

# PLANNING COMMITTEE REPORT



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
Town Hall  
LONDON N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO: B1</b>
<b>Date:</b> 23 June 2020	

Application number	P2019/3481/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Locally Listed (Nos. 10 & 12 All Saints Street)
Conservation area	Regent's Canal West (Nos. 10 & 12 All Saints Street only)
Development Plan Context	Employment Growth Area (General)
Licensing Implications	None
Site Address	Regents Wharf, 10,12,14,16 and 18 All Saints Street, Islington, London N1 9RL
Proposal	Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business floor space with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/office/non-residential institutions); demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor; and associated hard and soft landscaping.

Case Officer	Dale Jones
Applicant	Regents Wharf Property Unit Trust
Agent	DP9

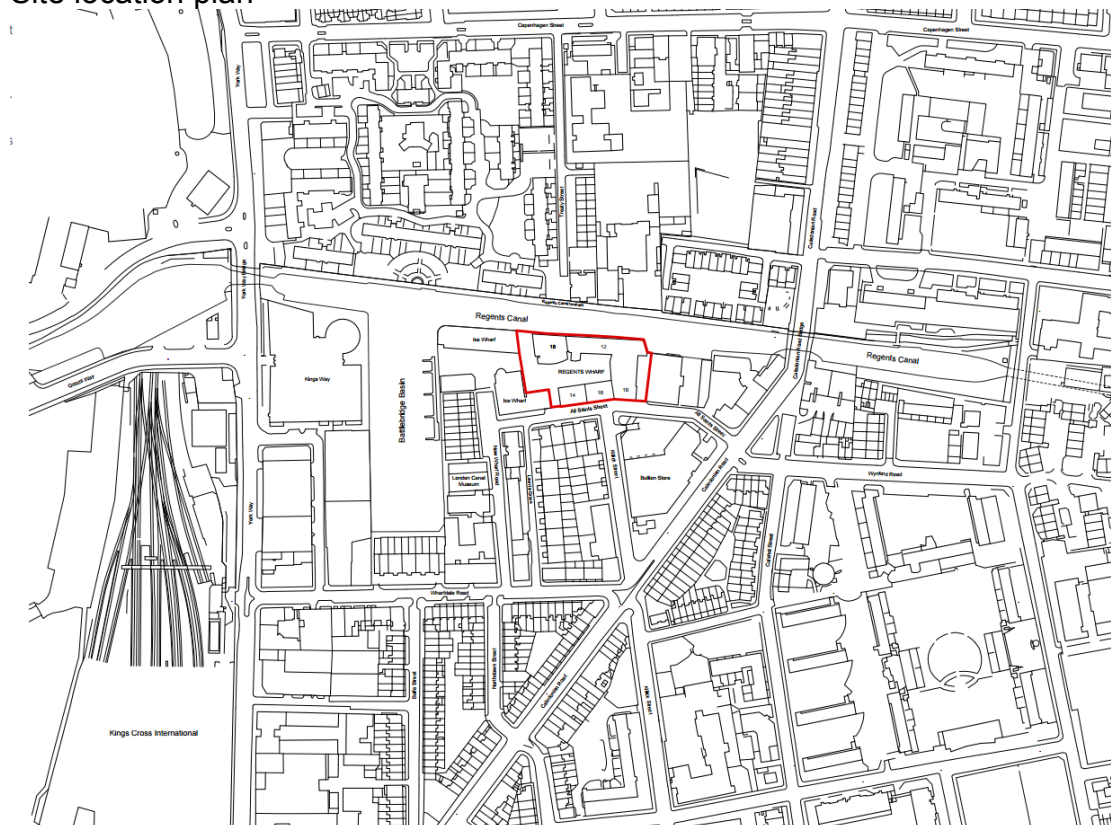
## 1. RECOMMENDATION

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

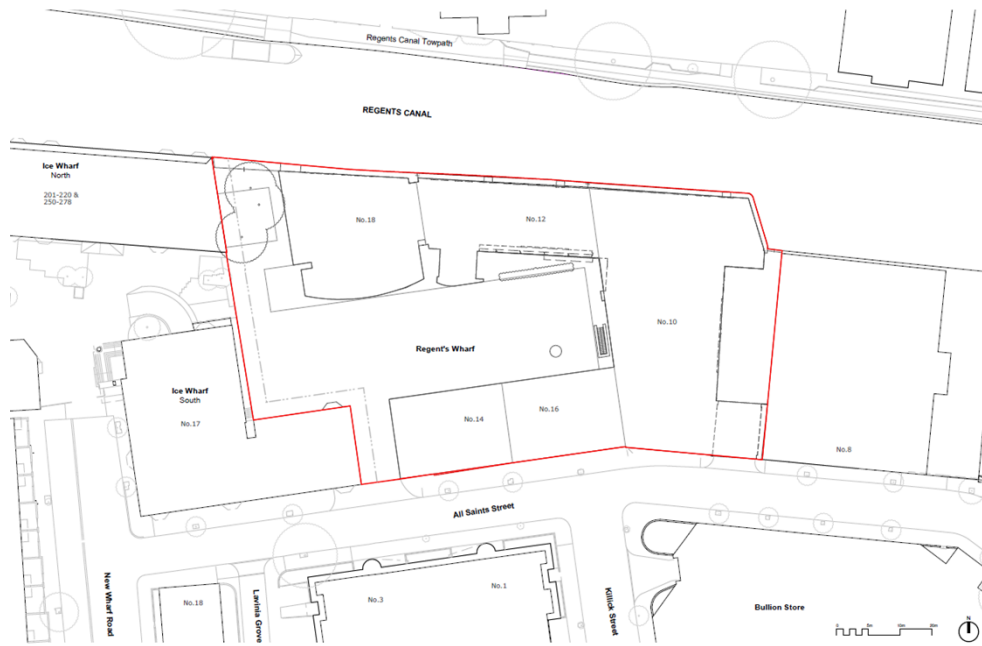
1. Subject to the conditions set out in Appendix 1; and
2. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

## 2. SITE PLANS (site outlined in red)

Site location plan



### Detailed site location plan



### 3. PHOTOS OF SITE/STREET

#### Aerial photograph of site





Photograph of the (existing) All Saints Street facades (No. 8 All Saints Street and the cash repository building in foreground)



Photograph looking west along Regents Canal (view west towards York Way bridge)



#### **4. SUMMARY**

- 4.1 This application has been submitted to address the previously refused planning application (Ref. P2016/4805/FUL) and a subsequent appeal was dismissed (Ref. APP/V5570/W/18/3203871) following a Public Inquiry that was held on 4-7 and 18-19 June 2019.



4.2 The planning application P2016/4805/FUL was refused at planning committee for two reasons which are (in summary) set out below:

1. Impact on residential amenity: The proposed development by reasons of its inappropriate layout, height, massing and proximity to nearby residential properties would result in unacceptable harm to the amenity of the nearby residential occupiers through loss of daylight, sunlight, outlook and increased sense of enclosure;
2. Impact on the heritage assets and townscape: The visually prominent new roof line and inappropriate dormers, the excessive height, massing and visual prominence would fail to relate positively to its surroundings, would be harmful to the townscape and the locally listed buildings, and would adversely affect the setting of the Regents Canal West Conservation Area.

4.3 The appeal APP/V5570/W/18/3203871 was dismissed on the following grounds (in summary and explored in more detail elsewhere in the report):

1. Impact on living conditions (summary):
  - It was common ground that the proposals would reduce daylight reaching windows to a number of surrounding properties. It was also agreed (between the appeal parties but not necessarily local residents) that the most relevant properties were those facing the site in Ice Wharf South, Ice Wharf North and All Saints Street;
  - One of the flats most affected would be No.313 Ice Wharf South;
  - In the case of No.313, the bedrooms both face onto another wall in the same development, with one bedroom looking out at a chamfer and the other facing directly onto a blank wall very close to it.
  - Taken in the round, considering the existing daylight constraints, the Inspector found that with regard to outlook and sense of enclosure, the living conditions as a whole in flat No.313 would not be unacceptable;
  - As the flats above 313 would be affected less, their circumstances would also not be unacceptable.
  - Inspector's conclusion on the matter:
  - It was concluded that the scheme would accord with London Plan Policy 7.6B.d which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. Furthermore, it was found to not conflict with Local Plan Development Management (LDM) Policies, June 2013 which, at Policy DM2.1xi), requires proposals to not unduly prejudice the satisfactory operation of adjoining land, and refers to the BRE guidance.
2. Impact on the Heritage Assets (summary):
  - 2.1 Locally listed buildings:
    - In terms of the Locally listed buildings (or non-designated heritage assets under the NPPF) which comprise Nos 10 – 12 Regents Wharf, at the Public Inquiry, the Inspector noted that there was a dispute of fact as to whether the buildings 10a and b are included in the local list but they were rightly treated as non-designated assets in both parties' evidence. It was also common ground that Nos.10 and 12 are examples of industrial archaeology, a feature which overlaps with their architectural and historic interest when assessing their significance;
    - In terms of the dormer to building 10c, the Inspector noted that the loss of the existing dormers and the rather bold design of the replacements would detract from the historic significance of the building;
    - In terms of the extension to building 12, the Inspector accepted that with exceptional care controlled by conditions, the extension in height to No.12 could closely match

such that it would almost blend seamlessly with the original. Although rare, historic buildings do occasionally depart from the usual pattern of reducing window heights and this of itself should not prevent the extension. However, the increased height and extended windows would alter the historic elevation and so harm the integrity of the locally listed building in a way that would not be immediately apparent;

- With regard to building 10a, the loss of the light-coloured brick parapet to No.10a, with its shadow letters, would add marginally to the harm to the other non-designated heritage assets;
- The proposals would harm the significance of these non-designated heritage assets. The Inspector gave moderate weight to this harm.

#### 2.2 Regents Canal West Conservation Area:

- The Regents Canal West Conservation Area is characterised primarily by the canal itself which accounts for a large proportion of its area and provides much of its historic interest; As industrial buildings associated with the use of the canal, Nos.10c and 12 add to this historic interest. The architectural interest derives mainly from the bridges and canal side features with very few buildings. These include a short stretch alongside the canal featuring Nos.10 (including a, b and c) and 12 but not the 1980s offices or the Ice Wharf Blocks;
- The Inspector found that the way that the Conservation Area is experienced includes the water but also the boats on it and the historic structures and buildings surrounding it. As the Conservation Area only includes those buildings immediately abutting the water, and not all of those, these buildings (10 and 12) are of particular importance;
- The changes to the canal side elevations, to which the Inspector gave some weight as harm to non-designated heritage assets, would affect key aspects of the archaeological, architectural, and historic character of the Conservation Area and harm its significance;
- The harm was defined as less than substantial.

#### Inspector's conclusion on the matter:

- The proposals would harm the character and appearance of the Conservation Area and its significance as a designated heritage asset. It is therefore necessary, under NPPF, to balance this harm against the public benefits of the proposal;
- The proposals would be contrary to London Plan policy 7.8D and Policy CS9 of the Islington Core Strategy and with Policy DM2.3Bi which does not permit harm to the significance of a conservation area unless there is a clear and convincing justification. This is another matter which requires a balanced judgement;
- The Inspector concluded that the benefits associated with the extensions and alterations to the historic canal side buildings would be rather limited, compared with the benefits of the scheme as a whole, and quite minor set against the harm to the Conservation Area through the replacement dormers and the canal side wall extension. This reduces the weight that the Inspector gave to the design qualities of the scheme as a whole.

4.4 This latest application has been developed in conjunction with the feedback received during the pre-application process, following dialogue between the applicants, officers, local residents and third party consultees including the Greater London Industrial Archaeological Society (GLIAS) and the Canal and Rivers Trust (CRT).

4.5 With regard to the amendments, efforts have been made across the scheme to reduce the height and bulk of the proposals, and this is welcome particularly where the applicants have improved the bulk and mass appearing behind the locally listed buildings along the canal. In



the case of the locally listed buildings that include: Nos 10 – 12 Regents Wharf: Silo Buildings (10c), The Mill (10b) and the Packing House (10a), key changes include:

- The removal of the extension and mezzanine structure to building 10c;
- The removal of previously proposed brick “upward” extension to Building 12, and replacement with a gabled roof extension;
- Retention of the original buff brickwork and ghost-signage above the head of Building 10(a);
- Retention of the existing brick firewall above Level 05 in the Silo Buildings (10c);
- Reduction in height of extension over Building 10a by 0.78m, and the rooftop plant by 1.93m.

4.6 In the case of the proposed “new-build” element that includes the site of Nos 14 -16 and 18 All Saints Street, similar to the appeal scheme, it is proposed to demolish Nos. 14-18 All Saints Street and to replace them with one building to be called Thorley House. The replacement building would be a part 5, part 6 storey building with further rooftop plant and basement on the western part of the site, fronting on to both All Saints Street to the south and Regent’s Canal to the north. The building would have an active frontage on to All Saints Street with access from the street and also from the internal courtyard. Key changes to this element include:

- Reduction in height and massing of the new build components across the site, particularly along the elevation of Thorley House (Building A) where the height of 5th floor roof is reduced by 1.51m and the rooftop plant by 1.20m;
- Reduction of the parapet height with altered horizontal banding as per the advice of the DRP (this has necessitated the inclusion of a new handrail for maintenance);
- A greater degree of rustication to the brickwork of the ground floor to create a more robust plinth (on the advice of the DRP);
- Reduction of 8.79m to the ‘building nib’ to the western courtyard (facing Ice Wharf);
- The introduction of privacy fins along the western elevation of Thorley House as well as the relocation and/or removal of windows to improve overlooking;
- Across the site some additional key changes have been made, and include: a reduction in rooftop plant across all buildings through an increase in basement excavation to provide additional space for plant servicing equipment.

4.7 The proposal is intended to provide a sustainable campus of workspace for the creative industries that encourages inter-sector collaboration and catalyses business growth. The application site is located within an Employment Growth Area where the intensification, renewal and modernisation of existing business floor space is encouraged and the maximum amount of business floor space reasonably possible on the site, whilst complying with other relevant planning considerations, is sought.

4.8 A mix of complementary uses, including active frontages where appropriate, is also sought. The intensification of the business use, including office floor space suitable for small to medium sized enterprises and with a complementary mix of uses is therefore strongly supported in policy terms.

4.9 The proposals would provide 695sqm (GIA) of affordable workspace, which is equivalent to 5.55% of the overall office floor space, which would be designated as affordable workspace, which would be in excess of the Council’s policy requirement of 5%. The affordable workspace would be located on the first, second and third floors in a south facing part of the building (10A, “The Packing House”) and would share the main entrance with the remainder of the office

accommodation. The affordable workspace would be provided to an Islington approved affordable workspace provider at a “peppercorn rent” for a period of 15 years and is considered to be a public benefit of the scheme.

- 4.10 The proposed development has been designed to minimise roof-level plant, which has been relocated to the basement level, and the removal of part of the ‘building nib’ to the western elevation to help facilitate townscape views and address some neighbouring amenity impacts. Furthermore, the proposal involves the replacement of existing buildings which are considered to be of limited architectural merit with new buildings which are considered to represent a high standard of design and which will enhance the character and appearance of the area.
- 4.11 Similar to the previous application, the current proposal has resulted in a substantial volume of objections, with strong objections from residents of the adjacent Ice Wharf development, All Saints Street and from the streets along the north bank of the Regents Canal notably in relation to loss of light, loss of privacy, visual impact from excessive height, scale and massing, environmental impacts and noise and disturbance from servicing and deliveries.
- 4.12 The elevations of Ice Wharf South which face onto the application site are either very close to the site boundary or immediately adjoin it. It is therefore the case that dwellings within Ice Wharf South rely on the application site for daylight amenity.
- 4.13 It should be noted that in the case of the previous application/appeal, the Inspector noted that ‘Many of the flats in Ice Wharf South have combined living/kitchen/dining (KLD) rooms with double aspect windows such that they would retain views either to the canal or to All Saints Street. While there would be some undesirable loss of daylight in these KLD rooms, the good outlook from at least one of the windows would mean that the overall effect on living conditions would not be unacceptable. There would be less impact on the flats on higher floors.’ In terms of Ice Wharf South, the Inspector also found that outlook would remain reasonable and that there would not be an unacceptable sense of enclosure. It is important to note that this would remain the case in these latest proposals which would not encroach closer to the Ice Wharf South residential development site.
- 4.14 It is considered that objections regarding loss of privacy can be satisfactorily addressed through a condition requiring details of a scheme of obscure glazing to the western elevation of Thorley House (previously referred to as Building A). It is considered that concerns regarding noise and disturbance from delivery and servicing activity can be addressed through an updated Delivery and Servicing Plan which includes appropriate measures to minimise noise and disturbance to occupants of Ice Wharf, in particular during night-time hours. It should again be noted that the previous Inspector considered the proposal acceptable in respect of these matters.
- 4.15 It is also considered that, having regard to the urban context of the site, the increased visual impact and loss of outlook from dwellings within Ice Wharf as a result of the increased height, scale and massing of the proposed development would not be unduly harmful so as to warrant refusal of planning permission. It should again be noted that the previous Inspector considered the proposal acceptable in respect of these matters, and the Inspectors decision is a key consideration in this regard, together with the improvements which have been made in the context of this latest planning application.
- 4.16 The overall losses in daylight/sunlight terms have been reduced since the previous appeal. The proposal would also result in the delivery of high quality new and refurbished floor space on the site which would facilitate a significant increase in the employment density with corresponding economic benefits.



