 London Plan policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm,

and should comprise details that complement, not necessarily replicate, the local character.

- 10.31 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.
- 10.32 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality. Further guidance is provided in section 2.3 of Islington's Urban Design Guide SPD.



Image 1: proposed City Road elevation



Image 2: proposed Wakley Street elevation

- 10.33 Proposed front elevations to both City Road and Wakley Street would generally respect the existing front building lines of both streets.
- 10.34 The proposed elevational treatment to Wakley Street would be of brick and would feature recessed (or inset) balconies. Images included in the submitted Design and Access Statement appear to indicate reveals to the proposed windows which would

ensure adequate relief to the elevation, however for the avoidance of doubt a condition, requiring minimum reveal depths of 200mm, is recommended (condition 6). The proposed residential entrance to the Wakley Street elevation would have a lobby with a large window, providing some interest and activation to the street. The proposed entrance to the commercial unit C.2 would comprise a door with no window. While it is regrettable that no commercial floorspace is proposed at ground floor level directly behind the Wakley Street frontage, it is accepted that there is no scope to provide this, given that this narrow elevation must accommodate commercial and residential entrances, as well as a third door providing access to a bin store, lift and fire escape.

- 10.35 The proposed elevational treatment to City Road would be very similar to that proposed at Wakley Street. While using the same materials and elevational features in both parts of the site is not absolutely necessary, no objection needs to be raised to this approach. At pre-application stage and during the life of the current application, officers encouraged the applicant team to explore alternative designs for the City Road elevation, and in particular its entrance, roof termination and façade articulation. In the latest images of the proposed elevation (set out in Formation Architects' "Façade Studies" document dated 07/05/2015) the applicant proposed a simple elevational treatment, decorated with fluting formed by angled brickwork in each window opening. The same fluting is proposed at cornice level to the publicly-visible front and east elevations, giving the building an appropriate termination. The previously-proposed canopy to the City Road entrance has been deleted from the proposals, which enables the stone-clad ground floor to appear less squat. Glazing to the proposed ground floor NCB lobby would help activate and add interest to the elevation. Although officers had some remaining concerns regarding the duality of the elevation, caused by 2 columns of windows arranged either side of a central vertical, the fluting proposed to the window openings would help to relieve what could otherwise be a monotonous, regimented elevational treatment.
- 10.36 It is recommended that details of the proposed cornice be required by condition 7, and – as with the Wakley Street elevation – minimum window reveal depths of 100mm are required by recommended condition 6.
- 10.37 Elevations within the site would be of a similar design as those proposed to Wakley Street and City Road. Some elevations, including the south-facing elevations of blocks A and B, would have larger window openings and doors providing access to balconies. The north-facing elevation of block B would have few windows, however the expanse of brickwork would be relieved through the use of fluting.
- 10.38 328 City Road currently has a steep forecourt which slopes down into the site from the back of the pavement to the existing building's lower ground floor level. Properties either side of 328 City Road do not have similarly sloped forecourts, therefore its loss is considered acceptable. The applicant proposes to excavate this forecourt to provide cycle and bin storage, with a new 1:16 gradient ramp up to the new building's ground floor entrance. The ramp would be surfaced with granite, and an enclosure to the east of the ramp is proposed – this would have steel railings and would surround a ground-level bin store and steps leading down to cycle and bin stores at lower ground floor level. A short plinth is proposed beside the enclosure, to which the property's address signage would be fixed. Given the potential impact of this plinth and enclosure on the public realm and the character and appearance of the Duncan Terrace / Colbrooke Row Conservation Area, recommended conditions 3 and 18 require the submission of detailed drawings of these features, as well as details and samples of their materials.

- 10.39 Paragraph 2.6.4 of the council's Urban Design Guide states that roof structures that are not an integral part of the building (such as plant) should be located within the building, rather than at roof level. The majority of the proposed development's plant would be located within the new building fronting Wakley Street, at lower ground floor level. Although the applicant proposes a condenser unit to the roof of the new building at 7-8 Wakley Street, the proposed mounting of a single unit in this location (set back from the building edges and therefore not visible from street level) is considered acceptable. The proposed plant enclosure to the rear of 9 Wakley Street, above the roof of the development's 2-storey element, is similarly considered acceptable in design terms, subject to details of its appearance being submitted pursuant to recommended condition 5.

#### *Materials*

- 10.40 Grey brick would be used throughout the development. Subject to approval of a specific manufacturer and brick at conditions stage, this is considered an appropriate material for the site, including for the site's more sensitive City Road elevation within the Duncan Terrace / Colebrooke Row Conservation Area.
- 10.41 Bronze mesh is proposed to window openings, stone cladding and powder-coated metal (in grey) is proposed to the City Road entrance, bronze-finished doors are proposed to Wakley Street at ground floor level, and pre-cast copings (in white or grey) are proposed to all buildings. Within the site, glass balustrades are proposed to balconies. Subject to approval of specific materials at conditions stage, this subdued palette of materials is considered appropriate for this site.
- 10.42 A condition (3), requiring the submission of a Green Procurement Plan to demonstrate how the procurement of materials for the proposed development would promote sustainability, is considered necessary.

#### *Impacts on heritage assets*

- 10.43 Policy DM2.3 states that harm to the significance of Islington's conservation areas will not be permitted unless there is a clear and convincing justification. Section 12 of the National Planning Policy Framework, London Plan policy 7.8 and Core Strategy policy CS9 are also relevant.
- 10.44 The height, design and materials of the proposed building at 328 City Road are considered appropriate in the way they would relate to – and would not detract from the significance of – the statutory listed buildings at 320-326 City Road.
- 10.45 Notwithstanding the loss of the existing building at 328 City Road, the impact of its replacement building on the Duncan Terrace / Colebrooke Row Conservation Area would also be limited, given its appropriate height and materials. These aspects of the proposed design, together with its vertical emphasis, would ensure the development would complement its historic context to the north and west.
- 10.46 The application site is within 50m of the New River Conservation Area, however only the proposed Wakley Street elevation would be seen from this conservation area from an oblique angle, and this elevation's size, design and position in relation to the conservation area boundary would not cause harm to this designated heritage asset.
- 10.47 The locally-listed building at 14 Wakley Street has a rear yard between its rear elevation and the application site boundary. Given the limited massing proposed to the



rear of this heritage asset, and the intervening buildings between its front elevation and the proposed new frontage to Wakley Street, it is considered that the significance of 14 Wakley Street would not be adversely affected by the proposed development.

- 10.48 A parish boundary stone dated 1852 currently exists on site. This is set into the boundary wall between the application site and the Angel Gate development, and is visible in a meeting room in the existing 1- and 2-storey office building. The applicant proposes to relocate it to the boundary wall between 326a and 328 City Road, in a more accessible location (albeit not visible from the pavement) along the historic parish boundary. The relocation of this heritage asset is considered acceptable, subject to the approval of a method statement relating to its removal, any necessary repair, and reinstallation. Recommended condition 9 secures such a method statement.
- 10.49 The application site is not within an Archaeological Priority Area. Notwithstanding this, the submitted Historic Environment Assessment considers the archaeological potential of the site, and recommends archaeological monitoring (and possible investigation) during works. A condition related to archaeology (condition 11) is recommended in the light of comments received from Historic England.

### **Density**

- 10.50 London Plan policy 3.4 states that – taking into account local context and character, design principles set out elsewhere in the London Plan, and public transport capacity – development should optimise (which does not necessarily mean “maximise”) housing output for different types of location within the relevant density range set out in Table 3.2. Paragraph 7.21 of the London Plan notes that building form and layout should have regard to the density and character of surrounding development. Part D of policy CS12 in Islington’s Core Strategy requires development to follow and to not exceed the densities set out in the London Plan.
- 10.51 With a Public Transport Accessibility Level (PTAL) of 6a, and having regard to the character of the area, the application site has a “central” setting category (as set out in London Plan policy 3.4 and the accompanying Table 3.2), where a residential density of 650 to 1100 habitable rooms per hectare is appropriate. However, in assessing density paragraph 3.28 of the London Plan must be noted, where it states that the ranges set out in Table 3.2 should not be applied mechanistically. Local context and other considerations should be taken into account when considering the acceptability of a specific proposal.
- 10.52 With 73 habitable rooms proposed in 26 residential units in a site of 0.16 hectares, the proposed development would achieve a density of 163 units per hectare and 456 habitable rooms per hectare. However, this does not take into account the fact that a mixed-use development is proposed, and that a significant part of the site would be occupied by non-residential uses. Had all of the proposed development’s 4,549sqm (GIA) of floorspace been proposed for residential use accommodating 132 habitable rooms in 47 units, a density of 294 units per hectare and 825 habitable rooms per hectare would have been achieved. This density is considered to be high, but it is within the range suggested in the London Plan, and – subject to neighbour amenity impacts and other considerations set out in this report – is appropriate for such a central, accessible site.

## **Inclusive Design**

- 10.53 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 10.54 The residential component of the proposal must be assessed with regard to London Plan policy 3.5, which requires new residential developments to meet the changing needs of Londoners over their lifetimes, and policy 3.8 which requires all new housing to be built to Lifetime Homes standards, and 10% of new housing to be wheelchair accessible or easily adaptable. Islington's Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standards (as set out in the Inclusive Design in Islington SPD), with at least 10% wheelchair housing provided as part of all new developments. Islington's Development Management Policy DM3.4 clarifies that this 10% is to be calculated against the number of habitable rooms, and that the accommodation is to be wheelchair accessible or easily adaptable for residents who are wheelchair users. It adds that the wheelchair accessible units should be provided across all tenures and unit sizes.
- 10.55 The recent Housing Standards Review was followed by the Deregulation Act 2015 which was given Royal Assent on 26/03/2015 and came into force on 01/10/2015. The Act introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations which is enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar but not identical to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington's wheelchair accessible housing standard).
- 10.56 As a result of the changes introduced in the Deregulation Act, the council is no longer able to insist that developers meet its own Inclusive Design SPD standards for accessible housing. The council now cannot apply Islington's flexible housing standards nor local wheelchair housing standards through its planning duties. The council as local planning authority 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 the last 25 years.
- 10.57 The council as local planning authority is 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, proposes to reframe London Plan policy 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. As part of this assessment, these emerging revised London Plan policies are given weight and inform the approach set out below.
- 10.58 The Deregulation Act did not delete Islington's abovementioned planning policies. Following passing of the Act, elements of the Inclusive Design in Islington SPD remain relevant to the proposal.