- 4.17 The proposed development is considered to have addressed the previous reasons for refusal and the reasons that the subsequent appeal was dismissed and has delivered a number of key improvements on the earlier scheme and is considered to represent a high standard of design.
- 4.18 In light of the appeal, it is considered that, on balance, and having regard to relationship of the site with adjacent development, that the significant benefits of the revised proposal outweigh the harm to neighbouring properties. As such, it is recommended that planning permission be granted subject to conditions and a legal agreement.

## 5. SITE AND SURROUNDINGS

- 5.1 The 0.35ha site is located on All Saints Street and is bound by the Regent's Canal to the north. The site presently comprises a complex of 4-6 storey buildings which provide approximately 8,916m<sup>2</sup> (GIA) of office floor space with an ancillary canteen area. Nos. 10-12 Regent's Wharf is located to the east of the site and comprises four warehouse and wharf buildings which date from the 1890s and which were interconnected and converted for office (Class B1a) use in the late 1980s.
- 5.2 The wharf buildings were originally constructed without window openings, and the remodelling has improved the heritage value of these buildings which are locally listed and lie within the Regent's Canal West Conservation Area, the boundary of which is indicated below, which indicates the parts of the application site that are within the conservation area boundary.
- 5.3 The courtyard elevations to Nos. 10-12 feature some remaining warehouse elevations with contemporary glass and metal infills at the junctions between the original buildings. Metal louvres have been retrospectively applied to the south facing elevation (No. 12) whilst a Virginia creeper has grown over and into the west elevation (No. 10).

### Regents Canal West Conservation Area (CA17) (with the application site boundary indicated below)



- 5.4 The buildings have been extended at roof level to accommodate a plant room (clad in dark brown metalwork) and various pieces of plant have been retrospectively installed. The historic fabric of the buildings is generally obscured and is poorly presented on the courtyard elevations. The application site is also situated adjacent (to the east of) the Kings Cross Conservation Area as indicated below.



### Courtyard elevations

- 5.5 Nos. 14, 16 and 18 are late 1980s office buildings with frontages onto the central courtyard car park and an inactive frontage onto All Saints Street. Buildings 14 and 16 are connected in appearance externally but function as two independent buildings. The buildings were part of a wider master-plan for the area, the final phase of which was intended on the land now occupied by Ice Wharf, the adjacent residential development. The layout of the development with the entrance doors located off the gated central courtyard reflected the expectation of security at the time.



- 5.6 The application notes that existing ceiling heights internally are poor by modern standards as they have been deliberately matched to the adjacent buildings. The buildings are inefficiently laid out and do not perform well thermally. It is also noted that the buildings are of little architectural merit and are inconsistent with the prevailing wharf typology of the surrounding context.



- 5.7 Ice Wharf is located immediately to the west of the site and comprises three large residential buildings, two of which (Ice Wharf North and Ice Wharf South) share a boundary with the application site. There is a mixed tenure Peabody housing block on the southern side of All Saints Street bound by Killick Street and Lavinia Grove.
- 5.8 New Wharf Road is located to the south west of the site and primarily comprises commercial workspace with some residential properties as well as the Canal Museum which backs onto Battlebridge Basin. Further to the west and south west there are several large scale commercial properties including King's Place and a Premier Inn hotel. The Regent's Canal tow path is located on the northern side of the canal beyond which are a number of residential properties on Tiber Gardens and Treaty Street along with Copenhagen Street Primary School.
- 5.9 There are 2 no. four-storey purpose built office buildings to the east whilst to the south east is a repository which comprises a single storey structure above ground level with a walled, high security service yard and some external, surface level car parking. The wider surrounding area has increasingly become a prime commercial and institutional location, in particular as a result of the 'King's Cross Central' regeneration programme.
- 5.10 The site has a PTAL rating of 6b (the highest rating), primarily due to its proximity to Kings Cross Saint Pancras railway and underground station. The site is designated within an Employment Growth Area (General). The Regent's canal is a Site of Metropolitan Importance for Nature Conservation. The Primrose Hill and Dartmouth Park Hill viewing corridors / strategic views lie either side of the site but do not intersect any part of the site.

## 6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to refurbish and extend Nos. 10-12 Regent's Wharf (comprising Nos. 10a, 10b, 10c and 12 All Saints Street), including a part roof extension, to provide additional Use Class B1 business floorspace with ancillary flexible Use Class A1/A3 (retail/restaurant) and flexible Use Class A1/B1/D1 (retail/business/non-residential institutions) floorspace at ground floor level.
- 6.2 It is also proposed to demolish 14, 16 and 18 Regent's Wharf and erect a part 5, part 6 storey building with basement level and rooftop plant enclosures to provide Use Class B1 office floorspace and flexible Use Class A1/A3/B1/D1/D2 (retail/restaurant & café/business/non-residential institutions/assembly & leisure) floorspace at ground floor. The existing and proposed floorspace and uses is detailed below.

Use Class	Existing GIA (sqm)	Proposed (sqm)	GIA
Use Class A1/A3		496	
Use Class B1		9516	
Use Class A1/B1/D1	N/A	120	
Use Class A1/A3/B1/D1/D2	N/A	385	
<b>USE CLASS TOTAL</b>		<b>10517</b>	
Plant Area	N/A	3354	
<b>TOTAL</b>	<b>8,916</b>	<b>13871</b>	

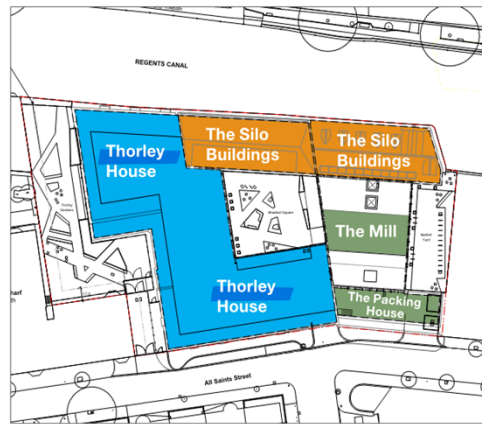
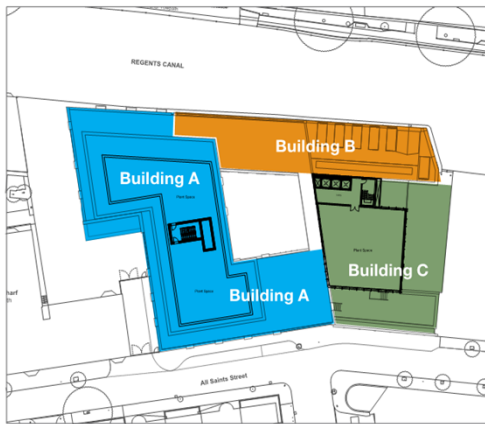




**Image indicating the building naming references (previous application v current scheme)**

Appeal Scheme

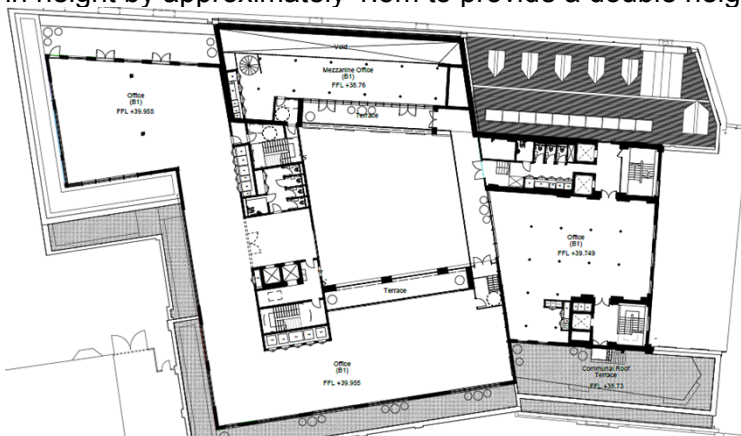
Proposed Scheme



6.9 The applicants have advised that the design of the Thorley House is influenced by the industrial and warehouse typology of the surrounding area. The proposed development would be constructed in London Stock brickwork with light mortar, together with the use of alternative/protruding courses to add texture and interest to the facades. The roof addition would be constructed in textured fibreglass panelling and anodised aluminium panelling would be used to mark the transition between the new-build element (Thorley House) and Building 10a (the locally listed building). On the western façade, concrete fins are proposed (to also assist with prevention of overlooking) to the neighbouring Ice Wharf. Other materials would include black-painted steel railings to balconies and the use of light grey coloured pre-cast polished concrete facing panelling within the facades between ground and first floor levels.

Buildings 10 (a, b and c) and 12 (known previously as Buildings B and C in the case of the appeal scheme)

6.10 As in the case of the previous application, Nos. 10 and 12 Regent's Wharf would be retained and refurbished internally and externally along with a set-back fifth floor 'roof extension' with plant enclosures. In the case of the previous application it was proposed to extend the pitched roof to No. 10 to provide improved office accommodation at fourth floor level and the canal-side dormer windows were previously proposed to be replaced with larger scale contemporary dormer windows. Furthermore, the top floor to No. 12 was previously proposed to be increased in height by approximately 1.5m to provide a double height space and windows.



6.11 A number of key design revisions have been made in the case of the latest application, with the following key amendments having been made as follows:

- The removal of the 'upward' brick extension and over-sailing roof extension above 12 All Saints Street (now part of the Silo Buildings);
- The removal of the new dormers and extension at 10c All Saints Street (now part of the Silo Buildings) and the retention of the original dormers to Building 10c;
- Introduction of the historic pitched roof above 12 All Saints Street, as discussed by the planning inspector and developed in consultation with the Greater London Industrial Archaeological Society (GLIAS) and neighbouring residents;
- Retention of the brick parapet above 10a All Saints Street (now known as the Packing House) which includes the feint historic lettering;
- Elements of rooftop plant now proposed in an enlarged basement level;
- Reduction in the floor to ceiling heights across the development resulting in an overall reduction in the height of the scheme;
- Stepped massing of Thorley House (formerly known as Building A) including the nib component, improving the overall daylight and sunlight experienced in neighbouring residential properties;
- Relocation of windows away from Ice Wharf North and introduction of green walls to improve the visual amenity for adjoining occupiers;
- Introduction of 'finned' windows along the western elevation of Thorley House to minimise overlooking; and a revised materials palette which is sympathetic to the historic character of the locally listed buildings and the Conservation Area.

6.12 Amenity space for the office occupiers would be provided with terraces at fifth floor level. There will be a secondary access to the office accommodation from the landscaped area to the east. The proposed canal-side restaurant/café at ground floor level would replace the existing office canteen. Flexible (Class A1/B1/D1) floor space would be provided at ground floor fronting on to All Saints Street. The buildings will be connected across the central courtyard by balconies (at levels 1 to 5) encouraging inter-business interaction and sharing of external amenity space.

#### Courtyard elevations

6.13 It is proposed to remove the modern additions from the courtyard elevations and re-furbish them to make the historic fabric of the buildings more visible. Glazed breaks are proposed where the new building connects with the existing building to allow the historic fabric to run into the new buildings and remain visible. Replicas of historic windows that were removed in the 1980s refurbishment would also be installed.

6.14 The applicants have advised that the heritage buildings would be connected with balconies to integrate the internal layouts in order to encourage interaction between the occupants and promote business collaboration.

#### Use of the Silo Buildings (10c and 12) and the Old Mill (10b) / Packing House (10a)

6.15 These buildings would provide flexible office workspace which can be adapted to the requirements of multiple occupiers and would include the following:

- Medium sized units aimed at SMEs and grow-on businesses which can be adapted to accommodate businesses of 10-20 people to larger businesses of 50+ people;
- Small scale units for new businesses;

- Co-working space to provide flexible / variable working environments for individuals and fledgling businesses with desk sharing to facilitate increased employment density, reduced rental rates and increased flexibility;
- Large occupier office space, with the ability to provide tenancies from as few as 50 people to as many as 750 people;
- The proposals also seek to include several retail / leisure spaces and a showcase gallery space at ground floor (To the canal side a public restaurant and café is also proposed).

6.16 It should be noted that both the SME and Co-working spaces would share a central entrance and ground floor reception area. Located in the central courtyard the entrance will be equal to the large occupier building's main entrance. Sharing a common entrance and central courtyard space provides further opportunity to encourage interaction and has the potential to catalyse economic growth and ambition.

6.17 The applicants have stated that the SME space and co-working space will be naturally ventilated and would incorporate openable windows which will reduce energy use.

6.18 The proposed variety of workspace is intended to create a city centre 'campus' for creative industries of all sizes. The variety of workspace along with the complementary ground floor uses is intended to 'encourage collaboration, promote innovation and interdisciplinary working'.

#### Affordable workspace

6.19 The proposals would provide 695sqm (GIA) of affordable workspace which is the equivalent to 5.55% of the total floor space of the development as a whole (for comparative purposes, the previous planning application proposed a total of 5.38% of the overall office floor space as affordable workspace).

6.20 The proposed quantum of 'affordable workspace' would be in excess of the Council's policy requirement of 5%. The workspace would be located on the first, second and third floors in a south facing part of the building and will share the main entrance with the remainder of the office accommodation. Circulation space has been apportioned to the affordable workspace figure pro-rata in relation to the overall quantum. The applicants have confirmed that the affordable workspace will be provided to an Islington approved affordable workspace provider at a peppercorn rent for a period of 15 years, which is in excess of the Council's policy requirement of 10 years. This can be secured as a planning obligation within the s106 agreement.

#### Demolition of existing buildings

6.21 The existing buildings at 14-18 Regent's Wharf are of late 1980s / early 1990s construction and their demolition raises some concern from a sustainability point of view. The applicants have provided a justification for their demolition as follows:

- The existing structures were not intended to carry additional building load beyond their internal loading and the existing foundations are unsuitable to take the additional loading likely to be applied to the building;
- The existing buildings are each supported by individual plant facilities rather than a shared or centralised system - there is little opportunity to combine these into a central

system without their demolition and as a result the buildings are inefficient in their energy use;

- The existing buildings were generally constructed without insulation and in order to meet modern requirements and expectations a comprehensive refurbishment would be required – this would involve retrospective internal insulation (reducing floor area), replacement of all windows and the introduction of roof level insulation (at the cost of headroom in buildings 14 and 16);
- The buildings are constructed in concrete frame with a central supporting structure comprising a core made up of escape stair, lift and WCs – removal of part or all of the core to improve the efficiency of the floor plates would compromise the structural integrity of the concrete frame and undermine the purpose of a refurbishment / modernisation of the buildings;
- The scheme aims to improve the efficiency and density of available workspace which relies on interaction between the floor plates of the various buildings - the existing buildings were not constructed with integrated or complimentary floor levels and retaining their structural levels would restrict the ability to connect the floorspace internally thereby hindering inclusivity and access across the floor plates;
- The present day desirable and safe environment around the Kings Cross area is very different to when the buildings were constructed - it is anticipated that there will be a wider demographic of potential occupiers who are more concerned with the flexibility, adaptability and environmental performance of the accommodation.

6.22 The justification provided by the applicant is considered sound. It is important to note that the principle of demolition did not form part of the previous refusal and was not raised as a concern by the Planning Inspector in the case of the previous appeal. As such, no objections are raised in this case subject to the development proposal being found to be acceptable against the range of planning assessments as indicated below.

#### Revisions to the scheme

6.23 It should be noted that the application has been subject to revisions and receipt of additional supporting information since its November 2019 submission. In this respect, it should be noted that discussions were held between the applicant and Officers following the public consultation and the Design Review Panel meeting held on 20<sup>th</sup> December 2019, in particular with a view to addressing outstanding concerns relating to the design and massing of the proposed development. In addition, the revisions to the proposed development have also been informed by feedback received from the consultees and the concerns raised by local residents during the statutory consultation on the application.

6.24 Revised plans were subsequently submitted with the following amendments incorporated within the latest submission:

- The external cladding to the level 5 (6<sup>th</sup> floor level) extension above Thorley House and The Mill has been changed to be a standing seam metal panel featuring legible joints, pressing and shadow gaps, reducing the visual massing of the extension (as suggested by the DRP);
- The parapet at the Level 04 (5<sup>th</sup> floor level) on Thorley House has been lowered, with the horizontal banding altered (following feedback from the DRP);
- As part of reducing the parapet height, a new handrail has been included (the external area is for maintenance only);
- The rustication of brickwork at ground floor of Thorley House has been increased to provide 'a more obvious bottom' (as suggested by DRP members);



- The existing brick firewall above Level 5 in the Silo Buildings is proposed to be retained and refurbished (The retention of this component is considered to create a more consistent and sympathetic height between the Silo Buildings when read in elevation, again this has been proposed to address the DRP feedback).

6.25 In addition to the above revisions, amendments have been provided at the request of Officers in order to address and rectify minor inconsistencies between the elevations and floor plans, with the following revisions:

- The western elevation has been updated to indicate the ground floor plant access doors to be consistent with the corresponding details on the ground floor plan;
- The fire escape door at the north-west corner of Thorley House has been updated from a double door to a single door to reflect the western building elevation;
- The window mullions to the west of Thorley House have been updated to correctly reflect the western elevation;
- The glazing and mullions in the western courtyard have been added to ground floor nib in order to correctly reflect the detailed design as shown in the western elevation;
- The windows to the northwest corner of Thorley House have been updated to correctly reflect the western elevation (this now shows one glazed and one solid panel);
- The positioning of the windows and doors across Level 05 in Thorley House and The Mill have been updated to match the updated elevations;
- The position of the parapet at levels 05 and 06 in Thorley House have been updated to reflect western elevation.

6.26 Additional information has been provided by the applicants following requests by Officers, and each of the planning matters is explored in more detail within this report:

## 7. RELEVANT HISTORY

### Planning application

7.1 Planning permission (Ref. P2016/4805/FUL) was refused at planning committee on 5<sup>th</sup> December 2017 for the following development proposal:

*“Redevelopment of the site at Regent's Wharf including the refurbishment and extension of 10-12 Regent's Wharf (including part one/part two storey roof extension) to provide additional Class B1 business floorspace with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/business/non-residential institutions) floorspace at ground floor level; demolition of 14, 16 and 18 Regent's Wharf and erection of a part 5 and part 6 storey building with rooftop plant enclosure providing Class B1(a) office floorspace and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & café/business/non-residential institutions/assembly & leisure) floorspace at ground floor; and associated hard and soft landscaping.”*

7.2 The decision notice in connection with the above refusal was issued on 25<sup>th</sup> January 2019 and contained the following (two) reasons for refusal:

1. The proposed development, by reason of its inappropriate layout, height, massing and proximity to nearby residential properties would result in unacceptable harm to the amenity of these residential occupiers through loss of daylight and sunlight, loss of outlook and sense of enclosure. This harm makes the proposal contrary to Policy 7.6 of the London Plan (2016), Policy DM 2.1 of Islington's Local Plan: Development Management Policies (2013), as well as BRE 'Site layout planning for daylight and

sunlight: a guide to good practice' (Second Edition 2011) and the benefits of the scheme are not considered to outweigh this harm.

2. The proposed development and in particular the visually prominent new roof and inappropriate dormers, the excessive height and massing and its visual prominence, would fail to relate positively to its surroundings, would be harmful to the local townscape and to the locally listed building, and would adversely affect the setting of the Regents Canal West Conservation Area. The proposed development is therefore contrary to policies 7.4 and 7.8 of the London Plan 2016, policy CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.

### Planning appeal

- 7.3 The above application (Ref. P2016/4805/FUL) was subsequently appealed to the Planning Inspectorate by the applicants/appellants and the appeal was considered under (Ref. APP/V5570/W/18/3203871)
- 7.4 The appeal was considered at a Public Inquiry. The Inquiry sat for 6 days.
- 7.5 The Inspector considered the main issues to be:
  - The effect of the proposals on the living conditions of nearby residents with particular regard to loss of daylight and sunlight, loss of outlook, and sense of enclosure, by reason of their layout, height, massing and proximity to nearby residential properties;
  - The effect of the development on the non-designated heritage assets (locally listed buildings) at Nos.10 and 12 Regent's Wharf;
  - Whether the scheme would preserve or enhance the character or appearance of the Regent's Canal West Conservation Area as a result of development within it and its setting;
  - Whether the public benefits of the scheme would outweigh any or all of the harm that might arise from the first three issues.

### **Officer (brief summary) of the appeal decision**

#### *Impact on living conditions*

- 7.6 It was common ground (at the appeal) that the proposals would reduce daylight reaching the windows to a number of surrounding properties. In the determination of the appeal, the appointed Inspector noted that it was agreed between the main parties, (but not necessarily local residents), that the most relevant properties were those facing the site in Ice Wharf South, Ice Wharf North, and All Saints Street. It was accepted that the mirror massing approach and consideration of windows below balconies, were also relevant. The appellant acknowledged that daylight would be noticeably reduced in a significant number of flats resulting in low levels of natural daylight within the rooms concerned.
- 7.7 The Inspector acknowledged that there would be unwelcome impacts on flats in Treaty Street (located to the north of the site) but, given that these are separated by the Regents canal, and that the increase in the heights of the buildings facing the canal would not be considerable, the Inspector gave limited weight to the reductions in daylight, noting that similar considerations apply to Ice Wharf North where the footprint of the proposed building would not change and the increased height would not be excessive and would be stepped back.

7.8 The Inspector noted that to All Saints Street, including the corner flat to Killick Street, there would have been an appreciable reductions in daylight and the north facing rooms to the ground and first floor flats in particular would be left rather gloomy. The Inspector went onto note that although any reduced daylight is regrettable, the expectation of daylight into bedrooms is not the same as for other habitable rooms, and in many kitchens the Inspector considered that electric lighting is likely to be used anyway, giving only a reduced weight to the harm to living conditions in the All Saints Street flats. This is the view of the Inspector and not of the Council.

7.9 In terms of the residential flats within the Ice Wharf South building, the Inspector observed that many of the flats in Ice Wharf South have combined living/kitchen/dining (KLD) rooms with double aspect windows such that they would retain views either to the canal or to All Saints Street. The Inspector considered that there would be some undesirable loss of daylight in these KLD rooms, the good outlook from at least one of the windows would mean that the overall effect on living conditions would not be unacceptable. There would be less impact on the flats on higher floors.

7.10 In terms of the most affected residential properties, the Inspector noted that one of the flats most affected by reduced daylight would be Ice Wharf South No.313. This flat has a single aspect to all its rooms which currently face towards the appeal site. Similar considerations apply to the flats above this but to a lesser extent. With regard to the impact on this flat, the Inspector stated that as with many of the flats, it has a combined KLD room and two bedrooms. The bedrooms both face onto another wall in the same development, with one bedroom looking out at a chamfer and the other facing directly onto a blank wall very close to it. The proposals would reduce the daylight more, however, the Inspector also considered that as these bedrooms are likely to need electric lighting for most of the time that they are in active use, the reduction in daylight would be of little practical consequence.

7.11 The Inspector concluded in paragraph 18 of the appeal decision that:

*“Taken in the round, I conclude that the scheme would accord with London Plan Policy 7.6B.d which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It would not conflict with Islington’s Local Plan Development Management (LDM) Policies, June 2013 which, at Policy DM2.1xi), requires proposals to not unduly prejudice the satisfactory operation of adjoining land, and refers to the BRE Guide as guidance”*

*Locally listed buildings (or non-designated heritage assets under the NPPF)*

7.12 The changes to the locally listed buildings were considered harmful. Overall, the inspector afforded ‘moderate weight’ to this harm.

*Impact on the Conservation Area*

7.13 In terms of the effect of the proposals, at paragraph 31 the Inspector noted that while the extent of harm to the locally listed buildings should only attract moderate weight, on account of the policy framework for such assets, the buildings are also major contributors to the character and appearance of the Conservation Area, with the Inspector concluding that the physical harm to the buildings themselves would be the same but the perception within the context of the few buildings in the Conservation Area, and the weight to be given it as a designated heritage asset, with its legal and policy protections, are quite different.

7.14 The Inspector noted that the scheme would harm the character and appearance of the Conservation Area and its significance as a designated heritage asset. The Inspector found the harm to be less than substantial.

### **Public Benefits and Planning Balance**

7.15 In terms of the public benefits, the Inspector noted that broadly speaking, the scheme demonstrated significant design skill in attempting to maximise additional floorspace, as required by policy, while limiting the harm to neighbouring residents and to the Conservation Area. The Mayor of London expressed his strong support for this scheme. On the other hand, the bulk of the additional floor areas, and the improvements in floor to ceiling heights, would be within the redeveloped offices rather than the older buildings.

7.16 The benefits associated with the extensions and alterations to the historic canalside buildings would be rather limited, compared with the benefits of the scheme as a whole, and quite minor set against the harm to the Conservation Area through the replacement dormers and the canal side wall extension. This reduces the weight the Inspector gave to the design qualities of the scheme as a whole.

7.17 The Inspector noted that the extensions and alterations to Nos.10 and 12, alongside the canal, would cause significant harm to the character and appearance of the Conservation Area, and found that the public benefits of the scheme would not outweigh the harm. On balance, the Inspector considered that the scheme would be contrary to Policy DM2.3Bi

7.18 Further harm would be caused to the locally listed buildings. The Inspector concluded that as undesignated heritage assets without statutory support, the weight to this harm should be reduced.

7.19 However, on the matter of living conditions, the Inspector at Paragraph 45 concluded that there would be harm to the living conditions of some local residents, especially through loss of daylight. However, the Inspector went on to note that while these concerns add to overall harm, they would not amount to unacceptable or undue prejudice and so there would be no breach of London Plan Policy 7.6B.d or LDM Policy DM2.1xi).

7.20 Taken in isolation, neither the harm to living conditions, nor that to the locally listed buildings in themselves, would be sufficient to outweigh the benefits.

7.21 Under the current development plan, the site is within a designated Employment Growth Area, where LDM Policy DM5.1A is to *encourage the intensification, renewal and modernisation of existing business floor space*. Policy DM5.1Ai) goes on to require *the maximum amount of business floor space reasonably possible on the site, whilst complying with other relevant planning considerations*. The Inspector noted (inter alia) that the scheme would provide a substantial increase in office floor space (over 2,000 square metres GIA) and, for the new Building A in particular, this would be more flexible and efficient, and meet higher standards with greater floor to ceiling heights, and as such it would gain support from LDM Policy DM5.1A.

7.22 The Inspector observed that there would be a mix of uses along all Saints Street and around the two new publicly accessible courtyards and a restaurant. The glass and metal infills within the courtyard area would be removed. Amenity space would be provided for office occupiers and there would be affordable workspace as required by LDM Policy DM5.4. The



redevelopment would be at a highly accessible location, it would be more energy-efficient than the existing buildings, and car-free. The Inspector put positive weight on this.

- 7.23 The Inspector noted that the modern buildings were deemed worthy of positive comment in Pevsner's *Buildings of England* in 1998, and as such found that the existing buildings are not without some merit. Consequently, any benefit here to the character and appearance of the area, or to the Conservation Area, from the replacement offices would be modest.
- 7.24 The scheme was considered by the Inspector to have demonstrated significant design skill in attempting to maximise additional floor space, as required by policy, while limiting the harm to neighbouring residents and to the Conservation Area. Furthermore, noting that the Mayor of London expressed his *strong support for this well-designed scheme*. On the other hand, the bulk of the additional floor areas, and the improvements in floor to ceiling heights, would be within the redeveloped offices rather than the older buildings. The Inspector noted that the benefits associated with the extensions and alterations to the historic canal side buildings would be rather limited, compared with the benefits of the scheme as a whole, and quite minor set against the harm to the Conservation Area through the replacement dormers and the canal side wall extension. This reduces the weight the Inspector gave to the design qualities of the scheme as a whole.
- 7.25 With regard to the planning balance and conclusions, the Inspector stated that the extensions and alterations to Nos.10 and 12, alongside the canal, would cause harm to the character and appearance of the Conservation Area. On this point, the Inspector found that the public benefits of the scheme *would not* outweigh the harm under the provisions of the NPPF. On balance, the scheme was found to be contrary to Policy DM2.3Bi. Further harm would be caused to the locally listed buildings. While the harm would be significant, as undesignated heritage assets without statutory support, the weight to this harm should be reduced.
- 7.26 On the matter of the residential harm, the Inspector concluded that there would be harm to the living conditions of some local residents, especially through loss of daylight. While these concerns add to overall harm, they would not amount to unacceptable or undue prejudice and so there would be no breach of London Plan Policy 7.6B.d or LDM Policy DM2.1xi). Taken in isolation, neither the harm to living conditions, nor that to the locally listed buildings in themselves, would be sufficient to outweigh the benefits.
- 7.27 Taken as a whole, the Inspector found that the benefits, including all those listed above, would not outweigh the harm to the Conservation Area and other harm. On the balance of the relevant policies, the proposals would conflict with the development plan as a whole and that as such the appeal should be dismissed (Appeal Decision APP/V5570/W/18/3203871).

### **Pre-application Advice**

- 7.28 Following the (above) planning refusal and the dismissed appeal, the applicants engaged with the Council at pre-application stage in order to seek to address the reasons for refusal and the findings of the planning appeal decision. In this respect, discussions took place with Officers.

## 8. CONSULTATION

### Public Consultation

#### First round of consultation

- 8.1 The application has been subject to three separate rounds of public consultation (as set out in detail below). A total of **180** representations have been received across the lifetime of the application, with 178 of those responses comprising objections and with 2 responses received in support of the application. The breakdown of each round is set out below:
- 8.2 In terms of the **first round**, notification letters were sent to occupants of 483 adjoining and nearby properties on 26 November 2019. A total of **62 representations** were received.
- 8.3 The issues and concerns raised are set out in summary below:
- 8.4 Design and heritage objections

- The perception within the context for building Regents Wharf 10a would still be negatively affected by the 14-16 Regents Wharf façade in this latest application and do not address the previous appeal decision [Officer comment: Please refer to paragraphs 11.116 – 11.125];
- The negative effects of the overbearing height of facade 14-16 Regents Wharf over the 10a Regents Wharf facade are continued in this latest 2019 Application and do not address the previous appeal decision [Officer comment: Please refer to paragraphs 11.109 – 11.114];
- The objectors note that the new All Saints Street facade would negatively affect perception and appreciation of the RW10a façade, therefore, the Inspector's concerns over Conservation Area setting have not been addressed in this latest case [Officer comment: Please refer to paragraphs 11.94 – 11.102 and 11.116 – 11.125];
- The Inspector concluded that the previous appeal should be dismissed, largely on the basis of harm to the setting of the Conservation Area: This latest application still proposes harm to the setting of the Victorian 10a Regents Wharf. A more reasonable height for the 14-16 Regents Wharf facade should be further investigated for feasibility and improvement on the heritage and daylight issues [Officer comment: Please refer to paragraphs 7.12 – 7.14 and 11.56 – 11.71];
- The suggested trade-off of slightly reduced floor space against the likely big improvement on daylight and heritage concerns would seem to be worthwhile [Officer comment: Noted];
- The proposal is contrary with the Islington Council Conservation Area CA17 Regents Canal West guidelines document [Officer comment: Please refer to paragraphs 11.94 – 11.101 and 11.103 – 11.108];
- The proposal will change, expand and intensify use of the conservation area buildings, notably with the top addition to 10a and 10b Regents Wharf. The top additions will dominate 10a, and will be visible from the Jubilee Greenway towpath and from the Caledonian Road Bridge [Officer comment: Please refer to paragraphs 11.94 – 11.101 and 11.122 – 11.127];
- The proposed new building at 14-16 Regents Wharf is not of appropriate scale in its location next to the Victorian 10a building [Officer comment: Please refer to paragraphs 8.43 – 8.45 and 11.116 – 11.125];

- The “top additions” to 10a and 10b Regents Wharf are also not of appropriate scale [Officer comment: Please refer to paragraphs 8.43 – 8.45 and 11.116 – 11.125];
- The facade parapet of 14-16 Regents Wharf will be 27% higher than current height: this contradicts 17.8 of the Islington CA guidance [Officer comment: Please refer to paragraphs 8.43 – 8.45, 11.49 and 11.56 – 11.71];
- The addition above 10a is in glass, is tall, and massive: not in keeping with 'scale, proportion, architectural style, fenestration and materials' of 10a [Officer comment: Please refer to paragraphs 11.109 – 11.111 and 11.122 – 11.125];
- There is a 'ghost sign' (for Thorley's Cattle Feed) on the yellowish parapet wall of RW10a: this should not be covered by new signage [Officer comment: Noted. Please also refer to paragraphs 11.106 – 11.125];
- The top office of 10b will be easily visible from the Caledonian Road Bridge and the Jubilee Greenway towpath (see verified views 6, 7, 8 in the Design & Access Statement (00528445)) [Officer comment: Please refer to paragraphs 8.48, 11.94 – 11.1010, 11.116 – 11.121 and 11.126 – 11.127];
- The conservation area guidance notes (paragraph 17.16) that “*Long views are particularly susceptible to being spoilt in canal areas, particularly from the bridges along the towpath or across the Basin*” However, the roof plant structure (on RW10b) would be visible from Caledonian Road Bridge and Jubilee Greenway towpath. (see verified views 6, 7, 8 in the Design & Access Statement (00528445)) [Officer comment: Please refer to paragraphs 8.48, 11.49, 11.94 – 11.1010, 11.116 – 11.121 and 11.126 – 11.127, 11.173 and condition 44];
- It is worth noting that Islington Planning department insisted that a proposed plant extension on the roof of the NCVO building next to Regents Wharf was refused – the NCVO eventually had to 'hide' the plant within their building. To allow the RW10b plant at the height proposed would be inconsistent [Officer comment: Noted. However, each case is considered on its own individual planning merits];
- There appears to be one or more of the most significant verified views missing from the verified view document on the website [Officer comment: The 'Verified Views' are contained within the submitted Design and Access Statement].