### *Residential units assessment*

- 10.59 The applicant has confirmed that all of the proposed residential units have been designed to meet Lifetime Homes standards.
- 10.60 The proposed development would provide 2 wheelchair-accessible units (Category 3) within block B (units B.G.1 and B.G.2, both of private tenure) amounting to 7.7% of the total number of units (or 6.8% by habitable room). This falls below the emerging 10% standard, and is a shortcoming that must weigh negatively in the balance of planning considerations, although the weight to be attached to this matter is limited by the fact that, in order to provide more wheelchair-accessible units in block B, a second lift would need to be provided which in turn would result in a development of fewer habitable rooms.
- 10.61 Proposed block A includes no lift and as such none of the proposed social rent units would be wheelchair accessible. This is another shortcoming of the proposed development, however, due to the narrow width of block A, the provision of a lift would require the removal of a habitable room to each of the proposed units, and would result in an overprovision of 1 bedroom units where much-needed 2-bedroom social rent units are currently proposed. Block A could not be redesigned to be larger (to accommodate 1 or 2 lifts) without compromising neighbour amenity, the quality of the residential units, and/or the character and appearance of the Duncan Terrace / Colbrooke Row Conservation Area. A reconfiguration of block A to provide duplex units would also result in fewer habitable rooms, and would not be an appropriate solution to the identified inclusive design problem. Due to the exceptional circumstance relevant to this site, it is recommended that the lack of lift access to these 4 units be accepted.
- 10.62 The submission of the application preceded the New National Standard for Housing detailed above. An appropriate condition (13) is recommended to secure provision of an appropriate proportion of the accommodation as Category 2 and 3 units. For the reasons set out in the above assessment of the proposed residential accommodation, the proposed 4 social rent units could not achieve Category 2 or 3, therefore recommended condition 13 refers only to the private accommodation in block A, requiring 20 units to achieve Category 2 and 2 units to achieve Category 3.

### *Business floorspace assessment*

- 10.63 The proposed business floorspace would have level access to each floor, except in commercial unit C.2 where 3 ground floor rooms would be accessed from that unit's main lower ground floor space. This is regrettable, however as only a relatively small part of the proposed development's commercial floorspace would have limited access, it is not recommended that permission be refused on these grounds.
- 10.64 Accessible WCs are proposed, and – according to Section AA on drawing 6330 D4200 rev 04 – the 1:16 gradient ramp proposed to the City Road entrance would be less than 6m in length in accordance with the Inclusive Design in Islington SPG.
- 10.65 The proposed commercial unit accessed from City Road is intended to be used by the NCB. Given the NCB's work with vulnerable children, a "Changing Places" WC would normally be expected to be provided on site (as referred to on page 20 of the Inclusive Design in Islington SPD), and notwithstanding the fact that any office tenant (other than the NCB) could occupy the new building, it is noted there is indeed sufficient space for the provision of a "Changing Places" WC in unit C.1 should this be required.

10.66 Recommended condition 14 requires the submission of details relevant to inclusive design, to ensure the proposed business floorspace would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD, including the requirements and guidance related to scooter charging / storage, glazing manifestations and changing rooms, which were referred to in the Inclusive Design Officer's comments.

*Accessible parking*

10.67 No accessible parking is proposed on-site. This is considered acceptable, given the site's constraints, and in particular its narrow street frontages which need to accommodate several personnel doors. Off-site, on-street provision would instead be appropriate, however it is noted that the streets surrounding the application site are TfL-controlled red routes, and there may be limited scope for on-street provision within 75m of the development's dwelling entrances. Recommended condition 15 requires the submission of a survey to ascertain where such spaces could be provided. Should on-street provision not be possible, a financial contribution towards accessible transport initiatives can be accepted.

**Neighbour Amenity**

10.68 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

10.69 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part Bb) states that development proposals should minimise the existing and potential adverse impacts of noise.

10.70 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. These considerations apply to the amenities of existing residents, and of future residents of proposed developments. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

10.71 Residential properties close to the application site include 9 Wakley Street, 14 Wakley Street and 330-336 City Road. Other residential buildings nearby include 319 City Road and Langdon Court to the north.

*Daylight and sunlight*

10.72 An updated analysis of the proposed development's impacts upon natural light received by occupants of neighbouring properties is provided in the applicant's Daylight and Sunlight report (GIA, 26/11/2015) and corrected APSH tables (GIA, received 14/01/2016).

10.73 As is customary, the applicant's information does not provide a detailed assessment of natural light impacts upon non-residential properties, does not discuss the heat and brightness of natural light received by neighbouring properties, and does not assess sunlight levels at the time of the winter solstice. The impacts of rooftop installations upon natural light have not been explicitly assessed by the applicant – this is likely to be because such impacts would be minor, and because the details of rooftop installations are not normally finalised at application stage (recommend condition 5 requires details of such installations to be submitted later). Errors in the applicant's submissions highlighted by neighbouring residents either do not materially affect the assessment's findings (in the case of the incorrect allocation of windows to flats in Angel Point) or have been corrected in the APSH tables received on 14/01/2016. The submitted Daylight and Sunlight report assesses impacts upon the following neighbouring residential properties:

- 9 Wakley Street
- 14 Wakley Street
- 330-336 City Road (Angel Point)
- 319 City Road
- 1-36 Langdon Court, City Road

10.74 The applicant's chosen methodology follows guidance provided in the Building Research Establishment's "Site Planning for Daylight and Sunlight" document (2011), and uses 3 tests to assess natural light impacts, namely the Vertical Sky Component (VSC), Daylight Distribution (DD), and Annual Probable Sunlight Hours (APSH) tests.

10.75 When using the BRE guidance to assist in the assessment of daylight and sunlight impacts, paragraph 1.6 of the BRE guidance must be noted. This confirms that:

*"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*

10.76 A relatively recent appeal decision (ref: APP/V5570/A/13/2195285) must, however, be noted. This decision, dated 15/01/2014 and related to a major site not far from Wakley Street at Pentonville Road, acknowledged that BRE guidance should be applied flexibly in central locations, and noted the appellant's assertion that there are schemes elsewhere in London that have been granted planning permission without adherence to the BRE numerical guidelines. The Inspector concluded, however, that in the absence of alternative targets for access to daylight and sunlight for such a central location, the BRE guidance should be referred to, and the appeal decision generally indicates that closely adhering to BRE guidance is appropriate to ensure neighbour amenity is protected (paragraphs 14, 27 and 28 of the appeal decision must be noted).

#### *Daylight*

10.77 With regard to daylight, the BRE guidance notes that where VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building.

If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Of note, the 0.8 figure is often expressed as a percentage in VSC analysis, such that a reduction of up to 20% would comply with this part of the BRE guidance if the 27% figure is also met.

- 10.78 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.
- 10.79 The applicant's updated Daylight and Sunlight report (GIA, 26/11/2015) notes that, for the 6 residential units at 9 Wakley Street, 13 of the 18 assessed windows (8 to the rear elevation, 10 to the front) would meet BRE guidance for VSC. Four windows were predicted to have reductions in VSC between 21.4% and 26.7%, with 1 of these windows also predicted to experience a reduction in NSL of 27%. Reductions of between 20% to 30% are generally considered to be a lesser or minor infringement in dense urban areas such as this, and as such it is recommended that these impacts be accepted. For 1 window at 9 Wakley Street a VSC reduction of 35% is predicted – this would affect a rear study / guest bedroom (where BRE guidance states that daylight is of less importance) in a dual aspect, duplex unit (Flat 5) with a good level of amenity overall, and it is also recommended that this impact to 1 window be accepted.
- 10.80 South-facing glazing (including a glazed door) providing access to the roof terrace at Flat 5 would experience a reduction in VSC of 26.8% – again, this is considered to be an acceptable infringement at this particular site, and although this glazing provides light to a stairwell and part of the fourth floor of this building, the room the stairwell leads from has large west-facing windows that would continue to receive good levels of daylight.
- 10.81 Regarding 14 Wakley Street, the applicant's report predicts VSC losses within BRE guidelines. A ground floor bedroom is predicted to experience a 21% reduction in NSL, however as previously noted the BRE guidance states that daylight is less important to a bedroom and a VSC reduction of 21% is considered to be a lesser or minor infringement in such a location.
- 10.82 For 330-336 City Road (Angel Point), the applicant's report predicts that 1 of the 36 assessed windows would have a reduction in VSC of 25% and 8 rooms would have a reduction in NSL of over 20%, contrary to BRE guidance. Of these 8, 3 would be reduced by between 20% and 30%, 3 between 30% and 40%, and 2 over 40%. The applicant argues that, on balance given the high level of VSC compliance at the rear of this building, these losses can be considered to be minor. A ground floor living room would experience a reduction in NSL of 58.67% and a reduction in VSC of 25%. The reduction in VSC is considered to be a lesser or minor infringement and the window serving this room is formed of large glazed doors, which the VSC test does not take into account. Furthermore, the presence of balconies above some windows at 330-336 City Road impacts upon the level of daylight achievable – comparison with an adjacent ground floor window (that is not located beneath a balcony) confirms that existing and proposed VSC figures are significantly lower for the overhung windows. For example,

ground floor window W6/2899 (which is overhung) would see a VSC reduction from 12% to 9% (a 25% reduction), whereas the adjacent window W5/2899 (which is not overhung) would see a VSC reduction from 16.5% to 15% (a 9.1% reduction).



Photograph 4: view north from Angel Gate

- 10.83 For 319 City Road and Langdon Court, to the north of the application site, VSC reductions within the BRE's guidance, and no NSL reductions, are predicted.

#### *Sunlight*

- 10.84 With regard to sunlight, the applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21st September and 21st March. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants will notice a loss of sunlight.
- 10.85 The deletion of the top (fifth) floor from block B (Revision 2) has significantly improved the proposed development in terms of its impacts upon neighbouring residential properties.
- 10.86 For the 6 residential units at 9 Wakley Street, 16 rooms have been assessed for APSH. Eight of these rooms would achieve BRE compliance. Of the other 8 rooms, 6 are predicted to experience a reduction in winter sunlight to 0%. Four of the 8 rooms would achieve more than 25% total sunlight, thus meeting the BRE's target, while the other 4 rooms would achieve total APSH levels of between 17% and 22%. The applicant notes that this residential property has windows directly facing the application site, in close proximity to the site boundary. In this context, argues the applicant, it is likely that any alteration in massing would result in BRE transgressions. Although officers do not fully accept this argument, given that the application site and 9 Wakley Street are located in a densely-developed part of the borough, it is accepted that some

failures against BRE guidance can be accepted, and it is not recommended that planning permission be refused on these grounds, particularly as the relevant neighbouring property is very well naturally lit for such an urban location.

- 10.87 For 14 Wakley Street, 330-336 City Road, 319 City Road and Langdon Court, no APSH failures (against BRE guidance, total and winter) are predicted.

#### *Overshadowing*

- 10.88 At paragraph 3.3.7 of the BRE guidance it is suggested that at least 50% of amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March, and that a 2 hours sun contour can be plotted on plans to illustrate a development's impact.
- 10.89 Given concerns expressed by neighbouring residents regarding losses of natural light to outdoor amenity spaces, officers requested overshadowing analysis from the applicant. The submitted Overshadowing Assessments report (GIA, dated 15/01/2016) provides this analysis.
- 10.90 The applicant's report predicts that 86.45% of the roof terraces at 9 Wakley Street (used by the occupants of Flats 5 and 6) currently receive at least 2 hours of sunlight on 21<sup>st</sup> March, and that this would be reduced to 61.88%, post development. This analysis does not appear to take into account the fact that the roof area is divided into 2 terraces (separated by a fence which would cause overshadowing of the terrace used by Flat 6, in both the existing and future scenarios), and does not provide separate percentages for both terraces. The analysis is, however, nonetheless useful, in that it illustrates (both in terms of percentages, and on plan) the overshadowing impact of the proposed development. It clearly predicts and illustrates a significant overshadowing of the roof terrace of Flat 5. This is regrettable, however it is considered that the unusually high level of amenity provided by this roof terrace (and the high level of amenity enjoyed by the residents of Flat 5) limits the negative weight to be attached to this shortcoming. The roof terrace of Flat 6 would not experience significant additional overshadowing caused by the proposed development, according to the applicant's report.
- 10.91 The applicant's report also assess overshadowing impacts upon the outdoor amenity spaces of 14 Wakley Street. A reduction from 15.78% to 11.16% (for the area receiving at least 2 hours of sunlight on 21<sup>st</sup> March) is predicted, however this appears to include an area of the building's highest roof which does not appear to be used for amenity purposes. The actual amenity areas at 14 Wakley Street are understood to be smaller than those analysed by the applicant, and the increase in overshadowing is therefore likely to be less pronounced. On this basis, refusal of permission is not recommended on these grounds.