## 8.5 Amenity objections

- The proposed parapet height of 14-16 Regents Wharf would result in the 'in-fill' building in the car park to be of same height, which is problematic for sense of enclosure and loss of daylight to Ice Wharf South [Officer comment: Please refer to paragraphs 11.201 – 11.219 and 11.253];
- In terms of overlooking and loss of privacy, the proposed development is far larger and closer than the existing one. New office windows on each floor of building “A” face Ice Wharf and as such, Ice Wharf shall be overlooked, with views out across and onto terraces and into neighbouring windows. There are no windows there today and having windows so close by with this development is contrary to planning guidance [Officer comment: Please refer to paragraphs 11.250 – 11.253 and condition 8];
- These increased heights and closer proximity create a loss of daylight that is still unacceptable (the specific matters of daylight and sunlight is also noted in a separate section within this consultation section of the committee report) [Officer comment: Please refer to paragraphs 11.203 – 11.239];
- There will be still be considerable noise problems, both from the construction phase and in terms of the operational phase, including as a result of increased comings and goings with an increase in activity projected on site [Officer comment: Please refer to paragraphs 8.52 and 11.262 – 11.267 together with conditions 17 and 43];

- In terms of noise and disturbance, a condition should be added to any prospective consent that requires the noise from any of the ground floor and other floor uses must be at least 5dB below existing background levels (or 10dB if BS4142 requires it), in line with the Islington Local Plan and London Plan [Officer comment: Please refer to conditions 17 and 43];
- The submitted Demolition Management Plan states that that work will be conducted at levels below the Noise at Work Regulations. However, there is no assessment at all of the noise levels during demolition, when the noise will occur and for how long, which should be clarified [Officer comment: Please refer to paragraph 8.52 and 11.262 – 11.267, also noting the s106 Code of Construction Practice];
- The extent to which residents, the public and the canal will be affected by dust and debris is not clear [Officer comment: Condition 15 requiring the CEMP will safeguard neighbouring amenity in terms of dust mitigation, again noting that the Council's Pollution Control team have raised no objections in this respect];
- In the event where permission is granted, a condition should be required to use obscure glazing in the windows overlooking the western courtyard/ Thorley Gardens at the corner of the canal and IW North to be agreed in consultation with residents of Ice Wharf (as agreed in the Statement of Common Ground condition 28) for privacy and to prevent overlooking [Officer comment: Please refer to paragraphs 11.250 – 11.253 and condition 8];
- There are already so many restaurants and offices in the neighbourhood and so very few tranquil places to go [Officer comment: Please refer to paragraphs 11.28 – 11.30];
- There would be a harmful impact on the north bank of the Canal, including upon the residential receptor at 53-66 Treaty Street [Officer comment: Please refer to paragraphs 11.231 – 11.233];
- Concerns raised in relation to noise from the proposed restaurant, travelling across water to Ice Wharf North residents and to residences on the north side of the canal as well as the impact of the retail units upon All Saints Street [Officer comment: Please refer to paragraphs 11.262 – 11.267 and conditions 17 and 43];
- Concerns about noise from Regents Wharf occupiers on the fifth-floor terraces, Thorley House balconies and in Thorley Gardens (i.e. the western courtyard between Ice Wharf and Regents Wharf) [Officer comment: Please refer to paragraphs 11.262 – 11.267 and condition 34];
- This idyllic stretch of the canal should be maintained as it is now, and not allowing the noise dust pollution and destruction of all the wildlife that this proposal would cause [Officer comment: Please refer to paragraphs 11.158 – 11.59];
- The area is predominantly residential in character and the increased commercial activity as proposed will result in noise harm for the environment and neighbouring properties [Officer comment: Please refer to paragraphs 8.52 and 11.262 – 11.267 and conditions 11 and 32].

## 8.6 Daylight and sunlight objections

- General: There would be a harmful loss of daylight and sunlight to surrounding properties [Officer comment: Please refer to paragraphs 11.201 – 11.239];
- There are inaccuracies and omissions in the GIA daylight/sunlight report that accompanies this planning application [Officer comment: Please refer to paragraphs 11.181 – 11.239 with paragraphs 11.193 – 11.197 noting the “existing baseline” situation in detail];
- In the previous (appeal) scheme, 40 windows in Ice Wharf development were considered to be outside of BRE Guidelines. In this latest 2019 Application, a total of 26 windows are outside of BRE Guidelines (VSC loss -20%), including the following:



312 (x2), 322, 332 (x2), 313 (x2), 323 (x2), 333 (x2), 343, 363 (x2), 314 (x2), 324 (x2), 334 (x2), 344 (x2), 354, 335, 345 and 355 [Officer comment: Noted. Please refer to paragraphs 11.201 – 11.239 for the detailed assessment];

- The following Ice Wharf flats: 313, 323, 333, 343; 314, 324, 334, 344, will all have reduction in VSC significantly outside the BRE Guidelines. (N.B. Flats 313, 314, 324, 334, 344 have loss of VSC to a LKD window >40%) [Officer comment: Please refer to paragraphs 11.201 – 11.210 and 12.1 – 12.23 in the case of the planning balance];
- With regard to the No Sky Line (NSL) assessment 9 rooms in 8 flats are outside the BRE Guidelines [Officer comment: Please refer to paragraphs 11.201 – 11.210 and 12.1 – 12.23 in the case of the planning balance];
- As a consequence of the '*Guerry*' case in the High Court (Nov. 2018), using BRE Guidelines both VSC and NSL measures should be used in assessing the harm proposed, it is not a matter of VSC or NSL. This project 'fails' significantly on both VSC and NSL measures [Officer comment: Please refer to paragraphs 11.188 and 11.201 – 11.210 and 12.1 – 12.23 in the case of the planning balance];
- Solutions (as indicated directly below) to address the daylight/sunlight concerns/objections have been raised (by residents) directly with the developers and in the context of this consultation exercise:

1) An atrium over the proposed internal courtyard, which could mean the west-facing wall in the car park infill could be less than 34 metres closer to IW-South, and yet not have loss of floorspace, and this would considerably mitigate the daylight reductions. An example of an award-winning recent atrium designed by the same architects, Hawkins-Brown, for Oxford offices was suggested as a suitable imaginative solution.

2) The step-backs in the facade of the western side of Thorley Building (i.e. the car-park infill west facade) at the 3rd and 5th floors could be increased, to help mitigate VSC daylight measure 'losses'. This suggestion was rejected.

3) The parapet height of RW14-16, and the car-park infill, could be kept to current RW14-16 height (or thereabouts), instead of increasing by 27%. This would mean a reduction of 1 storey for the L-shape of RW14-16 and the car-park infill. That would be, on a rough approximation, 6-7% reduction in Gross Internal Area. This suggestion was rejected (Suggestion 3 proposes that the increase in floor space just not be quite as much (as the previous scheme), thereby achieving some solution to the problems of the daylight and massing interface with residents [Officer comment: Noted. However, the officer assessment has focused on the scheme as amended];

- In Ice Wharf North, 27 windows would lose more than 20% of their winter sunlight [Officer comment: Please refer to paragraphs 11.181 – 11.198. It should be noted that whilst some windows lose more than 20% of their winter sunlight, they remain compliant with the BRE guidelines either by retaining at least 5% winter sunlight or do not experience greater than 4% absolute reduction];
- In Ice Wharf South 9 of the 68 rooms fail the BRE guidelines on the NSL test The BRE guidelines for the NSL test state that rooms should not lose more than 20% [Officer comment: Please refer to paragraphs 10.99-10.105];
- In addition, in 1-3 All Saints Street, 12 rooms fail the BRE guidelines on the NSL test losing 20% to 56%, whilst 7 rooms would lose between 20-30% [Officer comment: Please refer to paragraphs 10.99-10.105];
- With regard to the assessment and application of the BRE assessment, bedrooms should be considered as important as living spaces [Officer comment: Paragraph 2.2.8 of the BRE guidance states that for NSL "bedrooms should also be analysed although they are less important"];

- The submitted daylight/sunlight report notes that there are 29 apertures for the purpose of the assessment where in fact there are 31 [Officer comment: Noted. However, the format follows the previous assessment and is analysed in depth in the tables set out in paragraphs 11.201, 11.203, 11.204, 11.207, 11.209, 11.222, 11.225, and concluded at paragraphs 11.228 – 11.229];
- The submitted report contains unreasonable and unverified assumptions [Officer comment: Please refer to paragraphs 11.167 – 11.187 which sets out the methodology on which the assessment is based].

#### 8.7 Review by BRE (Dr Paul Littlefair) objection

8.8 The residents of Ice Wharf have also instructed the Building Research Establishment (BRE Group) to provide an independent review of the Daylight and Sunlight Report prepared by GIA Chartered Surveyors (dated 21.11.2019) which accompanied the planning application. The review considers the appropriateness of the methodologies employed in the assessment of the impact of the proposed development and the way in which best practice guidance has been interpreted.

8.9 The report assesses the results of the GIA study and criticises the analysis. The conclusions of the review are summarised as follows:

#### Methodologies and context

- Some of GIA's values for the appeal scheme and baseline situation are slightly different from those they presented at the appeal, although it is not clear why this is? [Officer comment: Please refer to paragraphs 11.193 – 11.197];
- GIA have based their analysis on the guidance in the BRE report 'Site layout planning for daylight and sunlight: a guide to good practice'. They correctly state that the guidelines are not mandatory [Officer comment: Noted];
- The analysis has involved elements of selective quoting from the National Planning Policy Framework, however the NPPF recognises the importance (paragraph 127) of the importance of daylight and sunlight in providing acceptable living standards [Officer comment: Noted];
- While the Inspector concluded that *'loss of daylight alone should not prevent the development from proceeding'* he also stated that *'harm to living conditions as a result of the loss of daylight is still a matter for the overall planning balance'* [Officer comment: Please refer to paragraphs 7.15 – 7.27];
- In assessing the 'balance' the council need to take into account the actual loss of light, rather than a comparison with an alternative scheme that was rejected both by the council and on appeal [Officer comment: Please refer to paragraphs 11.234 – 11.239 and 12.1 – 12.23];
- GIA present comparisons with both the 'previous appeal scheme;' and the 'existing baseline situation' at differing points within their analysis [Officer comment: Noted. However, both scenarios have been considered in the case of the neighbouring residential properties].

#### Loss of daylight and sunlight

- The results show that loss of daylight to all windows analysed, and loss of sunlight to all living rooms analysed at Nos. 101 – 105 Ice Wharf South, 18-19 New Wharf Road, 34-52, 53-66, 67-77 and 78 Treaty Street, 28, 30 and 31 Thornbridge Wharf and 201-278 Ice Wharf would be within the BRE guidelines. The only dwellings for which loss

of daylight would be outside the guidelines are at Nos.1-3 All Saints Street and at Ice Wharf South [Officer comment: Please refer to paragraphs 11.198 and 11.201 – 11.239];

- At No.3 All Saint Street there would be losses of VSC and a worsening of DD, (in total eight rooms would have impacts outside the guidelines for either VSC or DD) resulting in a “minor adverse impact” [Officer comment: Please refer to paragraphs 11.222 – 11.228];
- At No.1 All Saint Street, a kitchen, bathroom and bedroom on each floor would be adversely affected, a total of eight rooms. Windows at the front of the building would lose between a quarter and a third of their VSC. Except on the top floor, these windows are already heavily obstructed with VSC’s of 13-22%; however, following development these would drop to 9-15% below the levels at which reasonable daylight would be expected in a typical dwelling, four bedrooms would also have impacts on their daylight distributions outside of the guidelines. Overall, this would count as “*minor to moderate*” adverse impact [Officer comment: Please refer to paragraphs 11.222 – 11.228];
- Loss of sunlight would not be an issue for Nos. 1-3 All Saints Street, as the relevant windows face north [Officer comment: Please refer to paragraph 11.213];
- The worst affected dwellings would be at Ice Wharf South. Two sets of flats, on each of floors 1-4, would be badly affected in terms of loss of daylight, with some losses outside of the BRE guidelines, and the rooms at third and fourth floor levels would have an impact on their DD. The VSC levels would drop from 12-15% down to 7-9% at first floor level, these results are well below reasonable levels, expected in a typical dwelling [Officer comment: Please refer to paragraphs 11.201 – 11.219];
- The other badly affected set of flats on floors 1-4 are found at flats: 313, 323, 333 and 343. These are already heavily obstructed as the bedroom is tucked into the corner of the building, and the living room has a balcony above it. The loss of VSC to these rooms is outside the guidelines, with the VSC at first floor level being reduced from 11-12% down to 7-9%, and at second floor level from 13% down to between 8-10% [Officer comment: Please refer to paragraphs 11.201 – 11.219];
- Flats 312, 322 and 332 would have losses of VSC outside the guidelines to their living room and bedroom windows, but the living room has another window that would be less affected. In this respect, Nos. 335 and 345 on floors 3 and 4 would have losses of VSC outside these guidelines to one living room window, although the room has another window facing onto All Saints Street that would be unaffected. Four windows on floors 5 and 6 would have losses of VSC outside of the guidelines, although in each case the affected room have another source of light [Officer comment: Please refer to paragraphs 11.201 – 11.219];
- Loss of sunlight would not be an issue for Ice Wharf South, as the relevant windows face either north or north of due east [Officer comment: Please refer to paragraph 11.213];
- Losses of light at 1-3 All Saints Street and Ice Wharf South would either be the same, or better than, those for the previous planning application that was refused and dismissed on appeal. However, in considering the ‘planning balance’, the council needs to consider the losses of light compared with the ‘existing’ situation. This is important here, because the affected flats are already heavily obstructed by the existing buildings on the proposal site [Officer comment: Please refer to paragraphs 11.222 – 11.228 and 12.1 – 12.23].

#### 8.10 Demolition and construction objections

- The submitted Demolition Management Plan (DMP) assumes that very noisy work would take place between 8.00am and 6.00pm on weekdays, however, sounds such

as reversing HGVs are likely to occur outside of the normal day [Officer comment: Please refer to paragraphs 11.262 – 11.267 and condition 13];

- The length of the demolition works is not clear [Officer comment: The applicants had confirmed that the demolition works would be March to August 2020];
- No information is provided on the number of truck movements per day or when the trucks will arrive and leave [Officer comment: Please refer to paragraphs 11.254 – 11.258 and the Code of Construction Practice will be secured within the s106];
- The DMP includes an outline piling plan. Details of a proper piling plan should be obtained [Officer comment: Please refer to paragraphs 11.352 – 11.357 and condition 45];
- The DMP requires out of hours working, i.e. before 8:00 am or after 6:00 pm on a week day or Saturday afternoons or Sundays for particular activities such as abnormal load deliveries. There are no details of what abnormal loads would be required. However, it can be assumed that plant required for demolition will include abnormal loads [Officer comment: The applicants have confirmed that all relevant parties would be notified in advance with the DMP having been secured under condition 13];
- The DMP does not include a programme of works. The duration of the demolition is unknown [Officer comment: The details will be secured by condition 13, however the applicants have advised that details of the activities that would occur on site will be notified to all neighbours, with monthly liaison meetings, information hoardings and newsletters also used to inform the surrounding residents. Furthermore, specific activities such as crane erections would also be highlighted];
- This report does not detail all activities. It only highlights the work activities, which may be of concern to residents of Ice Wharf [Officer comment: See condition 13];
- There are no details of how often percussion hammering will take place. It should be noted that the DMP includes a summary of the piling works. It is not clear why. Furthermore, if percussion hammering is to begin at 8:00 am, then it is likely that site activities will begin before then [Officer comment: It should be noted that hours would be governed by conditions and through the Code of Construction Practice and enforcement action may be taken if activity is in breach of condition by way of a mitigation measure];
- With regard to asbestos removal, the sequence of works requires an asbestos report. Asbestos is the highest risk in the risk register [Officer comment: The applicants have advised that the sequence of works or the asbestos report will only be submitted if asbestos is found on site and not before. However, detail can be secured through condition 13];
- However, the details of the extent of asbestos is not stated. The risk of asbestos to nearby residents or the public at large is not clear. The DMP does not state any actual plans to remove asbestos. Instead, it includes only "typical" or generic removal techniques in Appendix A. This review does not cover Appendix A. Has Appendix A been provided? [Officer comment: The applicants have stated that any asbestos removal techniques and a plan of works would be subject to a demolition and refurbishment survey, and once the afore-mentioned survey has been undertaken then the applicants can produce a plan of works and relevant associated risks. Condition 13 is also applicable];
- The DMP states that additional protection screens will be installed on the canal side of the demolition works to ensure that no debris falls into the canal. However, no details are provided of the additional protection. The risk of debris falling into the canal is not certain [Officer comment: The applicants have confirmed that the scaffolding would be wrapped in monoflex for two purposes: to reduce the noise and secondly, to avoid any debris falling into the canal, which will be agreed with the Canals and Rivers Trust. Again, if required further details can be obtained through condition 13];



- In terms of piling, the DMP includes an outline plan for piling. Although not clear, it would appear that the Developer intends to use percussion piling. Presumably, there is a separate piling plan. Details of the piling plan should be obtained from the applicants [Officer comment: Bored piling would be used instead of percussion piling as confirmed by the applicants, which produces less noise];
- In terms of reinforcement cages, the DMP assumes that the reinforcement cages for the piling will be fabricated on site. No details are provided for the noise generated from this fabrication process [Officer comment: The applicants have noted that the process of fabrication of enforcement cages is not a noisy process. It will consist of assembly pre-cut and bent re-enforcement bars together with tying wire and using hand tools. It should be observed that the Councils Pollution Control team have reviewed the application and raise no objections];
- With regard to excavation works, the DMP includes excavation works for the basement levels. It is not clear how many basement levels are planned or how long the excavation works will take [Officer comment: The proposed works must be completed in accordance with the provisions of condition 2 with one basement level proposed];
- The Construction Management Plan (page 47) states that: Basement Excavations will yield 6,795 tonnes of waste. This is exactly the same amount of waste as stated in the plans of 2016 even though the basement is now going to be bigger [Officer comment: Please note that this is set out in the: updated Construction Management Plan and Site Waste Management Plan, dated: 17<sup>th</sup> January 2020];
- The risk register states that there is a high risk of probability that debris will fall and damage adjacent property (this is rated as 4 out of 5, meaning that it is probable) [Officer comment: The applicants have confirmed that the scaffolding would be wrapped in monoflex for two purposes: to reduce the noise and secondly, to avoid any debris falling into the canal, which will be agreed with the Canals and Rivers Trust.];
- The submitted DMP includes both a blanket around the demolition and water spray to reduce dust. The DMP therefore assumes that the risk is reduced and the risk of dust is reduced to the lowest ranking. At the same time, the severity level increases from serious to major (from 3 to 4). This should be explained [Officer comment: This relates to the previous submission and not the revised document];
- The submitted Demolition Management Plan sets out measures to record dust levels. The DMP states that so far as reasonable dust levels will be kept at 0.3 mg/m<sup>3</sup> Time Weighted Average, which presumably is a mandated level in Environmental Regulations (this should be checked). However, there is a clear concern that the obligation is only to take steps "so far as is reasonable" and there is no detail on what happens if the dust levels are greater than the acceptable levels [Officer comment: In the first instance, the Council's Pollution Control team have raised no objections to the proposals. However, by way of assurances, the applicants have also confirmed that the site would be controlled by using monitors noise, dust, movement and vibrations from on-site operations which will include an environmental monitoring unit, building and canal movement monitor and a movement monitor for the piled wall to the adjacent existing structures];
- The proposed basement is 5 metres deep and comes within 6 metres of the Ice Wharf basement – there must be a comprehensive Basement Impact Assessment, which currently hasn't been submitted. The assessment should be independently assessed on behalf of the council to ensure its credibility [Officer comment: It should be noted that a Basement Impact Assessment has been provided, and the basement would be over 6m from the neighbouring Ice Wharf development, whilst condition 45 is also applicable];
- The Construction Management Plan should be sent to the Planning Committee for approval so that it is open to comment by residents and can be assessed by Councillors, as this is such a sensitive site [Officer comment: Please refer to Condition

13, whilst logistics are covered under condition 36, however it is not standard practice to determine the applications at planning committee and at this time not considered reasonable to do so];

- It is understood that a waterborne freight feasibility study has been commissioned; residents would like to see this study as soon as it is submitted. The study should be assessed by an organisation with knowledge and expertise in this area. A member of the Commercial Boat Owners Organisation has agreed to review the study once it is available [Officer comment: Please refer to condition 14].

#### Deliveries/ servicing and highways objections

- The office use is expected to generate 23 daily LGV movements and 3 daily OGV movements. The A3 uses would generate 7 LGV movements and 0 (zero) OGV movements, whereas if the largest retail unit is occupied as a convenience store this increases to 8 LGV movements and 4 OGV movements I would suggest that these figures need to be checked: with such a large increase in office space and increase in users of the offices and the introduction of retail space, there will be a significant rise in deliveries, with consequent problems for traffic management on a narrow street [Officer comment: Please refer to paragraph 11.320 – 11.321 for trip generation details and note that the Councils Highways team and Transport for London have not raised any objections on this matter. However, the applicants have also provided further information on this point and state that the derived number of trips have been calculated using the industry standard modelling “TRICS” which is considered to be acceptable];
- In terms of servicing and delivery trips, the data provided would seem to not take account of the upsurge in use of deliveries to offices by customers of Amazon et al. If approximately 900-1000 are to occupy the offices, the deliveries for mere personal use will probably be higher than the 35 suggested [Officer comment: The applicants have advised that many delivery companies have advanced delivery models which ensure that bulk loads can be received within limited deliveries and so there is no data or evidence to suggest that this will be a problem when the offices go on-line in the event where permission is granted];
- It is proposed that vehicles will reverse into the off-street loading bay and exit in a forward gear, which would present a dangerous layout, where there is potential for accidents upon entry and exit, and potential of accident with close cyclists [Officer comment: This has been amended and the revised on-street servicing solution is set out in paragraphs 11.336 – 11.345];
- As a solution, to be safer, no vehicle (except for exceptional circumstance) be allowed to enter the passage between RW16 and IW-South, and that all deliveries and collections be made by the '*Covent Garden Solution*': the vehicle to be parked in the street and the delivery or collection be done by foot (this solution is used extensively in the Regents Quarter area, along Caledonia Street and Railway Street) [Officer comment: Thee applicants have confirmed that there is sufficient capacity on-street to undertake the “Covent Garden Solution” and the revised servicing layout and details are set out within paragraphs 11.333 – 11.345 of this committee report];
- In terms of the on-site servicing bay, this bay will be primarily used for refuse collection but will also accommodate delivery vehicles up to an 8-metre rigid size. However, residents have expressed concern about this previously. Again, the Covent Garden Solution would seem to be a satisfactory precaution [Officer comment: Please refer to paragraphs 11.333 – 11.345 which sets out the solution proposed, which is supported by Council Highways colleagues];

- In the event where permission is granted, delivery hours should be conditioned, at 8-7 for Mon-Fri, 9-7 for Weekends and Bank Holidays [Officer comment: Details will be secured by condition 28];
- The extra traffic and issues of access to the site will be detrimental to highway safety and convenience. Turning the corner between New Wharf Road and All Saints Street with parking bays located closer to both corners will be more difficult for drivers and potentially hazardous and this should be reviewed, and congestion would be increased [Officer comment: There will be a daily reduction in 280 vehicles as set out within the applicants Transport Statement, whilst the parking bay layout has also been amended post-submission at the request of Officers (including Highways colleagues) to ensure that the parking bays are safe and convenient for all road users, cyclists and pedestrians. Please also refer to paragraphs 11.346 and 11.347];
- All refuse collections and all deliveries should be made by using the on-street loading bay only not the on-site service bay [Officer comment: As noted above, the delivery and serving bay that would be on-site has been amended so that deliveries and serving take place on-street].

#### 8.11 Other planning-related objections and issues raised

- A planning document including an extensive list of planning conditions was also provided by residents (email and attachment received 12.01.2020) [Officer comment: This has been recorded, reviewed and some of the conditions have been included where appropriate, for instance where the conditions adhere with the statutory tests for the application of planning conditions];
- Related to the above 'list of planning conditions', local residents have also noted that as part of the previous public inquiry process and the subsequent discussions with residents, the developer has already agreed to abide by many of the following conditions, however it is important that the council enforces this to ensure compliance [Officer comment: Noted. Planning enforcement action may be taken where appropriate];
- The demolition phase and excavation phase, materials could go by barge from Regent's Wharf to Powerday's recycling facility at Old Oak Wharf in Willesden on the Paddington Arm [Officer comment: Please refer to paragraphs 11.361 – 11.369 and condition 14];
- Construction materials in can be more difficult depending on what they are and where they are coming from [Officer comment: Please refer to paragraphs 11.361 – 11.369 and condition 14];
- There are some opportunities for barge transport to be used to service the development of Regent's Wharf. Some aspects of the development phases are easier for canal transport than others [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- Is it possible that there can be a planning condition that requires the developer to maintain canal access for the developed site and not just the construction phase? [Officer comment: This is already indicated on the proposed plans];
- Given the Mayor's clean air strategy and TfL's objective of reducing road traffic in London it is very frustrating to see the canal so close to so many potential customers but to have no workable access to their sites [Officer comment: Please refer to paragraphs 11.242 – 11.249 and 11.358 – 11.378];
- The potential light pollution in dark hours to the local residents and in particular to the wildlife of the Canal is particularly concerning [Officer comment: Please refer to paragraphs 11.242 – 11.249 and conditions 29 and 30];

- No heritage assessment/statement has been provided [Officer comment: Please refer to the Heritage Statement (Dated: November 2019) as provided by the applicants];
- Loss of view (including of wildlife was also raised) [ Officer response: This is a non-planning related matter and cannot be taken into account];
- The 'threshold' used for GIA's evaluation was designated for an E4 category. However, the area along All Saints Street should not be classified as an E4 category, it is better categorized as E3 [Officer comment: This is accepted and has been reported in paragraphs 11.242 – 11.249 and conditions 29 and 30];
- The Canal area has also been misclassified and should not be assessed under E4, this should be categorised as E2 [Officer comment: This is accepted and has been reported in paragraphs 11.242 – 11.249 and conditions 29 and 30];
- Light pollution will require careful mitigating conditions, such as seasonal-timing-adjusted automatic blinds, otherwise there will be a detrimental effect on the wildlife of the Canal, and for the residents in such close proximity [Officer comment: Please refer to paragraphs 11.242 – 11.249 and conditions 29 and 30];
- The proposal would result in an adverse/harmful impact upon public health and well-being, including as a result of a harmful loss of light and impact on wildlife and the local environment [Officer comment: Please refer to paragraphs 11.242 – 11.249 and conditions 29 and 30];
- Assurances should be made that both sets of gates by Ice Wharf are quiet at rest and when opening and closing, and the second gate will only be opened when absolutely necessary. Residents have been informed that this will be for purposes like fitting out of the offices and not for routine deliveries; however, please can this be guaranteed by condition [Officer comment: Although this condition is not required to meet the “tests” for imposing planning conditions, it is considered that sufficient measures and mitigation is in place to ensure that neighbouring amenity by noise would not be compromised. Please refer to paragraphs 11.262 – 11.267 and conditions 11, 12 and 34];
- Light pollution would have a detrimental impact on the canal and wildlife including nocturnal animals such as bats as the artificial light in hours of darkness would impair their ability to commute along the canal and forage for food. The canal is a Site of Importance for Nature Conservation and a recognised bat foraging corridor [Officer comment: Please refer to paragraphs 11.158 – 11.159 and conditions 29, 30 and 37];
- It is noted that in the submitted Planning Statement, (page 40 para 6.6) refers to Regents Wharf being identified in the Site Allocations Document. However, it fails to mention that the Site Allocation document states... *'Limited intensification of business use and Development proposals should have regard to surrounding buildings heights. Any development should respect the amenity of neighbouring residential properties, including Ice Wharf which is located immediately to the west of the site.'* It is considered that this is a serious omission in the applicant's description of the site [Officer comment: Please refer to paragraphs The site context and allocation has been considered throughout the assessment and details of the context and considerations can be found at paragraphs 5.1 – 5.11, 9.11 and 11.262 – 11.267];
- There would be a loss of trees and landscaping, with some of the existing trees providing privacy for neighbouring residents [Officer comment: Please refer to paragraphs 11.160 – 11.161. Furthermore, the scheme also has the support of the Council's Tree Officer who raises no objection];
- The area is heavily polluted and will be made worse by the development, including air pollution [Officer comment: Please refer to paragraphs 11.307 – 11.308].

8.12 Discussions were held between the applicant and Officers following the above consultation response(s) with a view to addressing some outstanding concerns raised by officers, local

residents, as a result of responses received by statutory and non-statutory consultees and the observations received from the Council's Design Review Panel, in particular relating to the massing, detailed design and operational issues in connection with the proposed development.

8.13 In response to the above, the applicant submitted revised plans to the Council on 29.01.2020 indicating:

#### Revisions

Updated Plans, Elevations and Bay Studies (in response to DRP) along with an accompanying cover letter were provided on 29.01.2020, with the following key changes:

- The external cladding to the level 05 extension above Thorley House and The Mill has been changed to be a standing seam metal panel featuring legible joints, pressing and shadow gaps, reducing the visual massing of the extension as suggested by the DRP;
- The parapet at the Level 04 on Thorley House has been lowered, with the horizontal banding altered following feedback from the DRP. As part of reducing the parapet height, a new handrail has been included (the external area is for maintenance only
- The rustication of brickwork at ground floor of Thorley House has been increased to provide 'a more obvious bottom' as suggested by DRP members;
- The existing brick firewall above Level 05 in the Silo Buildings is proposed to be retained and refurbished. The retention of this component is considered to create a more consistent and sympathetic height between the Silo Buildings when read in elevation;
- The Western Elevation has also been updated to show ground floor plant access doors to reflect the detail on the GA ground floor plan;
- The fire escape door at the northwest corner of Thorley House have been updated from a double door to single door, to correctly reflect the western elevation;
- The window mullions to the west of Thorley House have been updated to correctly reflect the western elevation;
- The glazing and mullions in the western courtyard have been added to ground floor nib in order to correctly reflect the detail design as shown in the western elevation;
- The windows to the northwest corner of Thorley House have been updated to correctly reflect the western elevation. This now shows one glazed and one solid panel as oppose to from two glazed panels;
- The positioning of the windows and doors across Level 05 in Thorley House and The Mill have been updated to match the updated elevations;
- The position of the parapet at levels 05 and 06 in Thorley House have been updated to reflect the western elevation.
- The updated treatment of the plant rooms are proposed to reflect the historic industrial aesthetic of the former water tanks which were previously located above 10b (now part of the Mill) and have been subject of numerous discussions with the design and conservation officer.

It should also be noted that further revised/additional supporting information has also been submitted to accompany the application:

- Revised Delivery and Service Plan (DSP): 18.02.2020
- GIA clarification letter (existing values): 17.02.2020
- Revised ground floor plan (due to introduction of baby-changing facilities): 17.02.2020
- Demolition, Piling and Basement Construction Works Document: 02.02.2020



- Light Pollution Assessment (GIA): 11.02.2020
- Canal Freight Feasibility Study: 29.01.2020
- Transport Addendum Note: 29.01.2020
- Construction Management and Site Waste Management Plan: 29.01

#### Second round of consultation

8.14 A **second round of consultation** was undertaken on 30.01.2020 and expired on 17.02.2020. The representations received which **numbered 64 in total** reiterated a number of points detailed within the above summary and the additional/new planning related objections and issues raised can be summarised as follows:

#### Clarifications, corrections and other requests

- The applicants should not be comparing the current application with the appeal scheme, particularly where assessing the daylight/sunlight impacts [Officer comment: Please refer to paragraphs 11.167 – 11.180, 11.181 – 11.187 and 11.193 – 11.197. Further, the appeal scheme is considered to be a material consideration in the assessment and determination of this current application];
- The height reduction claimed in the DP9 Cover Letter for the Heritage buildings height (atop Regents Wharf 10b) of 3.6m is incorrect. It should be 1.9m [Officer comment: The figures provided within the submitted Design and Access Statement are correct];
- The baseline figures for the Daylight tables for the Appeal and for the Nov 2019 application are not congruent. The figures for an existent building should be the same in both applications [Officer comment: Please refer to paragraphs 11.193 – 11.197];
- There is an additional line of brickwork above the original rooftop/roofline which was not there on the previous drawings submitted by the applicants [Officer comment: The brickwork is part of the existing firewall and this is represented on the revised drawings following the Design Review Panel. Please also refer to paragraphs 11.56 – 11.71 and 11.116 – 11.131];
- In addition, in the DP9 letter dated 29.01.2020 (at page 4), the applicant claims to have reduced the height of the rooftop extension on building 10b by 3.61 metres compared to the Appeal Scheme. However, this is inaccurate – from the table on page 6 of the D&AS: Extension over The Mill (10b) reduces from 46.46 AOD at Appeal to 44.53 AOD Proposed. This is a reduction of 1.93 metres [The 3.61 metres uses the height of Thorley House including plant at Appeal (48.13 AOD) compared to proposed height of 10b (44.53 AOD) But the height of Thorley House is not the same as the height of 10b] [Officer comment: The figures within the Design and Access Statement are correct. Please refer to the tables within paragraphs 11.156 – 11.171];
- A number of planning conditions have been suggested by local residents who have provided officers with a detailed list of those they consider should be applied in the event that the application is found to be acceptable in all other respects [Officer comment: The conditions have been recorded, reviewed and where applicable added to the list of planning condition within this report. Conditions suggested have not been added where they do not meet the statutory tests regarding the use of planning conditions];
- A further 'set-back' of the top of the second floor of the west facing façade should be considered to improve amenity for local residents, particularly within the Ice Wharf development [Officer comment: The Officer assessment has been focused on the current scheme].