#### *Outlook*

- 10.92 Outlook – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.



- 10.93 Proposed block A would replace an existing building on City Road of comparable scale and mass, and would project out to align with the rear elevation of the existing building at 330-336 City Road (Angel Point). Although the balconies in the rear elevation of block A would project marginally beyond the rear elevation of 330-336 City Road, this would be minimal and the balcony edges (and their screens, required by recommended condition 12) would be set away from the windows of this neighbouring residential property. Block A would be set a significant distance from the residential properties to the north on the opposite side of City Road, and the outlook from these neighbouring properties would not be adversely affected.
- 10.94 The proposed two-storey part of the proposed development would replace the existing part single-, part two-storey building. The proposal would have a flat roof set approximately 0.85m higher than the existing single-storey elements, and approximately 1.9m lower than the existing two-storey elements, with a saw-tooth rooflight projecting 0.8m above the flat roof. Although there would be an increase in height of the single-storey element compared to the existing situation, due to the existing 2-storey element not being rebuilt to its current height the single-storey element of the proposal would represent a visual reduction in height and mass when viewed from the residential properties at 9 Wakley Street. The rear yard at 14 Wakley Street would be more enclosed by the proposed development, however it is considered that this impact would not be so great as to warrant refusal of planning permission.
- 10.95 Drawings D4101 rev 03 and D4500 rev 04 show a rooftop plant enclosure located 3.95m from a first floor rear residential window at 9 Wakley Street. However, the plant enclosure would be only 1m in height, and would have a minimal height of 0.2m above the window cill of this neighbouring property. It is noted again that properties in 9 Wakley Street would benefit from generally more expansive views over the proposed 2-storey element due to the removal of the 2-storey parts of the existing building.
- 10.96 The proposal would replace an existing 3-storey building on Wakley Street with a 5-storey building. The new building would project 1.9m beyond the setback front elevations at third and fourth floor levels at 9 Wakley Street, however this forward projection would not significantly reduce outlook from the adjacent balcony and windows, and there are sound design reasons for not similarly setting back the upper storeys of the proposed building – to do so would repeat an unfortunate interruption to the main front building line on this side of Wakley Street.
- 10.97 Within the application site the rear wing of block B would extend some 25m beyond the nearest rear elevation of the neighbouring residential property at 9 Wakley Street. This adjacent rear elevation features windows serving habitable rooms at first, second, third and fourth floors. The outlook from these windows would be adversely affected by the development, as the 25m deep, 4-storey north elevation of block B would replace the 5m deep, 2-storey side elevation of the existing building, which is currently seen to the right (the southeast) when residents of Flats 1, 3 and 5 at 9 Wakley Street look out of their rear windows. This impact would be partly ameliorated by the relief and fenestration proposed to this north elevation (it would not be blank), the presence of the blank north wall of the existing building, the fact that the affected flats are dual aspect, the fact that outlook from these windows towards the north and east would remain largely unobstructed, and the removal of the 2-storey parts of the existing building, however the impact upon these neighbouring properties must nonetheless weigh negatively in the balance of considerations relevant to this planning application.

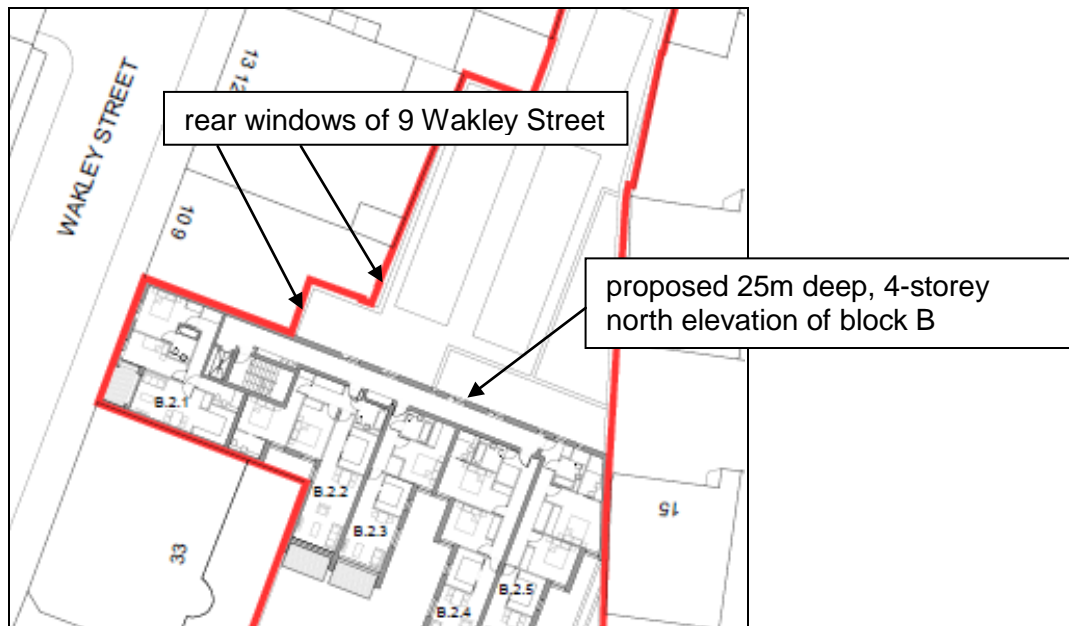
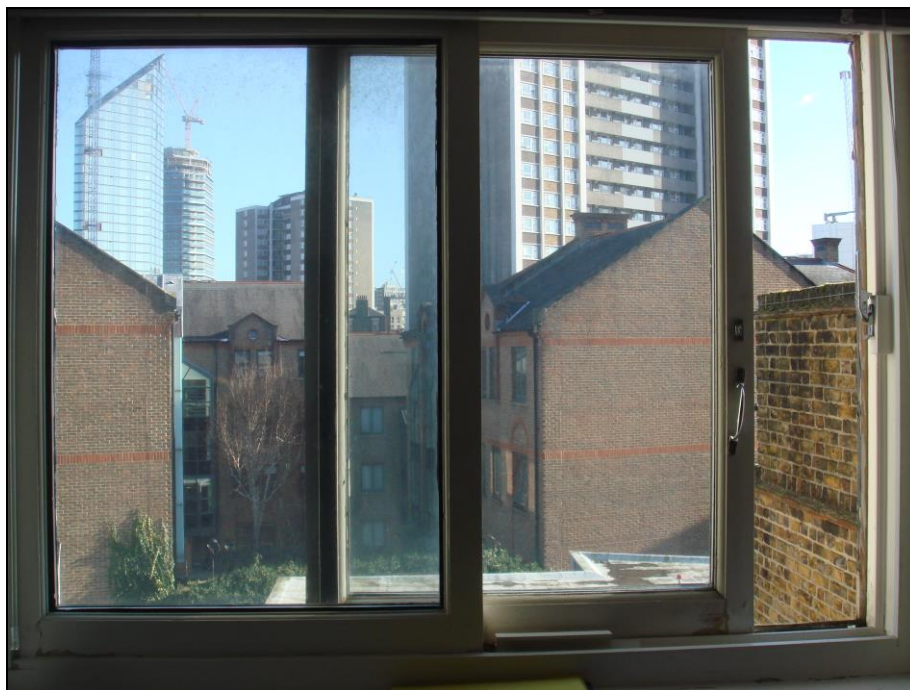


Image 3: extract from drawing 6330 D4102 rev 03 illustrating relationship between north elevation of block B and rear windows of 9 Wakley Street



Photograph 5: view from rear third floor study / guest bedroom window at Flat 5, 9 Wakley Street

- 10.98 An existing roof terrace (effectively at fifth floor level) at Flat 5, 9 Wakley Street currently benefits from an expansive outlook over Wakley Street, and over the existing 2- and 3-storey buildings that occupy the application site. Views from this roof terrace to the north are partly obstructed by the building's roof-level structure and screening. This outdoor amenity space would be flanked along its southern edge by the north elevation of block B, with the blank part of this new elevation standing approximately 2.8m taller than the surface of the roof terrace. This would result in a loss of amenity to the roof terrace, which is only slightly ameliorated by the fact that outlook towards the south is already partly limited by the tall gable end of Edward House, located 10m away from the terrace. It is noted, however, that the existing roof terrace gives Flat 5 (a

dual aspect unit spread over 2 storeys) an unusually high level of amenity, and that outlook from the roof terrace over the street and eastwards would still be unobstructed. Although the height, depth and proximity of the north wall of block B would certainly reduce outlook from the roof terrace, overall Flat 5 would continue to benefit from a good level of amenity.

- 10.99 The roof terrace of Flat 5 is accessed via a roof-level structure which features large south-facing windows and a glazed door, providing access from and light to the living space on the fourth floor below. Although the fifth floor of the proposal would be visible when using the staircase and in upward views from part of the fourth floor of Flat 5, the main outlook from the habitable fourth floor living space of this residential unit would not be adversely affected by the proposed development.
- 10.100 Outlook from the office buildings surrounding the application site would not be significantly affected by the proposed development, and in any case the amenities of such non-residential uses are not normally afforded the same level of protection as that appropriate to residential properties. To the east, 13 and 15 Angel Gate present blank elevations to the application site, and the windows of 27 and 33 Angel Gate are far enough away from the proposed block B to not be significantly affected in terms of outlook. Outlook from offices at 11-13 Wakley Street and 326a City Road would not be significantly affected due to the limited increase in the height of the proposed 2-storey part of the development, compared with the heights of the site's existing buildings.
- 10.101 In summary, the proposed development would not be overbearing or lead to an unacceptable sense of enclosure for neighbouring occupiers, except – to an extent – in relation to 9 Wakley Street, where the impacts identified above must weigh negatively in the balance of planning considerations.

### *Privacy*

- 10.102 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m 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 must be given to the nature of views between habitable rooms – for instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.
- 10.103 Paragraph 2.3.30 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's more recent Development Management Policies, and there remains a need to ensure that the proposed development maintains adequate levels of privacy for neighbouring residents.
- 10.104 The residential windows and amenity spaces in the proposed City Road (block A) and Wakley Street (block B) elevations would face buildings on the opposite side of the public highway (including non-residential buildings) and would not result in unacceptable overlooking. The south-facing windows and balconies in the rear

elevation of block A would not directly face any existing residential windows. Oblique overlooking of the rear windows of 9 Wakley Street would be over a significant distance of approximately 30m, and would be limited by the rear wing of 11-13 Wakley Street. Overlooking of the rear windows of 14 Wakley Street would be similarly oblique. This overlooking, and that of the ground-level rear yard at 14 Wakley Street (which would occur over a distance of less than 18m), would not add significantly to the overlooking already caused by the many rear windows and balconies of 330-336 City Road. The rear balconies to block A would be located in close proximity to the projecting balconies serving the residential properties at 330-336 City Road, however the slight set back of the proposed rear walls of the balconies, and the erection of screening on the western edges of the balconies (required by recommended condition 12) would sufficiently ameliorate this impact.