Impact on residential amenity (also refer to 'Environmental Impact' section below)

- There would be a harmful and substantial loss of light and an overbearing structure that will be very detrimental to Ice Wharf, and other streets surrounding the application site [Officer comment: Please refer to paragraphs 11.201 – 11.219];
- Loss of view [Officer comment: Loss of view is not a material planning consideration];
- Harmful overshadowing, loss of privacy and loss of outlook, including as a result of the east facing windows and upper level terraces [Officer comment: Please refer to paragraphs 11.246 – 11.249 and 11.250 – 11.253];
- If the current scheme shows any possibility of overlooking, then the green roof wildflower area, with no access except for servicing (as in Section 3.1 of Section 10 of the Design and Access Statement) must be extended to prevent that from occurring [Officer comment: Please refer to paragraphs 11.250 – 11.253 and conditions 8 and 34];
- There is a Human Rights Legislation stating that 'one has a right to quiet enjoyment of your property' [Officer comment: The legislation is noted. However, with the amendments that have been made since the previous appeal scheme and given the use of conditions, the scheme is considered to be acceptable. The amenity related matters can be found within paragraphs 11.167 – 11.267];
- There would be a harmful increase in noise disturbance as a result of the development, particularly the additional office accommodation given the relationship with the neighbouring residential properties [Officer comment: Please refer to paragraphs 11.262 – 11.267 and conditions 11, 1232, 34 and 43).

#### Review by BRE (Dr Paul Littlefair) objection

The BRE Group have also reviewed the revised plans and raise the following comments, observations and objections:

- The second review by BRE (letter dated 17<sup>th</sup> February 2020) considers the appropriateness of the methodologies employed in the assessment of the impact of the proposed development and the way in which best practice guidance has been interpreted [Officer comment: Noted];
- It is claimed that the parapet to Thorley House (Level 4) has been lowered and a handrail included. However, this is unclear, although it would be expected to make little or no difference to the daylight and sunlight received by neighbouring dwellings [Officer comment: Please refer to paragraphs 11.167 – 11.239];
- The applicants have not submitted any new daylight and sunlight data, so it would be expected that the previous figures, provided by GIA, are still valid [Officer comment: Please refer to paragraph 11.192 for the data provided];
- DP9 summarise the loss of light by giving the percentage of windows and rooms analysed that comply with the guidelines. This is misleading, because GIA analysed a very large number of windows (451 in all), many of which were always going to be minimally affected by the scheme. The total figure includes some windows that face away from the scheme and could never be impacted by it (for example, in one top floor room in Ice Wharf South they have analysed 26 windows, 21 of which are completely unaffected by the proposed development) [Officer comment: When considering the closest residential receptors, there is an 87% compliance with the VSC methodology and an 85% compliance with the NSL methodology. The details are broken down and analysed further at paragraphs 11.167 – 11.239];
- The important issue is the overall number of windows and rooms that are significantly affected and the extent of the impact on these rooms. In total, 38 windows do not meet the BRE vertical sky component guideline, and 21 rooms do not meet the daylight distribution guideline. For five flats in Ice Wharf South, the impact would be assessed

as major adverse. For these residents, the fact that others in the area are minimally affected is little compensation for their own loss of light [Officer comment: 37 windows do meet the VSC guidelines, with 21 not meeting the NSL guidance and this is broken down in detail in the tables and paragraphs at 11.167 – 11.239];

- In terms of sunlight, DP9 point out that loss of sunlight to all living rooms would be within the BRE guidelines. This is correct, but is largely due to the new development lying to the north of the nearest existing dwellings, rather than because of any special design changes [Officer comment: Noted];
- DP9 have selectively quoted from the National Planning Policy Framework relating to daylight and sunlight. In the NPPF, the words quoted by DP9 apply only to applications for housing. They are not relevant here, because the application is not for a housing development [Officer comment: The relevant and applicable policies have been set out within paragraphs 9.1 – 9.18];
- DP9 have also quoted selectively from the Planning Inspector's statement explaining his rejection of the appeal for the previous scheme on this site. The Inspector also stated that 'harm to living conditions as a result of the loss of daylight is still a matter for the overall planning balance'. In assessing this balance, the council need to take into account the actual loss of light, rather than a comparison with an alternative scheme that was rejected both by the council and on appeal [Officer comment: Whilst the previous appeal decision is a significant material consideration, this application has been assessed on its own individual planning merits. The planning balance of which is set out in paragraphs 12.1 – 12.23];
- In summary, DP9's submission does not alter the conclusions expressed in the previous (BRE) letter on behalf of the local residents [Officer comment: Noted];
- In conclusion, the key issue is loss of daylight to 1-3 All Saints Street and Ice Wharf South. Losses of light would either be the same, or better than, those for the scheme rejected on appeal. However, in considering the planning balance, the local authority needs to consider the actual losses of light compared to the existing situation, and the amounts of daylight local residents will be left with. These are particularly important here, because the affected flats are already heavily obstructed by the existing buildings on the proposal site. Based on the data presented by GIA, there would be a major adverse impact on daylight to five flats in Ice Wharf South, and minor or moderate adverse impacts to other flats in Ice Wharf South and in 1-3 All Saints Street [Officer comment: The planning balance within the report at paragraphs 12.1 – 12.23 considers all harms, including the loss of light against the range of public benefits].

#### Heritage and design concerns

- The height of the facade and the roof floor and plant structures on the All Saints Street side for the scheme continue to dominate over Building 10a, which is an important building in the context of the Conservation Area [Officer comment: Historic England consider any harm to be low level which is indicated at paragraphs 8.43 – 8.45, and assessed further at 11.56 – 11.71 and 11.116 – 11.131];
- The plant roof structures atop Regents Wharf 10b can still be seen on the Canal side, contrary to Islington Council's own Conservation Area guidelines which indicate that all plant "should be invisible" from the canal towpath and in long views from the canal bridges [Officer comment: It should be noted that the previous Inspector found no harm in relation to the visibility of the plant previously. However, this matter is assessed in more depth at paragraphs 11.103 – 11.108];
- The proposed height of the redeveloped site is out of context with, and not of a similar scale to, other buildings in the setting of the Conservation Area [Officer comment: Please refer to paragraphs 11.56 – 11.71 and 11.94 – 11.101];

- The DRP comments have not been fully addressed given that plant would still be visible from Thornhill Bridge and the towpath contrary to the Conservation Area Guidelines [Officer comment: The DRP were supportive of the improvements made to the proposals subsequent to the appeal scheme. There were some suggestions made by the DRP which were then subsequently adopted within the revisions. Details can be found at paragraph 11.67];
- Historic England objections have not been addressed fully [Officer comment: Historic England report a level of “low harm”. Please refer to paragraphs 8.43 – 8.45 and 11.144 – 11.147 for the public benefits];
- Although the DRP suggested darker bricks for the canal side elevation of the new Thorley House, I don’t think this is advisable as this would not reflect the light to the north side of the canal as the current yellow bricks of RW18 do. We would ask that the proposed lighter bricks are retained [Officer comment: The applicants have noted that the brickwork has not been altered between the initial submission and the subsequent amended submission. The applicants have stated that they are committed to using a lighter brick. This matter is covered by condition 3];
- At a meeting with the applicants it was stressed that the pitched roof (to Building 12) it would not be visible from the canal, homes on the north bank or from the bridges. It was also promised that a test would be done of sunlight on the ground and a line drawn from the base of residential windows to the parapet of the pitched roof to ensure no further loss of light. Concerns remain regarding the angle of the proposed pitch and the subsequent height [Officer comment: The views provided by the applicants indicate that this element would not be visible from the public footpath whilst paragraphs 11.231 11.233 indicate that there would not be any demonstrable harm outside of BRE tolerances on the north bank];
- Detailed Bay Study 03 Canal side shows what appear to be Juliet balconies in place of the original step-out ones. They would be far preferable for residents of the north side of the canal [Officer comment: In this instance there are no Juliet balconies, as the Bay Study 3 illustrates that there would be 3 cantilevered balconies, all within the site boundary];
- Disappointed that the DRP has recommended a darker colour brick for the canal side elevation of Thorley House. This was one of the original complaints by local residents! The existing yellow brick lightens an otherwise grey stretch of the canal and especially in winter provides a much needed ‘pop’ of colour even on a dark day. It has a positive effect on one’s mental health [Officer comment: The applicants have stated that they are committed to using a lighter brick. This matter is covered by condition 3].

#### Waterway v Road network for freight and highways safety and convenience issues

- The Council should consider conditioning any approval of this application with using the canal for moving freight to and from the site. The emerging London Plan (about to be published in Spring 2020) is relevant and notes that London’s waterways are multifunctional assets. As such, they provide environmental, economic and health and wellbeing benefits for Londoners and play a key role in place making [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- Object, along with Friends of Regents Canal, to the proposal which would add more HGVs to the streets of Islington, especially at a time when the Council has declared a climate emergency and is making efforts to reduce through traffic [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- There is a significant inaccuracy in the statement that the (Regents) canal is not used as a commercial waterway [Officer comment: Noted. However, the matters are covered in greater detail at paragraphs 11.358 – 11.378 and condition 14];

- The use of waterborne freight has a significant benefit in the reduction of road risk/danger from the operation of 2500 HGV movements - the ratio of 1 barge to 3.5 HGV's, with the water-based haulage having a smaller carbon footprint and causing no damage to the highway over which it operates would be a significant benefit [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- The existing road network cannot support the types and quantum of vehicles (such as HGV's) that will need to travel to and from the site (including abnormal loads) which would lead to convenience and safety issues on the local road network [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- There would be potential highways safety impacts as a result of the development proposal, including as a result of HGV deliveries coming in and out from the junction between All Saints Street and Caledonian Road [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- The use of free-standing scaffolding along the frontage and then placing the hoardings outside this would substantially encroach on the footway, and for safety there may also need to be a buffer zone, effectively blocking the footway, and possibly also the median strip between footway and carriageway [Officer comment: Scaffolding on the footpath is a standard procedure and will be required by the applicants as part of the demolition and construction phases of development in order to protect pedestrians during these works. The applicants have indicated that a diversion would be in place during that time for pedestrians to safely navigate the construction site];
- The submitted freight report does not provide any evidence or explanation as to why the demolition period would be doubled, and states that it 'could impact' and 'up to' 6 months, therefore, it might not impact the timescales at all. Furthermore, when the report refers to 'feedback from several contractors', it is unclear who these are as it is not referenced clearly within the submission [Officer comment: The applicants have since advised that this was the feedback received from several contractors during the tender stage. These are not lorry or barge contractors but are demolition and construction contractors would be responsible for the different stages of development, and confirmed that the use of water-bourne fright could add to the delays and costs. However, subsequently condition 14 has been proposed to secure a further study];
- It should be established whether the afore-mentioned contractors are lorry or barge contractors, this should be made clear. Furthermore, the council should independently verify this assertion [Officer comment: Again, the applicants have since advised that this was the feedback received from several contractors during the tender stage. These are not lorry or barge contractors but are demolition and construction contractors would be responsible for the different stages of development, and confirmed that the use of water-bourne fright could add to the delays and costs. However, subsequently condition 14 has been proposed to secure a further study];
- In terms of the viability, the redaction of figures in the report provided makes it impossible to check the figures and thus we cannot tell if the PBA figures support DP9's suggestions The PBA report gives no indication of the number of miles of the lorry journey. They give no indication of where the road tip sites would be [Officer comment: This detail is yet to be finalised and again detail can be illustrated by condition 14 as proposed];
- Given the significant concern about the environment and given the location of this site, right on the bank of the Regent's Canal, we the residents would ask the council to require barges to be used for the removal of demolition waste as well as piling and excavation arising [Officer comment: Please refer to condition 14
- There is a precedent for using water-borne freight craft, with nearby developments at Kings Place having used the canal for transportation of building materials, whilst there are other examples elsewhere in London [Officer comment: Noted. However, this site

has been assessed on its own material planning merits, under paragraphs 11.358 – 11.378].

#### Deliveries and servicing

- The 'Covent Garden solution' for delivery and retrieval would be sensible for the site: the gate between Ice Wharf and Regents Wharf should be kept shut at all times except for exceptional access instances to help prevent pedestrian-vehicle conflicts [Officer comment: The applicants have confirmed that there is sufficient space on-street to accommodate this solution Please refer to paragraphs 11.336 – 11.345];
- Following review of the configuration of the inner pedestrian gate seems to be a near impossible manoeuvre for wheelie bins if the applicant insists that refuse trucks will still reverse into the RW western entrance to collect rubbish and recycling [Officer comment: The submitted swept path assessment indicates that a standard sized refuse vehicle could enter and exit the site without compromising the safety of pedestrians and motorists, however the on-street solution as proposed is indicated at paragraphs 11.336 – 11.345].

#### Environmental impact

- The E4 categorisation of the Regents Wharf development is not accurate, and the GIA report as submitted by the applicants makes several erroneous comparisons and assumptions [Officer comment: Noted and agreed that the site should fall under E3 classification. This planning matter is addressed in greater depth at paragraphs 8.53, 8.56, 11.242 – 11.249 and conditions 29 and 30];
- It is unclear whether the categorisation of a site in terms of light pollution determined by the location e.g. Central London Zone 1 (as claimed in page 1, para 4, line 2); or by the level of existing light pollution (as claimed on page 1, para 8, line 3 and page 2, para 4)? This should be clarified [Officer comment: Noted and agreed that the site should fall under E3 classification. This planning matter is addressed in greater depth at paragraphs 8.53, 8.56, 11.242 – 11.249 and conditions 29 and 30];
- Comparisons are made with other parts of London (i.e. Camden lock), although this site is materially different and should be considered as such [Officer comment: Noted and agreed that the site should be assessed on its own merits and is considered to fall under E3 classification. This planning matter is addressed in greater depth at paragraphs 8.53, 8.56, 11.242 – 11.249 and conditions 29 and 30];
- The illuminance experienced at All Saints Street (Track 2) and around the Granary Square Towpath (Track 4) are mostly emitted by the streetlights which are on during all night. Therefore, no post curfew survey has been deemed necessary as the illuminance would remain the same as pre-curfew. Streetlights do stay on all night, but other lights will be turned off, so All Saints Street is actually quite dark at night, however the study does not assess this. In addition, the fact that there is up to 22 lux of illuminance on the street would seem to indicate this is not just due to streetlights [Officer comment: This planning matter is addressed in greater depth at paragraphs 8.53, 8.56, 11.242 – 11.249 and conditions 29 and 30];
- The impact of light pollution from the development will result in a harmful impact on ecology, including bats and birds and wildlife on the Regents Canal, whilst there would also be implications for local residents [Officer comment: Please refer to paragraphs 8.56 and 11.158];



- We do not expect the harm caused by light pollution as a result of the proposed building to be a reason in itself to refuse planning permission, however we would ask for a commitment to specific and comprehensive mitigation measures to reduce the impact on residents, the canal and the wildlife [Officer comment: The applicants have stated that they will accept a suitable lighting scheme by way of planning condition and will target the E3 classification in accordance with the guidance of Officers. Please refer to conditions 29 and 30];
- The Council has a duty to protect residents from the impact of light pollution as well as to protect the Site of Importance for Nature Conservation along this stretch of the canal [Officer comment: Noted. Please refer to paragraphs 11.242 – 11.49];
- The calming influence and contribution to health and well-being that water, wildlife and the birds/ ducks bring to the mental health of the community should be considered [Officer comment: This is considered and are not considered to change significantly as a result of the current proposals];
- Specific conditions should be made that all outward-facing windows should be fitted with seasonally-timed automatic blackout internal blinds, so that light pollution is minimised with appropriate curfews for the darker evening hours (also reflecting seasonal differences) [Officer comment: Internal lighting is covered by condition 30];
- It is unclear if noise receptors referred to in the submission are 'actual physical monitoring devices' or just a 'notional identification' of buildings which will be impacted by noise from the site if the former, I would ask that the monitoring devices are positioned at 'residential living' heights not on the roof of the buildings, to ensure accurate assessment of noise levels impacting on residents [Officer comment: The applicants have noted that noise monitors would be used during the proposed construction period. The submitted Noise Impact Assessment identifies the nearest noise sensitive receptors and the locations where background noise levels are monitored. Please also refer to paragraphs 11.262 – 11.267];
- In addition, the balconies on Thorley House overlooking the canal should be only Juliet balconies. There is no need for these to be step out balconies, and such spaces would lead to increased noise over the canal, and overlooking, which would be disruptive to residents on the north side of the canal and also create noise impact for residents in IW North [Officer comment: The Bay 3 study clearly indicates that there would be 3 cantilevered balconies];
- With regard to the loss of trees, I am concerned that no-one seems to be concerned about the amenity value of the existing trees. The trees are therefore offer outlook, providing important screening, and indeed views of the many birds that make use of them and are worth protecting [Officer comment: The proposals involve additional tree planting and extensive landscape improvements compared with both the existing situation and the previous scheme. Further detail is found at paragraphs 11.160 – 11.161 and condition 38].

#### Representations received in support

- The proposal is exactly the regenerative type of project Islington should be supporting. It will be creating much needed jobs and investment to the area which will otherwise go elsewhere in London. This proposal should go ahead [Officer comment: Noted. The range of public benefits and the planning balance can be found at paragraphs 11.144-11.147 and 12.1 – 12.23];
- A letter was also received from the great grand-son of Joseph Thorley who founded 'Thorley's Food for Cattle' who writes in support of the development proposal, noting that following a meeting with the architects and developers for the project, he is encouraged by the heritage benefits of the application, which would be a major benefit to the conservation area and to Islington in general [Officer comment: Noted. The

range of public benefits and the planning balance can be found at paragraphs 11.144-11.147 and 12.1 – 12.23].