- 10.105 Although the proposed development would have several windows in the north elevation of block B, with the exception of the 2 easternmost windows (at first to fourth floor levels, serving a private entrance hall/corridor and a bathroom), these would serve a communal corridor and would be set at an oblique angle to the nearest residential windows at 9 Wakley Street, albeit as near as 5m from these neighbouring windows. The 2 easternmost windows would be far enough away from residential neighbours to not result in any unacceptable overlooking. The windows on the south and east elevation of block B would look back towards office buildings and would therefore not result in unacceptable overlooking. Recommended condition 20 restricts the use of the roofs of the proposed development as outdoor amenity spaces for residents, to ensure existing residential amenity is protected.
- 10.106 The proposed business floorspace would be located at ground and lower ground floors and would not result in any unacceptable overlooking.

#### *Noise*

- 10.107 The application site is located in an area subject to traffic noise, and a mix of commercial and residential uses located in close proximity to one another.
- 10.108 Although the proposed development would intensify the use of the site, the proposed residential use of part of the site is not considered inappropriate in terms of the noise and activity that would be introduced to the neighbourhood, and the continued business use of the rest of the site is similarly considered appropriate, given the limited noise outbreak normally associated with such uses.
- 10.109 The proposed development includes rooftop plant in relatively close proximity to residential uses, although a proposed condenser unit was relocated away from the common boundary shared with 9 Wakley Street in amendments made on 14/12/2015. A condition is recommended relating to the provision of appropriate noise control measures (condition 35), to ensure that plant would not lead to unacceptable disturbance to neighbouring occupiers.

#### *Other environmental impacts*

- 10.110 Representations have been received raising concerns regarding potential disturbance and environmental impacts during construction. A condition (condition 30) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust and other potential environmental impacts. The Section 106 agreement referred to in

Appendix A would ensure that construction is carried out in compliance with the Code of Construction Practice. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

#### *Neighbour amenity summary*

- 10.111 The cumulative impacts caused by the proposed development must also be considered. Where a neighbouring property is predicted to lose natural light, that impact may be compounded or more acutely felt if the same property would also lose (or has limited) outlook, for example.
- 10.112 Regard must also be had, however, to the application site's central, dense location, where it is reasonable to assume expectations of unusually high levels of amenity would be lower than in less dense, suburban areas. In this context, and given the need to ensure efficient and optimised use of accessible sites, it is considered that some infringements of standards and requirements set out in relevant planning policies and guidance could be accepted. This reduces the weight to be attached to the proposed development's adverse impacts identified above.
- 10.113 Given the above assessment, while it is noted that these adverse impacts must weigh negatively in the balance of planning considerations, it is not considered that they – either individually or cumulatively – are so significant as to warrant refusal of permission on neighbour amenity grounds.

#### **Quality of Residential Accommodation**

- 10.114 The National Planning Policy Framework's relevant core planning principle (that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings) is again noted. London Plan policies relevant to the quality of residential accommodation include 3.5, 7.1 and 7.15. Core Strategy policy CS12 (part A) and policy DM2.1 (part A) in the Development Management Policies document confirm that developments should provide a good level of amenity, including in terms of noise, fumes, privacy, outlook and natural light. Policy DM3.4 sets out detailed requirements for new residential accommodation. The Mayor of London's Housing SPG and the London Housing Design Guide (Interim Edition) are also relevant.

#### *Residential unit and room sizes*

- 10.115 All of the proposed residential units comply with the minimum unit and room sizes as expressed within policy DM3.4 and the associated Tables 3.2 and 3.3, and the Government's nationally described space standard.

#### *Aspect and outlook*

- 10.116 Part D of policy DM3.4 states that "new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated".
- 10.117 All of the proposed social rent units in block A would benefit from true dual aspect (i.e., windows on opposite elevations, looking out onto different spaces), which is welcomed. Of the 22 proposed private units proposed in block B, 4 would benefit from true dual aspect, 14 would have windows on elevations perpendicular to each other (and would therefore meet the Mayor of London's definition of dual aspect, despite all the windows

looking out onto what is essentially the same outdoor space between block B and Angel Gate), and 4 units would have windows facing Wakley Street together with recessed (or inset) outdoor balconies overlooking the highway. Officers have suggested to the applicant that the north wall of block B be opened up to provide deck access, which could have enabled many of the private units to experience some of the benefits of true dual aspect (such as natural cross-ventilation), however this advice has not been followed. Although this aspect of the proposed development adds some negative weight to the balance of planning considerations, it is noted that the provision of a secondary opening (on a perpendicular external wall) to each unit would undoubtedly improve the units' amenity, while all of the units would have adequate and in many cases generous floor areas with efficient layouts, and would be served by large floor-to-ceiling height windows which together with the proposed balconies would provide a reasonably good level of outlook. Furthermore, 12 of these units would have a southern aspect, while 4 units would have western aspects. Single-aspect units that do not face north are less of a concern, and it is not recommended that permission be refused due to the number of proposed units not achieving dual aspect.

### *Daylight and sunlight*

- 10.118 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's guidance, in Appendix C, details the level of light rooms should receive through the assessment of Daylight Distribution (No Sky Line, or NSL) and Average Daylight Factor (ADF), as well as sunlight (Annual Probable Sunlight Hours, or APSH). Paragraph C4 of the BRE guidance refers to recommended ADF scores of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.119 All of the rooms proposed in block A (comprising 4 social rent units) would have good levels of daylight, in excess of minimum standards. With regard to sunlight, all of the tested windows (those within 90° of due south) would exceed minimum levels of winter sunlight. However, according to the applicant's pre-amendment information, a first floor and a second floor window would fall below the BRE guidance for annual sunlight levels. The figures for these windows, however, are impacted by the location of these rooms below large projecting balconies, and are in any case out of date – the deletion of the top (fifth) floor from block B (Revision 2) would have improved the amount of annual sunlight reaching these windows. It is also noted that the impacted rooms (if they are indeed still impacted) would open onto good sized private amenity spaces, with a southerly and relatively open aspect. The amenity spaces themselves would receive good levels of sunlight. The rooms behind the balconies would have an efficient layout with the most frequently used areas (in daytime) located closest to the windows.
- 10.120 With regard to block B (comprising 22 private units), 18 of the 61 rooms tested fall short of the BRE guidance for ADF. However, 14 of these rooms are bedrooms where the BRE guidance states that daylight is of less importance. Block B has been designed with most of the proposed living rooms located at the ends of the block's projecting wings, and with most of the proposed bedrooms in the recesses in between. This would ensure that those rooms requiring greater levels of daylight are located to maximise daylight receipt.
- 10.121 Of the 4 living rooms that would fail the ADF test, 2 are south-facing rooms with an efficient layout. They would open onto private amenity space and would achieve good NSL scores. The 2 other ADF-failing living rooms would have west-facing windows with

inset balconies which impact upon the level of daylight received by the windows. However, the inset balconies are integral to the design of this elevation and the proposed units in which these rooms are located have an efficient layout and generous floor area larger than minimal requirements, which worsens Daylight Distribution at the rear of these rooms but provides some mitigation in terms of the spaciousness of the proposed living arrangements.

- 10.122 With regard to the levels of sunlight received by units in block B, of the windows tested only 1 main window serving a living room is predicted to receive insufficient levels of winter sunlight due to its location at a lower level with a projecting balcony above. However, 10 of the main windows serving living rooms would receive substandard levels of annual sunlight. Notwithstanding this, the living spaces have been located to the most southerly projections of the proposed development to ensure that they receive the maximum available sunlight. The predicted sunlight figures are impacted by the location of these rooms below large projecting balconies within a dense urban context. The impacted rooms would open onto private amenity spaces which would receive good levels of sunlight, they would have a southern outlook, and the rooms would have an efficient layout with the most frequently used areas (in daytime) located closest to the windows.
- 10.123 Due to their location within the recesses of block B a number of side windows to the living rooms would also fail the annual (but not the winter) sunlight test – it is understood that 4 such windows fail, however the precise number of failures has not been provided by the applicant, and coloured 3D images of block B have been provided instead. These windows, however, are secondary. While the bedrooms at the back of the recesses have not been tested for sunlight, these windows are unlikely to comply with the BRE's APSH guidance, however this guidance states that spaces requiring greater sunlight, such as living rooms, should be located where the most sunlight is available, and the applicant has adopted this approach.
- 10.124 Taking into account the points set out above, and in particular the location of the site in this relatively dense, inner urban area, it is considered that the proposed residential units would be provided with acceptable levels of amenity for future occupiers.

#### *Privacy*

- 10.125 Due to its design and distance from existing and proposed neighbouring residential windows, block A raises no concerns in terms of the level of privacy it would provide for its residents, provided that recommended condition 12 is applied – this would help protect the privacy of future residents, as well as existing neighbours. In block B, the windows in the proposed development have been laid out to ensure there would be no mutual overlooking between habitable rooms either side of the recess (between units B.1.3 and B.1.4, for example, at first floor level). Some oblique glimpsed views may be shared between habitable room windows and balconies, however these shortcomings are not considered significant enough to warrant refusal of permission or the application of conditions requiring mitigation.
- 10.126 While the surrounding office buildings would be afforded some views back towards the windows and amenity spaces serving the proposed residential units of block B, during normal office hours the new residential units are less likely to be occupied. Furthermore, the proposed windows and amenity spaces would be set a sufficient distance from and/or at oblique angles to the existing neighbouring buildings to ensure that the proposed development is not significantly overlooked.

### *Amenity space*

- 10.127 Development Management Policy DM3.5 states that all new residential development and conversions will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. Part C of the policy states that the minimum requirement for private outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors and an extra 5sqm on ground floors up to a minimum of 30sqm for family housing (3-bedroom residential units and above).
- 10.128 All the proposed private units would have private patios or balconies. Units B.G.1 and B.G.2 would meet the higher standard set for ground floor units under policy DM3.5, and the other 20 private units would also meet the standard for upper floor provision, with balconies of 6sqm and 7sqm proposed. Together with the communal amenity space proposed at ground floor level (outside unit B.G.1, on the south side of block B) there is considered to be more than sufficient provision of amenity space for the proposed private units. This level of provision is not always achieved in such dense, inner urban locations, and is welcome.
- 10.129 Unit type floor plans (with annotated balcony sizes) have not been provided for the proposed social rent units in block A, however comparison with the policy-compliant balconies of block B indicates their outdoor amenity spaces would be of an adequate size. It is also noted that they would be south-facing, and that their depths could not be increased without adversely affecting the amenities of existing neighbouring properties (particularly the privacy of flats at 330-336 City Road), and reducing the amount of natural light reaching the rear windows of the floor below.
- 10.130 Given the size of the proposed development, the provision of new on-site open space is not required under Development Management Policy DM6.2.

### *Playspace*

- 10.131 The proposal would result in a child yield of approximately 6, which requires 30sqm of play space to be provided, based on Islington's requirement of 5sqm per child (including semi-private outdoor space, private outdoor space and gardens suitable for play) as set out under Development Management Policy DM3.6. The communal amenity space proposed at ground floor level on the south side of block B is annotated as a "play area" on drawing 6330 D4200 rev 04, and is large enough to meet and exceed this requirement, although this space is likely to only be used by occupants of the private units. Space for children's play can additionally be provided in the private patios and balconies elsewhere in the development.

### *Noise and vibration*

- 10.132 The residential element of the proposed development would either directly front onto, or would be located in close proximity to, City Road, Wakley Street and/or Goswell Road which are subject to heavy traffic levels. A condition is recommended relating to the provision of appropriate sound insulation (condition 36) to ensure that future occupiers would not be subject to unacceptable levels of noise.



### *Air quality*

- 10.133 The entire borough has been designated by the council as an Air Quality Management Area. The ground and first floors of the proposed would be exposed to nitrogen dioxide levels exceeding the council's objectives and as such mechanical ventilation would be required. However, due to the high levels of noise exposure at the site, mechanical ventilation would also be required to all other floors. Recommended condition 34 secures measures to minimise residents' exposure to air pollution.

### *Refuse and recycling*

- 10.134 Both the proposed residential cores would each be served by a dedicated refuse store, separate to those to be provided for the proposed commercial floorspace.

### *Other residential quality matters*

- 10.135 The number of units to be served by each core, floor-to-ceiling heights, and proposed routes to residents' homes from entrances are considered acceptable, and the proposed design would not be inherently problematic in terms of security for residents.
- 10.136 It is noted that the amenities of some of the proposed residential units would benefit from the current layout and massing of the Angel Gate development, particularly in relation to outlook and natural light. Representatives of the owners of Angel Gate have objected on these grounds, arguing that this reliance on the current layout would prejudice and limit the development potential of the adjacent allocated site (BC48). These concerns are noted, however it is considered that a sufficiently dense and efficient layout could be possible at the Angel Gate site without causing a significant loss of amenity to the residential units currently proposed. This, together with the need to optimise development of sites, and the small number of proposed residential units that would benefit from the current layout of Angel Gate, indicate that planning permission should not be withheld on the grounds that the development potential of an adjacent site would be prejudiced.

### **Dwelling Mix**

- 10.137 Policy CS12 (part E) requires developments to provide a range of unit sizes to meet needs in the borough, and maximise the proportion of family accommodation in both affordable and market housing. In the Development Management Policies document, paragraph 3.14 (which supports policy DM3.1) states that developments should provide for a mix of unit sizes in accordance with Table 3.1, which sets out the following required unit size/tenure mix:

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed+</b>
Market	10%	75%	15%	0%
Intermediate	65%	35%	0%	0%
Social Rented	0%	20%	30%	50%

- 10.138 The unit size/tenure mix proposed by the applicant following the amendments made during the life of the application is as follows:

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Market	5 (22.7%)	17 (77.3%)	0 (0%)	0 (0%)
Social Rented	0 (0%)	4 (100%)	0 (0%)	0 (0%)

10.139 The above mix does not closely match the requirements of Table 3.1, however in this location, and due to the constraints of this particular site, the provision of family-sized units is not considered essential. The proposed provision of 2-bedroom private units would be close to the target requirement. The provision of all of the social rented units as 2-bedroom flats is considered acceptable given the comments of the council's Housing Development and Regeneration Manager, and given that 3 of the 4 social rent units would be 2-bedroom/4-person flats.

### **Affordable Housing and Financial Viability**

#### *Planning policy*

- 10.140 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 10.141 The London Plan under policy 3.11 sets a strategic Londonwide goal to maximise affordable housing provision, and states that boroughs should set their own overall target for the amount of affordable housing provision needed over the plan period. Policy 3.12 confirms that sites should provide the maximum reasonable amount of affordable housing which can be achieved, having regard to current and future requirements for affordable housing at local and regional levels, affordable housing targets, the need to encourage residential development, the promotion of mixed and balanced communities, the size and type of affordable housing needed in particular locations, the specific circumstances of individual sites, resources available to find affordable housing, and the priority to be accorded to the provision of affordable family housing.
- 10.142 London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to relevant considerations. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ("contingent obligations"), and other scheme requirements.
- 10.143 Policy 2011 in the London Plan sets out a preference for 60% of affordable housing provisions to be for social and affordable rent and 40% for intermediate rent or sale, however Core Strategy policy CS12 (part G) sets out a required 70% social housing / 30% intermediate housing split.

10.144 Paragraph 3.74 of the London Plan states that affordable housing provision is normally required on-site.

10.145 Core Strategy policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:

- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
- requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
- seeking the maximum reasonable amount of affordable housing, especially social rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
- delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing.

*Proposed affordable housing offer*

10.146 The proposed affordable housing offer would deliver 4x 2-bedroom social rent units. This affordable housing element would be equivalent to 16.4% based on habitable rooms or 15.4% based on units. The tenure split within the affordable element would be 100% social housing / 0% intermediate housing. Paragraph 4.12 of the applicant's Planning Statement confirms that Family Mosaic would become the registered provider for the proposed affordable housing. This is confirmed by Family Mosaic themselves, in a letter dated 02/09/2014 appended to the applicant's Affordable Housing Statement.

10.147 The proposed affordable housing offer is significantly below the council's strategic target of 50%. The proposed tenure split is not compliant with the requirements of Core Strategy policy CS12 (part G).

10.148 In support of the proposed affordable housing offer, the applicant submitted various documents including a Viability Statement dated 15/12/2015 which reflected the unit numbers and floorspace of the development currently under consideration. This statement found the proposed development would result in a significant deficit, and that the 4 proposed social rent units represented the maximum reasonable affordable housing provision achievable. The council's financial viability consultant, BPS, examined the applicant's appraisals and related documents, and issued reports dated 11/11/2014, 06/02/2015 and 21/10/2015. In the last of these reports, BPS agreed that the 4 social rent units represented the maximum level of affordable housing that could be provided by the proposed development.

10.149 Officers raised concerns over the deliverability of the 4 social rent units, given that the proposed development was shown to be in deficit. As noted with a recent proposal for development at Caledonian Road (ref: P2015/3989/FUL, considered at the Planning Committee's meeting of 19/01/2016), in the balance of planning considerations, significant positive weight cannot be given to an affordable housing offer which was not demonstrated to be deliverable. These concerns were amplified by a recent appeal decision in LB Southwark (ref: APP/A5840/S/15/3121484, allowed on 24/11/2015, relating to land at 2-2A Crystal Palace Road, East Dulwich, London, SE22 9HB) where planning permission had been granted for a development that included affordable

housing (despite being shown to be in deficit), and where an application under Section 106BA and an appeal under Section 106BC were lodged soon after permission had been granted. The Inspector determined that the scheme could not viably deliver any affordable housing, and the obligation to provide affordable housing was removed.

- 10.150 In response to these concerns, the applicant confirmed that a lower profit level would be accepted in the event that development did not achieve viability. Officers asked for the applicant's assurances regarding the development's profit level to be reflected in an updated viability appraisal. In response, the applicant submitted an updated appraisal, attached to their letter of 26/01/2016. This includes revised profit assumptions, a near-break-even position (in fact, a deficit of £238,000) in relation to viability, and confirmation that delivery will be progressed on the basis of the profit level stated in the updated appraisal.
- 10.151 This approach to profit and viability is considered reasonable and provides adequate assurance that the 4 social rent units would be delivered. This is supported by Family Mosaic's agreement to become the registered provider for these social rent units.
- 10.152 The applicant has also repeatedly assured officers that no application under Section 106BA would be submitted after permission was granted, and has gone as far as stating that "there is no basis on which a Section 106BA application could, or would, be successfully progressed for this scheme", however the council cannot prevent such an application from being submitted.
- 10.153 BPS have also been asked to review the applicant's updated appraisal attached to their letter of 26/01/2016. BPS's report, dated 24/02/2016 is attached, unredacted, to this report at Appendix 3. The conclusions of this report are summarised as follows:
- The proposed development cannot viably deliver any additional affordable housing.
  - The applicant's agreement to an advanced stage viability review will provide greater certainty and the potential for an additional affordable housing contribution in the event that economic conditions improve further and a surplus is generated.
  - A benchmark land value of £4,920,404 is reasonable.
  - An upward adjustment of residential sales values may be appropriate, as suggested by the Land Registry House Price Index, however the resulting gains would be cancelled out by recent increases in build costs.
  - All other costs in the applicant's appraisal are considered appropriate.
  - There is no evidence to counter the applicant's claim that office rents in this location have remained stagnant since October 2015.
  - Affordable housing values in the applicant's appraisal are reasonable.
- 10.154 Although the proposed tenure split within the affordable housing element does not comply with planning policy, given the small on-site provision proposed, it is accepted that social rent should be prioritised.
- 10.155 Notwithstanding the inclusive design concern highlighted earlier in this report, the quality of the proposed affordable housing – relative to that of the proposed private housing – is considered acceptable. Although the 4 social rent units would face the heavily trafficked City Road, this impact is ameliorated and balanced by the proposed setting back of block A from the highway, and the dual aspect and good levels of outlook from the 4 units. Recommended conditions would ensure adequate levels of

amenity (in relation to noise and air quality) are maintained for these units. In terms of design, the proposed development would be “tenure blind”.

#### *Viability review*

- 10.156 With regard to viability review, paragraph 3.75 of the London Plan states that when determining applications for housing developments, boroughs need to take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, viability reappraisals may be used to ensure that maximum public benefit is secured over the period of the development. Paragraph 4.4.42 of the Mayor of London’s Housing SPG (2012) states that, for schemes with a shorter development term (than large, phased developments), consideration should be given to using short-term permissions or to using Section 106 clauses to trigger a review of viability, if a scheme is not substantially complete by a certain date.
- 10.157 The council’s approach to viability review mechanisms is set out in section 7 of Islington’s Development Viability SPD. At paragraph 7.5 it confirms that viability review mechanisms will be required through Section 106 agreements on all major residential / mixed use applications which do not meet the strategic affordable housing target, and for all major applications where policy requirements are not met in full at the time permission is granted. The purpose of such reviews is to determine whether greater compliance with the Development Plan can be achieved. Paragraphs 7.11 and 7.26 state that, for all schemes requiring a review, a review will be required at an advanced stage of development (an “advanced stage review”), to ensure that the assessment of viability is based on up-to-date and accurate viability evidence.
- 10.158 The applicant has agreed to an advanced stage review (to be triggered by the sale of 75% of the development’s private residential units), and this is referred to in the recommended Section 106 Heads of Terms. The fees of the viability consultant appointed by the council would be paid for by the applicant. In the event that the submitted evidence demonstrates an improvement in the development’s viability, a financial contribution towards the provision of affordable housing would be paid to the council, capped at the equivalent of the council’s affordable housing target.