### Third round of consultation

8.15 A **third** round of public consultation was undertaken on 20<sup>th</sup> April 2020 and expired on 7<sup>th</sup> May 2020. The representations received **numbering 54 in total** and the concerns are summarised below:

#### Procedural

- The Regents Wharf development is a highly-controversial planning application that should not be heard and determined at a 'digital planning committee' during the current coronavirus pandemic, and instead should be given proper and due scrutiny by a planning committee in a physical committee environment where all residents can attend, without prejudice to anyone who is otherwise unable to 'virtually' attend [Officer comment: The application has been subject to three separate rounds of public consultation and will be presented to the planning committee in accordance with current Government legislation and practice for consideration by Members];

#### Residential amenity concerns

- The total floor area at 13,871sqm is proposed to be increased in the case of this application (internal floor area) therefore an increase from the previous appeal scheme at 13,833sqm [Officer comment: Please refer to paragraphs 11.2 – 11.34];
- There are already enough noise generating restaurants in the area;
- The creation of a large 'destination venue' restaurant capable of catering for either large parties of people or a large number of smaller groups of people would give rise to a harmful impact on amenity in terms of noise and disturbance. The cumulative impact of the operation of such a large A3 unit with banqueting scale facilities would have the potential to result in an unacceptable increase in the level of noise and disturbance experienced by neighbouring residential occupiers caused as a result of large numbers of people arriving/leaving at the same time and large groups of people congregating outside the premises to smoke [Officer comment: Please refer to paragraphs 11.262 – 11.267 and conditions 11, 12 and 32];
- The proposal would run contrary with the Site Allocation Plan (2019), which at page 20 notes that "Any development should respect the amenity of neighbouring properties, including Ice Wharf which is located at the immediate west of the site [Officer comment: The amenity section is found at paragraphs 11.167 – 11.267 and the planning balance is at 12.1 – 12.23];
- The proposal to create a restaurant here is contrary to the Core Strategy Ref 7-11 Feb 2011 Noise and Vibration, (Env17 Protecting Amenity), DM19 (Entertaining and the night-time economy, and DM20 (location and concentration of uses) of the Islington Development Management Policies (being updated Feb 2020.). A reference is given to separate applications (refused) elsewhere in the Borough at Theberton Street is relevant [Officer comment: This application is assessed based on its own individual planning merits Please refer to paragraphs 11.167 – 11.267 and the planning balance is at 12.1 – 12.23];
- The application site is situated within the Employment Growth Area (EGA), although it is in proximity to residential properties on three sides of the site that fall outside of the EGA, therefore it is critical that neighbouring amenity (including daylight) is safeguarded [Officer comment: Officers agreed that neighbouring amenity is one important consideration and the assessment is considered in full at paragraphs 11.167 – 11.267 and the planning balance is at 12.1 – 12.23];

- Given the site context and relationship with noise-sensitive receptors such as residential uses, it is critical that the council ensure that (in the event of any permission being granted) the use of planning conditions is carefully imposed to ensure that matters such as deliveries, the use of outside areas, hours of operations, deliveries and other operational matters are carefully controlled in the interests of residential amenity [Officer comment: The conditions imposed are considered to adhere with the statutory tests for the use of planning conditions as set out within paragraphs 55 and 56 of the NPPF];
- On the matter of the 'Daylight Briefing Note' provided by the applicants, it is considered that the 'No Sky Line (NSL)' contour maps show how harmful the loss of light would be to neighbouring properties, including those within the neighbouring Ice Wharf development [Officer comment: Please refer to paragraphs 11.188 and 11.201 – 11.239];
- Bedrooms are living spaces and will be used for personal and work use (including during and after and the current pandemic), and would therefore require adequate daylight levels [Officer comment: Noted. However, paragraph 2.2.8 of the BRE guidelines states that for NSL "bedrooms should also be analysed although they are less important". The full breakdown of the daylight assessment is found at paragraphs 11.201 – 11.239];
- The daylight/sunlight analysis by Dr P J Littlefair has not been accurately reported and should read (inter alia): "For the five worst affected flats in Ice Wharf South (Nos 313, 314, 323, 324 and 334), the daylight impact would be assessed as major adverse, because the loss of light is well outside the guidelines, because living rooms are affected and because residual levels of light are likely to be inadequate, in contravention of the National Planning Policy Framework. Other flats would have minor or moderate adverse impacts [Officer comment: Please refer to paragraphs 11.201 and 11.239 for the reporting of figures];
- In terms of the impact on Ice Wharf South and All Saints Street, a total of 38 windows do not meet the BRE Vertical Sky Component guidance and 21 rooms do not meet the BRE guidance in terms of Daylight Distribution [Officer comment: Please refer to paragraphs 11.201 and 11.239];
- Could the council or planning committee request an assessment be undertaken by GIA to see the effect of extending this set back (to the western elevation) to either 2.5m or 3m (instead of the current 1.5m approx) and see what effect this has on daylight losses to neighbouring residents, notably Ice Wharf South as it is considered that the daylight harm is still too great [Officer comment: Officers have assessed the proposal based on its own individual planning merits];
- All deliveries and collections should be made on the street/ loading bay (All Saints Street) [Officer comment: Please refer to paragraphs 11.336 – 11.345];

#### Environmental concerns (including water-freight)

- In terms of water-freight and the use of the Regents Canal, with regard to the Freight Feasibility Addendum (as proposed by the applicants, report dated 16<sup>th</sup> March 2020), the objectors have noted that the report did not conclude that the use of water freight was unviable, it instead concluded that it would be more expensive and no detailed viability report has been provided to prove otherwise, and it should not be concluded that should using water for freight be more expensive, then it is unviable without an evidence-based approach [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- The freight feasibility report actually demonstrated that it is logistically feasible to use the canal for the purpose of removing demolition and excavation waste. It is still not clear why the developers are choosing to use lorries to carry demolition rubble,

creating chaos, noise, dust and severe pollution [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];

- A “CO2 emission comparison” between the uses of lorry v barge should also be used alongside mileage to rationalise and justify the most effective and beneficial option for the removal of waste, materials and excavation arising’s [Officer comment: Please refer to paragraphs 11.358 – 11.378 and condition 14];
- There are queries/questions in relation to some of the findings of the canal-freight feasibility study which should be independently verified [Officer comment: Consultee comments have been received from the Commercial Boat Operators Association and from the Canals and Rivers Trust. Please also refer to condition 14];
- Using the canal for the purpose of water-freight would benefit residents and the environment and should be promoted and implemented and this matter should not be left to condition to be resolved, and the use of the canal has been promoted by the GLA in their consultation response, as to not use the canal for such a purpose would mean a failure to adhere with emerging planning policy. In this respect, emerging London Plan Policy SI 15 Water Transport notes that development proposals should maximise water transport for bulk materials during demolition and construction phases [Officer comment: The GLA were consulted in error., However, condition 14 seeks to ensure that a further canal-freight feasibility study is submitted];
- Residents note that in terms of ecology that the applicants have asserted that moving the bio-floats during nesting season to allow access to the canal is problematic, however residents’ contest this point given that the proposed strip-out development phase would take approx. 11 weeks and then would end in-line or thereabouts with the nesting season end with the councils Nature Conservation Manager noting that the bio-floats can be moved when no birds are actively nesting in them [Officer comment: Please refer to paragraphs 8.56, 11.158 and the s106 obligations section at 11.379 – 11.384];
- Potential harm to the SINC in terms of ecology and biodiversity [Officer comment: Please refer to paragraphs 8.56 and 11.158].

#### Design and conservation objections

- The concerns of the Councils Design and Conservation Team are noted and agreed by residents [Officer comment: Please refer to paragraphs 8.48, 11.49 – 11.151 and 12.1 – 12.23 for the public benefits];
- The proposal would be excessive in scale, bulk and mass and the roof top plant contrary to planning policy and guidance (as reiterated from earlier rounds of consultation). The AODs now added to the drawings only illustrate the excessive scale, height and massing as proposed [Officer comment: Please refer to paragraphs 11.102 – 11.108];
- Concerned that DP9 (20th January 2020) claimed the proposed plant above the Heritage buildings has been reduced by 3.61metres since the Appeal plan. This is incorrect. Although the height of plant above Building 18 (Thorley House) has been reduced by this amount, the reduction in height above Heritage Buildings (10C and 12) has only been reduced by 1.95 metres [Officer comment: Noted];
- The neighbouring NCVO building were refused permission for rooftop plant and this development should not be allowed to proceed where it fails to meet conservation area guidance [Officer comment: This current application has been assessed on its own individual planning merits];

#### Light pollution

- A number of concerns have also been raised with regard to light pollution and the findings of the applicants own reports, and this site should have an E3 classification (not E4) and this matter should be addressed ahead of planning committee [Officer comment: Agreed and noted. Please refer to paragraphs 11.242 – 11.249 and conditions 29 and 30];
- The impact of light pollution on the amenity of local residents, the SINC and locally ecology of the canal would be harmful and should be addressed at this application stage, given that the applicants lighting reports and information leaves many matters outstanding (recordings of bats and wildlife have also been provided by local residents to illustrate the wildlife activity in the immediate vicinity of the application site) [Officer comment: Agreed and noted. Please refer to paragraphs 11.242 – 11.249 and conditions 29 and 30];
- The scale of the development would emphasise the “corridor effect” and create air and wind movements which will disturb the wild life. This wild life must be protected. The corridor effect will also increase the noise particularly of terraces and restaurants that we had been told had been abandoned [Officer comment: This was not a reason for refusal previously and where assessed on its own merits the scale and context is such that there is not considered to be any demonstrable harm on ecology or amenity as set out in greater detail at 11.158, also noting that subject to s106 and conditions, the Council’s Nature Conservation Manager does not raise any objections].

8.16 A technical review (by Designs for Life Limited) of the GIA Light Pollution Report (dated 11.03.2020), prepared for Treaty Street and Thornhill Bridge Wharf Residents’ has been provided during the course of the third round of public consultation.

8.17 The above report provided by local residents is a detailed technical review and critique of the Regents Wharf Light Pollution report provide by GIA as part of the application submission. The report examines and reviews the methodology, interpretation, measurements and conclusions. The technical review report also examines the GIA rebuttal note (February 2020). The report raises various concerns with the Applicant’s light pollution study.

Officer response: It should be noted that conditions 29 and 30 are proposed to secure full, detailed and robust lighting management plans for both internal and external lighting, in order to safeguard neighbouring residential amenity and ensure that the ecology of the surrounding, inclusive of the Regents Canal is protected.

### **Applicant’s Consultation**

8.18 The applicant carried out a consultation exercise with local residents and held meetings held with local residents ahead of a public exhibition of the development proposals, including the following meetings: design and heritage meetings (05.09.2019, 23.09.2019), landscaping (07.10.2019), design (14.10.2019) and a meeting on design, landscape and heritage (21.11.2019).

8.19 The public exhibition, was held close to the application site on 30.10.2019 between 3.30 and 6.30pm at NCVO’s offices at No.8 All Saints Street, London, N1 9RJ.

8.20 The consultation responses are detailed within a Statement of Community Involvement (dated November 2019) that accompanied the planning application.

### **External Consultees**

8.21 Metropolitan Police (Designing Out Crime Officer) – No objections raised, requesting that the proposal is conditioned to achieve SBD accreditation to ensure that the appropriate security rated measures are implemented [Officer response: Please refer to paragraphs 11.268 – 11.271 and condition 42];

8.22 Thames Water – No objections raised, requesting that *the following informative be attached to this planning permission: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

[Officer response: Please refer to condition 35 and informatives 3 and 4];

8.23 London Fire and Emergency Planning Authority – No response received.

8.24 Transport for London (TfL) – TfL offer the following updated comments following amendments to the proposed development.

1. The site of the proposed development is located on All Saints Street, which is accessed from the A5203 Caledonian Road, which forms part of the Strategic Road Network (SRN). While the Local Planning Authority is also the highway authority for these roads, TfL is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
2. Given the location on All Saints Street, the impact of servicing, deliveries and amendments to local highway network should be agreed with Islington as local highway authority, secured through a Section 278 agreement and other obligations.
3. The original application includes a PERS Audit, and while this is not in line with current TfL TA guidance for an Active Travel Zone assessment, this establishes the potential enhancements to the local highway network and public realm. TfL will support Islington in securing contributions to local public realm, walking and cycling. In the case of cycling a contribution to the Mayor's Cycle Hire scheme to extend the Killick Street docking station would be welcomed, and which would also mitigate the additional impact of the proposed development to comply with policy 4 (Assessing and mitigating transport impacts) of the new London Plan. This can be secured through a planning obligation through a Section 106 agreement.
4. The proposed development would provide 160 long stay spaces and 34 short stay spaces – the long stay provision exceeds the intend to publish London Plan standards although the short stay provision is marginally below the intend to publish London Plan standards. Accessible spaces are all provided in the ground floor public realm, and the majority of long stay spaces in the basement area. Given the nature of the site and flexible nature of the non B1 use classes it is expected that there will be linked pedestrian trips between business occupiers and A1/A3 uses and as such the slight under provision of 34 short spay spaces alongside the enhanced long stay provision is in this instance considered acceptable.
5. Given the layout and distribution of long stay cycle parking primarily in the basement and short stay and accessible spaces in the public realm, the details of cycle parking should be confirmed by condition, with reference to access controls, external doors and lifts and waiting areas for ease of access, and for parking areas to demonstrate the access and aisle widths towards double tier cycle parking.
6. TfL is satisfied with the contents of the outline Delivery and Servicing Plan (DSP). A full DSP and Construction Logistics Plan (CLP) should be secured by condition. The CLP should be discharged prior to construction and the DSP prior to occupation.

The following cycle condition is suggested that would not require consultation with TfL:  
*The bicycle storage areas hereby approved shall provide for no less than 160 long stay and 34 short stay spaces. The submitted details shall include details of: the type of stand(s) to be installed and aisle widths; oversized parking provision; any CCTV and lighting to secure cycle storage areas; access controls to external and internal doors; access to lifts; and access to basement level cycle parking, to accord with TfL's London Cycle Design Standards unless otherwise agreed in writing by the Local Planning Authority. The cycle parking shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.*

*Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport.*

Overall, subject to planning conditions and a contribution to Mayor's Cycle Hire scheme secured through a S106 obligation set out above, TfL would support this application.

[Officer response: Please refer to condition 26];

- 8.25 Historic England (Greater London Archaeological Advisory Service) – Raises the following comments and observations (dated 20<sup>th</sup> March):
- 8.26 Historic England GLAAS have since met with the applicants (16<sup>th</sup> March) in order to discuss their original concerns and following a site inspection, GLAAS have now identified appropriate and proportionate mitigation measures which include provision for a positive contribution to the conservation area and development design (if significant industrial archaeological remains are found). GLAAS have stated that if the Council grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. GLAAS note that the applicants should also improve knowledge of assets and make this public.
- 8.27 GLAAS note that the application site lies within the recently updated Regents Canal, Basins and Wharfs Archaeological Priority Area reflecting its 19th century industrial archaeological interest associated with the Regents Canal, and specifically with the nearby Horsfall (now Battlebridge) Basin which opened in 1822. The applicant's archaeological desk-based assessment (DBA) identifies high potential for remains of 19th/early 20th century buried structural remains associated with documented uses of the site as a timber yard, cement works and cattle feed mill as well as limekilns and residential properties. Whilst some of these remains are plausibly of low significance as suggested in the DBA if there are substantial buried remains of the limekilns they could contribute positively to the conservation area as part of its industrial archaeology thereby meriting moderate significance. The kilns were associated with a 19<sup>th</sup> century lime and cement works which lay largely within the area of the proposed new basement where any surviving remains would be destroyed.
- 8.28 GLAAS further note that the conversion of historic buildings and extensive excavation for a new basement would harm the industrial archaeology (buried and standing) but having reviewed the case again, including the built heritage assessment, GLAAS are satisfied that that the significance of the assets and scale of harm to them is such that the effect can be managed using planning conditions (39, 40 and 41).
- [Officer response: Please refer to paragraphs 11.132 – 11.143 and conditions 39 - 41];
- 8.29 Greater London Industrial Archaeology Society (GLIAS):



- We are pleased to see that the new owners have reviewed all aspects of the proposed development, following the Inspector's rejection of the previous scheme, and that changes to the historic fabric have now been minimised. The new buildings have also been reduced marginally in height, and the rooftop plant rooms reduced considerably, so as to be more respectful to the historic buildings and character of the conservation area. The new pitched roof on building 12 works well. The proposed materials are now more sympathetic in colour;
- However, the façades of the new buildings are still significantly taller than those they will replace, and they will have a dominating effect on All Saints Street and the western part of the canal frontage. The edge beams here surmounted by parapets are particularly heavily modelled. In section they are formed somewhat like a corniced entablature, but without much grace because of its overall depth compared with the windows below. We suggest that the solid, brick-faced parapet should be replaced by one made of structural glass, which will reduce the dominance and let more light into the canyons below, for the benefit of the neighbouring residents. Can counter proposals be requested under condition?
- The slightly taller parapet above the entrance to the yard should be eliminated at the same time. This is proposed to carry signage, but there are already sufficient pieces of signage proposed on the façades to make their mark and this extra piece will clash with the historic signage on the 'Packing House', creating clutter.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