#### **Sustainability, Energy Efficiency and Renewable Energy**

- 10.159 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 10.160 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington’s policies.
- 10.161 Islington’s Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such

provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN.

10.162 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.

#### *Carbon dioxide emissions*

10.163 The applicant's updated Energy Statement (Greengage, October 2015) sets out a preferred strategy of providing infrastructure to enable connection to a decentralised energy network, and a communal heating system supported by on-site combined heat and power (CHP). This, together with measures including low U-values, high levels of airtightness, photovoltaic cells, and no comfort cooling, would result in the development achieving a 35% saving of carbon dioxide emissions compared with the 2013 Building Regulations. This falls short of the 39% required by Core Strategy policy CS10, but is considered acceptable given the comments of the Energy Conservation Officer and the constraints of the site.

10.164 Remaining carbon dioxide emissions would need to be offset with a payment of £72,620. It is recommended that this be included in a Section 106 agreement associated with any permission granted for the proposed development.

10.165 The Bunhill decentralised energy network (DEN) is due to come within 500m of the application site by the end of 2016, and officers are currently preparing information for the applicant regarding the viability of connection. It is recommended that connection to the network be required if technically and economically viable. If not, details of future-proofing for future connection will be required. It is recommended that these matters be addressed and secured via the necessary Section 106 agreement.

10.166 In accordance with a request from the Energy Conservation Officer, it is recommended that details of dynamic thermal modelling of the proposed development be required by condition (condition 28).

#### *Sustainability*

10.167 The applicant proposes various measures in relation to sustainability and relevant planning policies, including brown roofs, measures relating to water efficiency and greywater usage, and sustainable sourcing and use of materials. Many of these

measures are supported and welcomed. Conditions securing the approval of a Green Procurement Plan, the development's achievement of BREEAM "Excellent", the provision of composting facilities, and relating to water consumption, are recommended (conditions 3, 26, 32 and 22). It is also recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.

- 10.168 The submitted roof plan shows limited areas of brown roofs proposed to block B. These would enable a small reduction in the extent of the site covered by impermeable surfaces, however green roofs would be preferable, and it is not accepted that living roofs (be they brown or green) cannot be provided on other parts of the development, including the roof of block A and beneath the areas to be fitted with a photovoltaic array. A condition (condition 20) is recommended, requiring the maximisation of green roof provision, and requiring the green roofs to meet the council's standard requirements as set out in Islington's Environmental Design SPD. There is otherwise little scope for significant landscaping as part of the proposed development, although some soft planting is proposed to the forecourt of block A, and recommended condition 18 requires the submission of details of a landscaping scheme.
- 10.169 The application site has no trees, however a mature London Plane tree stands close to the site in the grounds of 326a City Road, and there are trees close to the site boundaries within the grounds of the Angel Gate development. These trees partly overhang the application site, therefore facilitation pruning may be required in connection with the proposed development. Recommended condition 19 requires details of such pruning.
- 10.170 The submission lacks detail regarding sustainable urban drainage. Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare. A condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6 is recommended (condition 21).
- 10.171 Measures to increase the site's currently-limited biodiversity interest, including to the installation of bird and bat boxes, are secured by recommended condition 18.
- 10.172 A Green Performance Plan (GPP) has been submitted with the application. This is considered to be acceptable as a draft, however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement.
- 10.173 The submission of the application predates the council's adoption of its Basement Development SPD. The proposed development includes excavation at basement level. Recommended conditions 23 and 24 secure the submission of details explaining how the proposed development would comply with the requirements of the SPD. London Underground have also requested that details of piling and foundation works be secured, and condition 25 is recommended accordingly.

### **Highways and Transportation**

- 10.174 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages

sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies.

#### *Existing conditions*

- 10.175 Both City Road and Wakley Street are busy TfL-controlled red routes. Wakley Street is a one-way street, with traffic moving from north to south. A pedestrian crossing exists close to the site, outside 326 City Road. There are loading bays along the east side of Wakley Street.
- 10.176 The application site has a Public Transport Accessibility Level (PTAL) of 6a. It is within less than 500m walking distance of Angel underground station, and City Road is served by 5 bus routes. Bus and cycle lanes are marked along stretches of City Road.
- 10.177 Dropped kerbs exist directly outside both 7-8 Wakley Street and 328 City Road. The sloped forecourt outside 328 City Road can be used for temporary parking of servicing vehicles, and 7-8 Wakley Street is serviced from the street.

#### *Trip generation, parking and cycle parking*

- 10.178 The applicant's Transport Assessment details the transportation and highways implications of the proposed development.
- 10.179 The applicant's consultant did not assess trip generation for the business floorspace to be occupied by the NCB, as the consultant assumed that the number of employees would not change and that the NCB's continued occupancy would not generate any additional trips following development. No updated trip generation data, taking into account the business floorspace added to the scheme, was submitted following the amendment of the proposals. While updated information would have been useful, given the relatively small increase in business floorspace now proposed (1sqm GIA, 284sqm NIA), and the overall employment potential of the business floorspace (142 jobs, based on the HCA's ratio of 1 employee per 12sqm NIA of offices), it is not considered necessary to require detailed trip generation information at this stage. Given existing conditions around the site, the site's public transport accessibility, and the applicant's proposals for on-site cycle parking (and no on-site car parking), it is considered that the majority of trips to and from the proposed business floorspace would involve sustainable modes of transport. It is further considered that the proposed business floorspace would have little, if any, additional adverse impact on local highways and public transport.
- 10.180 Residential trip generation data was, however, provided when the proposed development included 33 residential units. The applicant's consultant predicted that 32 two-way trips would be generated in the morning peak period (14 on foot, 9 by train or underground, 6 by bus, 3 by bicycle and 1 by taxi) and 30 in the evening peak period (13 on foot, 7 by train or underground, and 2 by bicycle). This level of trip generation (and the lower level generated by the 26 residential units now proposed) is not considered to be significant or unsustainable.
- 10.181 The proposed development would be car-free in accordance with Core Strategy policy CS10 and Development Management Policy DM8.5.
- 10.182 Accessible parking is discussed earlier in this report.



- 10.183 An appropriate clause in the necessary Section 106 agreement would prevent residents of the proposed development from being eligible for Controlled Parking Zone (CPZ) permits, however it must be noted that residents moving into the new homes would be eligible for a CPZ permit if they have already held an Islington CPZ permit for a period of at least a year.
- 10.184 Space for the parking of a total of 109 cycles is proposed in 4 cycle stores at lower ground floor level. 21 commercial and 8 residential cycle parking spaces would be accessed from City Road, while 20 commercial and 60 residential spaces would be accessed from Wakley Street. This provision exceeds the standards set out at Appendix 6 of the Development Management Policies, and it is recommended this provision be secured by condition, and the size of the proposed cycle stores ensures that capacity for tricycles, trailers and bicycles for people with disabilities can be accommodated. Although cycle parking should normally be provided at ground floor level, it is accepted that the site's narrow street frontages and limited space at its ground floor entrances means provision has to be made at lower ground floor level. Paragraph 6.80 of the submitted Planning Statement confirms that end-of-trip facilities would be provided for the proposed business floorspace.
- 10.185 A draft Travel Plan has been provided at Appendix C of the submitted Transport Assessment. This would encourage the use of more sustainable modes of transport. It is recommended that a requirement for a detailed, updated travel plan be included in a Section 106 agreement associated with any permission granted for the proposed development.

#### *Servicing*

- 10.186 The site would continue to be serviced from the existing loading bays on Wakley Street. The applicant's consultant predicts a total of 1 servicing trip per day in relation to the proposed residential accommodation, with no deliveries expected during the peak hours. Given that both City Road and Wakley Street are heavily trafficked, and given the lack of information submitted by the applicant in relation to the servicing of the proposed business floorspace, it is recommended that the submission, approval and implementation of a Delivery and Servicing Management Plan (DSMP) be secured by condition (31).
- 10.187 It is further recommended that a Demolition and Construction Management and Logistics Plan (DCMLP) be secured by condition (29).

#### *Other highways considerations*

- 10.188 It is likely that footway and highway reinstatement works would be necessary following completion of the proposed development. The highways directly outside the site are TfL-controlled, and TfL have requested that the developer be required to enter into a Section 278 agreement with TfL in relation to these works. This matter is referred to in the recommended Section 106 Heads of Terms.
- 10.189 The quality of the existing pedestrian environment surrounding the application site has been assessed by the applicant's consultant using PERS methodology, and the findings are set out the submitted Transport Assessment. Although the consultant generally found the pedestrian environment to be positive, some deficiencies were noted, and these findings could inform future decisions as to where CIL moneys associated with the proposed development could be spent.

### **Contaminated Land and Air Quality**

- 10.190 Given the potentially contaminating historic uses of the application site, the site's location within Source Protection Zone 2, and the introduction of residential accommodation which would bring new receptors to the site, provisions relating to contamination would be necessary as per the applicant's own Phase 1 Environmental Assessment. Appropriate conditions (37 and 38) are recommended.
- 10.191 Representatives of the owners of Angel Gate have requested that a condition relating to asbestos be applied. The applicant's Phase 1 Environmental Assessment (AP Geotechnics, 23 July 2014) recommends the analysis of soil and groundwater samples for asbestos contamination, and recommended conditions 37 and 38 would secure the provisions set out in this assessment. The removal of any asbestos from the application site's existing buildings would need to comply with the Control of Asbestos Regulations 2012. A condition of planning permission would duplicate these controls and would therefore not need to be applied by the council.
- 10.192 As previously noted, the whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition (condition 30). This would ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

### **Planning Obligations, Community Infrastructure Levy and Local Finance Considerations**

#### *Community Infrastructure Levy*

- 10.193 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing. The affordable housing is exempt from CIL payments.
- 10.194 Officers have advised the applicant that, although the use of part of the development as offices by the NCB qualifies as a charitable use, the "chargeable development" as a whole will not be used "wholly or mainly for charitable purposes", and the proposed development is not eligible for CIL charitable relief.
- 10.195 Islington CIL of £499,218.14, and Mayoral CIL of £139,134.45, would be payable in relation to the proposed development.

### *Section 106 agreement*

10.196 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- On-site provision of affordable housing – the development will be required to provide 4 social housing units.
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of updated viability information at an advanced stage of the development process on sale of 75% of private residential units. Fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, capped at the equivalent of the council's affordable housing target, to be determined in accordance with the SPD.
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per the Islington Preventing Wasted Housing Supply Supplementary Planning Document, 2015). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, a fee of £10,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £4,638, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 3 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £6,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £72,620.

- Connection to a local energy network (Bunhill heat 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 Green Performance Plan.
- Submission 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).
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

10.198 On 05/02/2016 the applicant's agent agreed to the drafting of a Section 106 agreement based on the above Heads of Terms.

### **National Planning Policy Framework**

10.199 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, promoting mixed-use development and achieving high quality design. With the recommended conditions and Section 106 agreement, the proposed development would largely address the NPPF's core principle related to addressing climate change. The proposal is not considered to be compliant or fully compliant in relation to the principles relating to meeting housing needs and achieving a good standard of amenity for existing occupants.

10.200 In the final balance of planning considerations set out below, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

### **Other Matters**

10.201 Consideration has been given to the work of the co-applicant (the NCB), the public benefit of that work, and the extent to which that work (and that public benefit) is linked to the current proposal. The applicant has submitted a series of documents, the most recent version of which was received on 11/03/2015, explaining the work of the NCB, and highlighting that some of this work is carried out in Islington.

10.202 The applicant has, however, confirmed (most recently at a meeting on 07/05/2015) that although the NCB would function better if it remained at the application site, it could in fact operate from another location. Furthermore, the submissions of the NCB do not quantify the public benefit resulting from the NCB remaining on site (compared with the benefits that would be achieved anyway, were the NCB to operate from another location). Therefore, while it is accepted that the work of the NCB is of public benefit, and that some of the NCB's projects benefit residents of Islington, given that there

appears to be no clear, unique and quantifiable link between that public benefit and the current proposal, little weight can be given to the beneficial work of the NCB in the balance of planning considerations relevant to this application.

- 10.203 It is again noted that representatives of the owners of Angel Gate have objected to the proposed development. One aspect of this objection relates to the combined development potential of the application site and the allocated site BC48 – the objector has suggested that a greater quantum of development, possibly including a greater affordable housing provision, could be achieved if the 2 sites were developed together. While a different layout could certainly be achieved across the combined sites, it cannot be confirmed at this stage that the indicative scheme prepared by the objector’s architect would be policy compliant and acceptable, and no financial viability information has been submitted to confirm that a greater quantum of affordable housing could be delivered. Furthermore, there is no guarantee as to when the Angel Gate site may come forward for redevelopment. It would be inappropriate to withhold planning permission for the current proposal on the basis of speculation as to how and when this adjacent site might be developed.
- 10.204 The impact of the proposed development upon adjacent property values is not a material planning consideration, and planning permission cannot be withheld on these grounds.
- 10.205 Any damage to neighbouring properties during demolition and construction work is primarily a civil matter to be resolved by the parties involved, however recommended condition 23 requires the submission of a Structural Method Statement in relation to basement works, and recommended condition 29 requires the submission of a Demolition and Construction Management and Logistics Plan. These should ensure the developer gives consideration to the risk of damage to neighbouring property.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The benefits of the proposed development must be noted. These include the re-use of an underused site, the replacement of the existing floorspace with a higher quality, more accessible and more flexible employment space (and an uplift of 284sqm NIA floorspace), the delivery of a quantum of much-needed housing (including 16.4% affordable housing), and the reduction of impermeable surfaces (and improved natural drainage). CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Work placements would also be secured through a Section 106 agreement. It is also noted that the commercial element of the proposed development is not entirely speculative – much of the floorspace would be occupied from the outset by the NCB, with a 15-year rental agreement (subject to reviews) already in place.
- 11.2 These benefits must, however, be weighed against the shortcomings of the proposed development, the material harm that the proposed development would cause, and the development’s non-compliance with development plan policies. Officers’ primary concerns relate to the impacts of the proposed development upon the amenities of neighbouring properties, non-compliance with inclusive design policies and guidance (in some parts of the development), and the loss of 328 City Road (although, applying

paragraph 134 of the NPPF and having regard to the public benefits of the proposed development, it is accepted that this heritage asset can be demolished).

- 11.3 The benefits and shortcomings of the proposed development are noted in the context of a 16.4% affordable housing offer, however it is accepted that the proposed development cannot provide a greater quantum of affordable housing, and it is noted that the applicant has agreed to an advanced stage review of the development's viability.
- 11.4 The comments made by residents, neighbouring businesses and supporters have been considered, as have responses from consultee bodies.
- 11.5 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant Development Plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise.
- 11.6 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered to outweigh those shortcomings of the development which cannot be adequately mitigated through the use of conditions and the provisions of a Section 106 agreement.
- 11.7 In conclusion, given the proposed development's adequate level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

### **Conclusion**

- 11.8 It is recommended that planning permission be granted subject to conditions and Section 106 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:

- On-site provision of affordable housing – the development will be required to provide 4 social housing units.
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of updated viability information at an advanced stage of the development process on sale of 75% of private residential units. Fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, capped at the equivalent of the council's affordable housing target, to be determined in accordance with the SPD.
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per the Islington Preventing Wasted Housing Supply Supplementary Planning Document, 2015). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, a fee of £10,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £4,638, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 3 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £6,000.

- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £72,620.
- Connection to a local energy network (Bunhill heat 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 Green Performance Plan.
- Submission 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).
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within the Planning Performance Agreement timeframe 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 of London) 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 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:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration 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>
<b>2</b>	<b>Approved plans and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p>



Planning Statement (Quod, September 2014)  
Design and Access Statement (Formation Architects, 2 September 2014)  
Transport Assessment (WSP, 2 September 2014)  
Commercial Floorspace Assessment (Quod, September 2014)  
Affordable Housing Statement (Quod, 2 September 2014)  
Internal Daylight and Sunlight Report (GIA, 7 August 2014)  
Heritage Appraisal (KMHeritage, August 2014)  
Historic Environment Assessment (MOLA, November 2014)  
Noise Assessment (Entran, 18 August 2014)  
Air Quality Assessment (Entran, 18 August 2014)  
Phase 1 Environmental Assessment (AP Geotechnics, 23 July 2014)  
Arboricultural Impact Assessment (Greengage, July 2014)  
Sustainability Assessment (Greengage, July 2014)  
Green Performance Plan (Greengage, received 26 November 2014)  
Code for Sustainable Homes Pre-Certification Report (Greengage, July 2014)  
BREEAM Pre-Certification Report (Greengage, July 2014)  
Statement of Community Involvement (Four Communications, September 2014)  
Financial Appraisal Supporting Statement (Quod, 2 September 2014)

all as amended by:

6330 D4000 rev 04  
6330 D4001 rev 04  
6330 D4100 rev 04  
6330 D4101 rev 03  
6330 D4102 rev 03  
6330 D4105 rev 05  
6330 D4149 rev 04  
6330 D4200 rev 04  
6330 D4500 rev 04  
6330 D4501 rev 04  
6330 D4502 rev 03  
6330 D4503 rev 04  
6330 D4504 rev 05  
6330 D4505 rev 05  
6330 D4506 rev 01  
6330 D4700 rev 03  
6330 D4701 rev 03  
6330 D4702 rev 04  
6330 D4710 rev 04  
6330 D4711 rev 04  
6330 D4712 rev 04  
6330 D4713 rev 04  
6330 D4720 rev 03  
6330 D4721 rev 05  
6330 D4722 rev 04  
Summary of areas (6330-D4900 rev 03)  
Breakdown of areas (6330-D4901 rev 03)  
Daylight and Sunlight report (GIA, 26 November 2015) as amended by corrected  
APSH tables (GIA, received 14 January 2016)  
Overshadowing Assessments (GIA, 15 January 2016)  
Energy Assessment (Greengage, October 2015)  
Viability Statement (Quod, 3 September 2015)

	<p>Viability Statement (Quod, 15 December 2015) Letter from Claire Dickinson (Quod, 26 January 2016) and appended revised Development Appraisal</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and samples (Details)</b>
	<p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses;</li> <li>b) metal cladding panels (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling);</li> <li>d) windows, doors and balustrades;</li> <li>e) roofing materials; and</li> <li>f) any other materials to be used on the exterior of the development.</li> </ul> <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 resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
<b>4</b>	<b>Balconies – unauthorised alterations (Compliance)</b>
	<p>CONDITION: No bamboo screening or other items shall be fixed to the glass balustrades of the balconies and patios unless approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>5</b>	<b>Roof-level structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs,</p>

	<p>flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>6</b>	<b>Window and door reveals (Compliance)</b>
	<p>CONDITION: All windows and doors shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>7</b>	<b>City Road cornice (Details)</b>
	<p>CONDITION: Details of the cornice to the City Road elevation (block A) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard and contributes positively to the significance of heritage assets, and to ensure that the development is in accordance with policies 3.5, 7.4, 7.6, 7.8 and 7.9 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.</p>
<b>8</b>	<b>External pipes, cables and CCTV (Compliance and Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p>

	<p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>9</b>	<b>Parish boundary stone (Details)</b>
	<p>CONDITION: A method statement for the removal, any necessary repair, and reinstallation of the parish boundary stone (identified at paragraph 2.20 of the Heritage Appraisal (KMHeritage, August 2014) and shown on drawing 6330 D4200 rev 04) shall be submitted to an approved in writing by the Local Planning Authority prior to any works commencing.</p> <p>The development shall be carried out strictly in accordance with the method statement so approved.</p> <p>REASON: To ensure the heritage asset is appropriately conserved in accordance with policies 7.8 and 7.9 of the London Plan 2015 and policy DM2.3 of Islington's Development Management Policies 2013.</p>
<b>10</b>	<b>Security and general lighting (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and 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 good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2015, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
<b>11</b>	<b>Archaeology (Details)</b>
	<p>CONDITION: No development other than demolition shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the Local Planning Authority.</p> <p>If heritage assets of archaeological interest are identified by the evaluation, before development (other than demolition to existing ground level) commences the applicant (or their heirs or successors in title) shall secure the implementation of a</p>

	<p>programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>No development or demolition shall take place other than in accordance with the approved Written Scheme of Investigation.</p> <p>The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site and it is appropriate to secure archaeological investigation in accordance with section 12 of the National Planning Policy Framework, policy CS9 of Islington's Core Strategy 2011 and policy DM2.3 of Islington's Development Management Policies 2013.</p>
<b>12</b>	<b>Privacy screening to block A (Details)</b>
	<p>CONDITION: Details of screening or other design solution to prevent overlooking of neighbouring properties at 330-336 City Road and 14 Wakley Street from the rear balconies of block A shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved prior to first occupation, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policy 7.6 of the London Plan 2015, policies CS9, CS10 and CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>13</b>	<b>Wheelchair-accessible/adaptable units (Details)</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 20 of the private residential units hereby approved 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>Building Regulations Approved Plans and Decision Advice Notices, confirming that these requirements will be achieved, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The Category 3 units shall be provided prior to the first occupation of the block within which they are located, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, and to ensure the development is of an inclusive design in accordance with policies 3.8 and 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policies DM2.2 and DM3.4 of Islington's Development Management Policies 2013.</p>
<b>14</b>	<p><b>Inclusive design – business floorspace (Details)</b></p> <p>CONDITION: Details including floorplans, sections and elevations of all business floorspace at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall include:</p> <ul style="list-style-type: none"> <li>• accessible WC provision;</li> <li>• public entrances including sections showing level access, door furniture and manifestations to glazing;</li> <li>• space for the storage and charging of mobility scooters;</li> <li>• details of accessible changing facilities for staff; and</li> <li>• details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013.</p>
<b>15</b>	<p><b>Disabled parking bays (Details)</b></p> <p>CONDITION: A survey identifying appropriate and available locations for additional disabled parking bays within the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure adequate provision of parking for residents with disabilities in accordance with policy DM8.5 of Islington's Development Management Policies 2013.</p>
<b>16</b>	<p><b>Cycle parking (Compliance)</b></p> <p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 109 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, and the parking and charging of mobility scooters) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>

<p><b>17</b></p>	<p><b>Micro and small enterprises (Details)</b></p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for occupation by micro and small enterprises.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises in accordance with policy BC8 of the Finsbury Local Plan 2013.</p>
<p><b>18</b></p>	<p><b>Landscaping and biodiversity (Details)</b></p> <p>CONDITION: Details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>• Soft planting, including details of any grass and turf areas, shrub and herbaceous areas;</li> <li>• Sufficient specification to ensure successful establishment and survival of new planting;</li> <li>• Enclosures, including types, dimensions and treatments of any walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>• Hard landscaping, including ground surfaces (including those to be used directly outside the bin stores), kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and synthetic surfaces;</li> <li>• Any demarcation of pedestrian, vehicular and pedestrian space within the areas of hard landscaping;</li> <li>• Existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>• Confirmation that the landscaping scheme has been designed in accordance with Islington's Inclusive Landscape Design SPD Jan 2010 and Streetbook SPD Oct 2012;</li> <li>• Bat and bird nesting boxes / bricks and any other measures intended to improve and maximise on-site biodiversity;</li> <li>• Details of how the landscaping scheme includes and integrates other measures to enhance biodiversity and sustainable urban drainage solutions and has been designed in accordance with Development Management Policy DM6.6 and London Plan policy 5.13;</li> <li>• A Landscaping Management Plan describing how the landscaping would be maintained and managed following implementation;</li> <li>• Any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping so approved 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 maintenance/watering provision following planting and any trees or shrubs which die, become severely damaged or diseased within 5 years of planting shall be replaced with the same species or an</p>

	<p>approved alternative and to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details (including the Landscape Management Plan) so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to ensure the development is of an inclusive design, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies 3.5, 5.3, 5.10, 5.11, 5.13, 7.2, 7.4, 7.5, 7.19 and 7.21 of the London Plan 2015, policies CS9, CS10, CS12 and CS15 of the Islington Core Strategy 2011 and policies DM2.1, DM2.2, DM2.3, DM6.2, DM6.5 and DM6.6 of Islington's Development Management Policies 2013.</p>
<b>19</b>	<b>Tree pruning (Details)</b>
	<p>CONDITION: Details of all proposed construction facilitation pruning shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The development shall be carried out strictly in accordance with the details so approved and in accordance with BS3998:2010.</p> <p>REASON: To ensure the retention of, and to avoid damage to, the retained trees on land adjacent to the site that represent an important visual amenity to the locality and to ensure compliance with policy 7.21 of the London Plan 2015, policy CS15 of the Islington Core Strategy 2011 and policy DM6.5 of Islington's Development Management Policies 2013.</p>
<b>20</b>	<b>Green roofs (Details and Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> <li>• form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</li> <li>• cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</li> <li>• be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</li> </ul> <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall 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 development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall</p>



	<p>take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2015, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013.</p>
<b>21</b>	<b>Sustainable urban drainage (Details)</b>
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy 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: To ensure the development achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2015 and policy DM6.6 of Islington's Development Management Policies 2013.</p>
<b>22</b>	<b>Water consumption (Compliance)</b>
	<p>CONDITION: The residential part of the development hereby approved shall be designed to achieve a water use target of no more than 110 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>The above water use target shall apply to all tenures within the development hereby approved.</p> <p>REASON: To ensure the sustainable use of water in accordance with policy 5.15 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
<b>23</b>	<b>Basement – Structural Method Statement (Details)</b>
	<p>CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground.</p> <p>The statement shall be in line with the requirements of Chapter 6 (Site investigations to inform design) and appendix B of Islington's Basement Development SPD 2016.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>24</b>	<b>Basement – inspection and monitoring (Compliance)</b>
	<p>CONDITION: The certifying professional that endorsed the Structural Method</p>

	<p>Statement (or a suitably qualified person with relevant experience) shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>25</b>	<b>Piling and foundations (Details)</b>
	<p>CONDITION: No development shall commence until a piling and foundations design and method statement (relating to all foundations, basements and ground floor structures and any other structures below ground level, and detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including accommodation of existing London Underground structures and measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to an approved in writing by the Local Planning Authority in consultation with Thames Water and London Underground.</p> <p>The development shall be carried out in accordance with the details so approved.</p> <p>REASON: Works are proposed in close proximity to underground sewerage utility infrastructure.</p>
<b>26</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2011) New Construction Scheme rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
<b>27</b>	<b>Energy/carbon dioxide reduction (Compliance)</b>
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy Assessment (Greengage, October 2015) hereby approved which shall together provide for no less than a 35% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013.</p>
<b>28</b>	<b>Dynamic thermal modelling (Details)</b>
	<p>CONDITION: Prior to any works commencing on site a dynamic thermal modelling analysis shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority. The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented.</p> <p>REASON: To ensure that the effects of climate change on the development hereby approved are suitably mitigated and to ensure the future residents of the development do not experience overheating in accordance with policy 5.9 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policy DM7.5 of Islington's Development Management Policies 2013.</p>
<b>29</b>	<p><b>Demolition and Construction Management and Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and 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 in accordance with policies 6.3 and 6.14 of the London Plan 2015 and policy DM8.6 of Islington's Development Management Policies 2013.</p>
<b>30</b>	<p><b>Construction Environmental Management Plan (Details)</b></p> <p>A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality, in accordance with policies 7.14 and 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>31</b>	<p><b>Delivery and Servicing Management Plan and Waste Management Plan (Details)</b></p> <p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p>

	<p>The development shall be carried out strictly in accordance with the DSMP so approved.</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 in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
<b>32</b>	<b>Waste storage (Compliance)</b>
	<p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of food/compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>33</b>	<b>Air quality – Combined Heat and Power (CHP) (Details)</b>
	<p>CONDITION: No superstructure works shall be carried out unless and until details and specifications of the Combined Heat and Power (CHP) facility have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>• The make and model of the system and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions.</li> <li>• A life cycle analysis showing a net benefit to carbon emissions from the plant.</li> <li>• The type, height and location of the flue/chimney (including calculations details regarding the height of the flue/chimney).</li> <li>• Certification for use of the flue/chimney in a smoke control area.</li> <li>• Information on the fuel, fuel feed system, the fuel supply chain and the arrangements that have been investigated to secure fuel. Fuel usage shall be monitored for 3 years from the first operation of the plant. Details of fuel usage shall be forwarded to the Local Planning Authority annually, the first report to be forwarded 1 year after the commencement of operation of the plant.</li> <li>• A breakdown of emissions factors of nitrogen oxides (NOx), particulates and any other harmful emissions from the gas fired CHP and details of any mitigation measures to reduce emissions to an acceptable level.</li> <li>• An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding buildings/ structure.</li> </ul> <p>The approved CHP facility and associated plant shall be installed in strict accordance with the agreed details and operate to the satisfaction of the Local Planning Authority prior to occupation of the development and shall be permanently maintained thereafter.</p>

	<p>REASON: The site is within an Air Quality Management Area where development is required to be designed to mitigate the impact of poor air quality to within acceptable limits in accordance with policy 7.14 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>34</b>	<p><b>Air quality – residents' exposure (Details)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, prior to the commencement of works except in relation to demolition, a report detailing measures to minimise the exposure of the development's future occupiers to air pollution shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the measures 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: To ensure residents' exposure to pollution is minimised in accordance with policy 7.14 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>35</b>	<p><b>Plant noise (Compliance and Details)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,T}</math> 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 5dB(A) below the background noise level <math>L_{AF90,Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>36</b>	<p><b>Sound insulation (Details)</b></p> <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <ul style="list-style-type: none"> <li>• Bedrooms (23.00-07.00 hrs) 30 dB LAeq, 8 hour and 45 dB Lmax (fast);</li> <li>• Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</li> </ul> <p>Full particulars and details of a scheme for sound insulation between the proposed business floorspace and residential use of the development 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 so approved 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 secure an appropriate internal residential environment and to protect the amenities of the occupiers of the residential accommodation in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington’s Core Strategy 2011 and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
<b>37</b>	<b>Site contamination (Details)</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington’s Development Management Policies 2013.</p>
<b>38</b>	<b>Site contamination – unsuspected contamination (Details)</b>
	<p>CONDITION: If during development contamination not previously identified is found to be present at the site no further development shall be carried out (unless</p>

	<p>otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
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**List of Informatives:**

<b>1</b>	<b>Section 106 Agreement</b>
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Definition of 'Superstructure' and 'Practical Completion'</b>
	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London 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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> 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>

<b>4</b>	<b>Site contamination</b>
	The verification report required under condition 37 shall demonstrate completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
<b>5</b>	<b>Sustainable Sourcing of Materials</b>
	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.
<b>6</b>	<b>Thames Water, Environment Agency and LFEPA</b>
	Your attention is drawn to informatives and advice included in Thames Water’s comments of 14/12/2015, the Environment Agency’s comments of 15/12/2015, and the London Fire and Emergency Planning Authority’s comments of 07/01/2016.
<b>7</b>	<b>Archaeology</b>
	Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development activity (other than demolition) occurs.
<b>8</b>	<b>Blocks A and B</b>
	For the avoidance of doubt, “block A” is the 5-storey (plus lower ground floor) building fronting City Road hereby approved, and “block B” is the 5-storey (plus lower ground floor) building fronting Wakley Street hereby approved.



## **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 comprises London Plan 2015, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's 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 2.9 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 2.18 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 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

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 5.18 Construction, excavation and demolition waste

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

##### **6 London's transport**

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

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 6.13 Parking

Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 3.15 Co-ordination 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 4.2 Offices  
Policy 4.3 Mixed use development and offices  
Policy 4.10 New and emerging economic sectors  
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 5.7 Renewable energy

#### **7 London's living places and spaces**

Policy 7.1 Lifetime neighbourhoods  
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 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
Policy 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands  
Policy 7.24 Blue ribbon network

#### **8 Implementation, monitoring and review**

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP).

### **B) Islington Core Strategy 2011**

#### **Spatial Strategy**

Policy 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 CS16 (Play Space)

#### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

### **C) Islington's Development Management Policies June 2013**

#### **Design and Heritage**

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

#### **Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards

### **Housing**

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

### **Employment**

- DM5.4 Size and affordability of workspace

### **Health and open space**

- DM6.1 Healthy development
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood prevention

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
- BC9 Tall buildings and contextual considerations for building heights
- BC10 Implementation

## **3 Designations**

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

<b>Islington Local Plan</b>	<b>London Plan</b>
Bunhill and Clerkenwell key area Employment Priority Area (General) Duncan Terrace/Colebrooke Row Conservation Area (part of site) Within 100m of Transport for London Road Network Within 50m of New River Conservation Area Adjacent to Site Allocation BC48 – Angel Gate	Central Activities Zone

## **4 Supplementary Planning Guidance (SPG) / Documents (SPD)**

The following SPGs and SPDs are relevant:

### **Islington Local Plan**

- Basement Development SPD
- Conservation Area Design Guidelines (Duncan Terrace / Colebrooke Row Conservation Area)
- Development Viability SPD

### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG

- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Preventing Waste Housing Supply SPD
- Streetbook SPD
- Urban Design Guide SPD

- Housing SPG
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Social Infrastructure SPG
- Sustainable Design and Construction SPG
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG

## **APPENDIX 3 – INDEPENDENT VIABILITY APPRAISAL**