8.30 Greater London Industrial Archaeology Society (GLIAS) (second round of comments dated 20<sup>th</sup> April 2020):

- It appears the main changes are (1) a modification to the parapet detail on the elevations of the new buildings, and (2) a change in the cladding material and colour of the rooftop plant rooms;
- The brick-faced parapet detail was previously very top-heavy-looking and dominating. We are pleased to see this has now been slightly lowered in height and set back from the face. The new modelling is like a negative cornice, a significant improvement when seen from below. But, with the new metal railing serving as the functional parapet, it should be feasible structurally and aesthetically to reduce the brickwork's height still further;
- However, the slightly taller and anodised-aluminium-clad portion of parapet above the entrance to the yard on All Saints Street remains unaltered and is now more discordant than before. We reiterate that this raised section of parapet should be eliminated. This dark, metal-clad bay will dominate the street and the aggressive signage here, which will add to that dominance and also compete with the signage over the 'Packing House', should be removed;
- Considering that they will be visible particularly from afar, the added upper storeys will be more prominent with their new white colour, so that should be toned down;
- Much earth will be excavated to make the basement plant rooms. Use should be made of the canal to take this away, saving heavy truck journeys.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

8.31 Islington Society – Raise the following objections and concerns in connection with the planning application:

- The Islington Society appreciates that efforts have been made by the developers to meet some of the concerns of the planning inspector in his judgement against the developers at the planning appeal in June 2019. However, the Society believes that these adjustments are not sufficient and the heritage value of the buildings and conservation area are still being devalued under the revised scheme;
- The revised proposals increase the intensity of the site which we believe will harm the overall character of the conservation area. The new Thorley building facing All Saints Street which will harm the character of the adjacent Victorian façade of the locally listed No.10a, which is in the conservation area;
- The locally listed buildings at 10a, b, c and No. 12 are being retained and the roof top extensions above 10a and c are more restrained than in the appeal scheme. However, these extensions in the present proposals, as illustrated in the Heritage Statement by the developers, are still overbearing. They diminish the character and scale of the locally listed buildings beneath them and destroy the original roofline. This is particularly true of the canal facing façades which are critical to the character of the area;
- The addition of a partially hipped roof to building 12 changes its appearance and is not in keeping with the character of the individual building or with the group as a whole;
- Significant bulk and height have been added to the site which is out of keeping with the character of the conservation area. As the CA guidelines say, “Canal and basin facades have a particular architectural character which can easily be diminished or spoilt by inappropriate new development”. The Islington Society believes that the developers’ present proposals breach this guideline;
- Also, in contravention of the CA guidelines, the structures above the visible roofline, many of which are plant rooms and lift structures, are visible from the canal towpath and from the bridges on York Way and Caledonian Road. This is demonstrated in the confirmed views in the Design and Access Statement.
- The Islington Society wishes to reinforce the concerns of the local residents about the effect of building work on the surrounding area. In particular, it believes that permission should not be granted for the development unless the rubble from demolition work is removed by canal barge rather than by lorry. We recommend that if the Council is minded to grant consent, or if consent is subsequently granted at appeal, the removal of demolition rubble and, wherever possible, the delivery of construction materials by canal should be required in an agreed Travel Plan or a Construction Management Plan.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

8.32 The Islington Society also raised further objections during the Councils third round of consultation (which expired on 7 May 2020) and raised the following issues and concerns, noting that their objections to the previous iteration of this application sent to you on 20 December 2019 still apply. However, the Islington Society re-issued the objection letter for reference including an ‘addendum’ (dated 6<sup>th</sup> May) responding to the latest information in the current application (this confirms the note the on-line response to the application by the Islington Society). The Islington Society note the efforts that have been made by the developers to address some of the concerns raised by the Inspector in the case of the previous appeal, however, the following (addendum) points of objection are hereby raised:

- The Islington Society agree with the Design Review Panel, with further work needing to be done to lower the height of the proposed top floor in terms of bulk and massing;
- The projections and lift over-runs are unfortunate and would attract unwanted attention;
- The retention of the 1980s brick party wall could help reduce the proportions of the new addition;

- The materials need to be resolved and the industrial character should be shown in the plant design;
- Support Historic England's view that the massing and cluttered roof level remains the same and needs to be resolved;
- Support the use of the canal instead of lorries for the demolition and construction phases to help the environment;
- The viability of the canal freight-feasibility study cannot be assessed and commented on as it has in parts been redacted.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

8.33 The Regents Network also provided observations and objections during the Council's third round of consultation (which expired on 7 May 2020) and raised the following comments and concerns:

- The canal side elevations of the heritage buildings have been improved and are more satisfactory except for the prominent Juliet balconies, as this elevation and the canal itself should be celebrated for heritage importance;
- The retention of the canal side dormers is supported;
- Issues with the Thorley House canal side elevation which would be out-of-place with the character of the setting;
- The height and prominence of Thorley House has not been justified and the impact on the Conservation Area would not be acceptable;
- The proposed balconies would be of a residential appearance and would be out of keeping with the industrial setting of the locally listed buildings and wider Conservation Area;
- There is an inappropriate glass to brick ratio with too much glazing dominating the facades on Thorley House and the proportions are visually unacceptable due to the floor-to-ceiling glazing;
- There are still issues with the roof additions in terms of excessive scale and bulk;
- The applicants should use the canal for water-based freight both during the demolition and construction phases of development of permitted based on environmental and social benefits of using non-road based forms of transportation in a mixed use area and this should be a condition upon any planning consent;
- The potential delays, costs and logistical problems of water-based freight as stated by the applicants have not been fully evidenced or justified at any stage;
- Procedurally, the redacting of information such as the financial viability of not being able to use water-based freight is unacceptable and is not legally sound.

[Officer response: Please refer to paragraphs 11.49 – 11.151 and 11.358 – 11.378];

8.34 The Friends of Regents Canal (initial comments, January 2020)

- We are pleased with the modifications to the design that respect the industrial heritage, in particular the withdrawal of the replacement dormer windows on warehouse building 10c, but there are still some outstanding issues with the proposal;
- Some of the unsightly rooftop plant on building 10b will be visible from the towpath. This contravenes the following paragraphs in the Regent's Canal West Conservation Area Design Guidelines, including paragraphs 17.15 and 17.16;
- The scale of the new building is incongruous with the Conservation Area and the proposed balconies are out of character with the old canal buildings. This contravenes the following paragraph in the Regent's Canal West Conservation Area Design Guidelines at paragraph 17.7 which states that *all new buildings must be on a scale appropriate to their location*

*and any adjacent buildings of conservation value. Building heights recently approved (and now largely implemented) should be regarded as a maximum for any future redevelopment in the conservation area. New buildings should present an appropriate frontage to the canal or basin and reflect the character of canal buildings;*

- We are concerned about the impact of noise and light on the canal and its wildlife. The proposed balconies should be withdrawn and conditions should be imposed to reduce light pollution after dusk;
- The Design and Access statement illustrates how Thorley Gardens could be used as a precinct or rest area, but no mention is made of how the canal access could be utilised. This area is conveniently located near to the service bay and service lift, so it could be used for transferring recycling waste to barges as a sensible alternative to using road vehicles;
- The applicants have not committed to utilising the purpose-built canal during construction. I am pleased to see that some negative statements have been removed from the Construction plan since 2016 but there are no clear signs that the developers want to minimise the use of road vehicles. The council and the GLA must apply pressure to ensure that waterside developments make use of the canal and I urge you to impose strong conditions to ensure the canal is used properly;
- We are concerned about the disruption to wildlife during construction. We recommend the use of high quality aquatic planting as mitigation;
- We are concerned about the serious loss of light affecting some of the dwellings in Ice Wharf. I appreciate that this does not have any direct effect on the canal but as a group we have a general interest in people's health and well-being and we oppose precedents that other schemes might try to follow.

[Officer response: Please refer to paragraphs 11.49 – 11.151 and 11.358 – 11.378];

#### 8.35 The Friends of Regents Canal (second comments, February 2020)

- I am writing on behalf of the Friends of Regent's Canal to object to the developer's decision not to use the canal for freight. I urge the council and the GLA to challenge this approach to the demolition at Regent's Wharf;
- The developer's freight study report confirms that there are no practical reasons for not using barges instead of lorries and I believe that any perceived short-term benefits of using lorries are far outweighed by their danger and damage to the immediate surroundings;
- The report includes a throwaway statement about a potential six-month delay. No evidence is given for this and it is not reflected in any of the estimates for barge journeys or capacities. I infer that the contractors are nervous about using innovative approaches to construction; however, we all have a duty to protect our environment and to question existing practices;
- This is a high profile project and I am sure that anybody associated with it would want it to be an exemplary one. It is not too late to reconsider this seemingly rushed decision.

[Officer response: Please refer to paragraphs 11.49 – 11.151 and 11.358 – 11.378];

#### 8.36 Friends of Regents Canal The (third round of comments, May 2020)

- Renew the objections to the redevelopment plans at Regents Wharf, despite revisions to the scheme and additional documentation provided. As such the objections from January 6 and February 17<sup>th</sup> still stand;
- The Covid-19 crisis will have a major impact on the project timescales in the event that permission is granted. Also, it will result in a huge increase in the use of bicycles on

London's roads, hence the use of HGVs instead of barges will be more unacceptable than ever. The developers should take the opportunity in any project rescheduling to reconsider their transport methods for demolition and excavation waste and to accommodate the canal option in their plans.

[Officer response: Please refer to paragraphs 11.49 – 11.151 and 11.358 – 11.378];

8.37 The Canal and River Trust (CRT) – No objections raised subject to the use of planning conditions. Comments are summarised as follows:

- The Trust would need to see the proposed protection measures for the canal and canal walls during the demolition phase, and we have therefore recommended a condition regarding this below. The basement construction would require a basement impact assessment to ensure that the integrity of the canal wall would not be compromised;
- Consideration to any tie back supports of the canal walls need to be made in any works/developments;
- With regard to landscaping, new trees should include root protection, and not be located too close to the canal wall. Species should be chosen appropriate to this location, so as not to cause future damage to the wall;
- There is a rectangular area of granite setts to the immediate south of the open space running through to the canal, which appears in a photograph on page 2 of the RSK Risk Assessment. The origin and possible heritage significance of this area of setts is not discussed in the application, or within the Historic Environment Assessment. We would therefore seek reassurance from the applicant that the heritage significance of this surfacing, and that of the individual stones which it comprises, has been assessed, with opportunities for appropriate reinstatement elsewhere in the proposal considered;
- In terms of lighting, it is requested that any lighting along the canal side be limited as far as possible and request that a condition requiring details of proposed external lighting be added to the decision notice;
- In terms of overshadowing, it is noted that the Inspectors report from the previous proposal on the site did not find that overshadowing from the scheme would be unacceptable. The current proposal would represent a reduction in height from the previous scheme, and therefore we have no further comments on this;
- With regard to the reed beds, it is unclear who owns the existing reed beds in the canal that are adjacent to the site. For the operational phase of the development, it would be greatly beneficial to extend these floating habitat structures along the entire frontage of the site. The existing reed beds could be renovated, or replaced and extended with further floatation ecosystem structures along the site. It is suggested that this be incorporated into the landscaping condition for the site;
- The submission does not include a drainage plan for the current site or future development, or details of any ground or groundwater contamination. We are keen to understand if there is any risk to the canal from the drainage arrangements, and request details of drainage as part of a Construction Environment Management Plan (CEMP). A SWD application was previously processed by the Trusts Utilities team. However, the catchment area has now changed, therefore a new SWD application must be submitted. No water should be drained to the canal prior to a formal agreement being reached by the Trust;
- The submitted PRA identifies the possibility of ground contamination, and has recommended that an intrusive investigation be carried out. In the absence of such an investigation plan, the Trust would need to adopt a precautionary approach and require a revised CEMP by way of planning condition;
- The Trust also support the advice of the MOLA Historic Environment Assessment, i.e. that appropriate provision should be made for a programme of archaeological of the site, which could be secured through a condition attached to the planning consent.

- Freight by Water: The London Plan requires development to maximise water transport for bulk materials (Policy 7.26), and we therefore consider that a more thorough assessment of the feasibility of waterborne freight should be considered. We are not aware of any depth or width issues that would prevent the use of the canal for this purpose for a temporary period. Details are suggested to form part of the CEMP condition.

[Officer response: Please refer to paragraphs 11.358 – 11.378 and condition 14];

8.38 Commercial Boat Operators Association (CBOA) – The Commercial Boat Operators Association (CBOA) represents water freight carriage by barge on the UK's inland and estuarial waterways and is accepted by the Government as the representative industry body. The CBOA's comments are summarised as follows:

Initial comments of the CBOA (dated 19.12.2019)

- As far as CBOA is aware from the planning application, no feasibility study has been produced on using the canal for transportation of demolition materials away from site and bringing new construction materials to site. Also, the submitted Demolition and Management Plan does not make any mention of the use of the canal in this way;
- Using the canal for barge transport in this way as CBOA proposed in an earlier planning application would greatly reduce the dependence on road transport and the additional congestion and anti-social presence of extra lorry traffic. Barge transport is considerably more environmentally friendly, using less fuel per tonne moved producing less CO<sub>2</sub> than lorry traffic;
- Consideration should also be given for an area to be set aside to be used as a small barge wharf in the future. This could be for local service provision or local light freight delivery/collection, again to reduce the dependence on road transport.
- As a summary, the benefits of barge transport are: Significant reduction of road congestion, where HGVs in built up areas are a major issue; Lower risk of road accidents/fatalities; Lower noise on highways; Reduced highway wear and tear from HGVs, and reduced noise and other environmental impacts meaning lower long term highway maintenance and environmental costs; lower fuel consumption meaning reduction of the carbon footprint; Lower exhaust emissions, meaning less air pollution in the district whilst each barge can carry 2 or 3 lorry loads;
- The London Mayor is seeking to reduce lorry transport in his Freight and Servicing Action Plan. London's toxic air is a public health emergency, says City Hall. Pollution is shortening lives, is linked to asthma, strokes, heart disease and dementia. The Mayor's introduction of the Freight and Servicing Action Plan's key actions include working with boroughs to better coordinate the control of freight movements on London's roads and increasing the use of water and rail. So why is canal transport not being considered here? Surely there is an obligation to examine and implement canal transport in this case.

[Officer response: Please refer to paragraphs 11.358 – 11.378 and condition 14];

Follow-up comments of the CBOA (dated 11.02.2020)

- The CBOA were consulted for a second time following receipt of additional drawings and supporting information, including a Water Freight Study (prepared by PBA, dated 29.01.2020). The CBOA reiterate a number of points raised from their initial response and have also stated that there is a need for the development to be planned to leave an access way to the canal for future loading; also to design the waste handling facilities in such a way as to enable barge use for removal of same. The CBOA have reviewed the above referenced Water Freight Study and the accompanying cover letter

(by DP9 dated 29.01.2020) and have provided the following comments, objections and recommendations (inter alia):

- There is little rationale/evidence behind the conclusions (of the report) that the use of the canal would result in higher costs or in delays as stated, and the costings showing an extra £880k from using barges are flawed;
- There is no reason why barges cannot be loaded. Indeed, the report/cover letter indicates that the number/frequency of barges which would be used – a lot less than the numbers for lorries. In our view, barges can be loaded as easily/quickly as lorries;
- The applicants give no indication of the number of miles of the lorry journeys, and there is no indication of where the road tip sites would be, furthermore, the CBOA also request that the planning authority asks the applicant for information relating to the allegation of extra time/costs.

[Officer response: Please refer to paragraphs 11.358 – 11.378 and condition 14];

- 8.39 A third response was received from the Commercial, Boat Operators Association (CBOA) (dated 15.04.2020) noting inter alia that:

The CBOA still have concerns in connection with the proposed use of a condition to secure a “Further Feasibility Study for waterborne freight”, observing that whilst the issue can of course be explored at more length. However, if the developer or sub-contractors are not minded to use canal transport either for cost reasons, or that they will use the usual conventional in-house methods (lorry sub-contractors) then that is what they most likely will do, despite what the Study might say. The CBOA note that the Study is not bound in any way to make canal transport appear more workable or acceptable, despite its obvious environmental advantages. The people that receive the brunt of the effect of over 1000 lorries would be the local residents, while the developer saves a little money in disposal costs, but this is small when compared to the profit due with the whole construction project.

The CBOA state that they have witnessed canal transport being ignored several times previously in very similar situations, which is why we try to encourage the placing of conditions within the consent itself which in effect obliges the developer to use canal transport. To allow the developer to make his own decision after the consent is provided, will mean only the financial arguments will apply as is normal for commercial situations. This will be a loss, especially with the London Mayor's proactive policies towards significantly reducing air pollution in London and wanting everyone to adopt all possible means of achieving this. In retrospect, how would this be viewed by City Hall and/or TfL if they were aware that a good opportunity to reduce emissions and achieve environmental improvement was being negated?

Officer response:

- 8.40 Please refer to paragraphs 11.358 – 11.378 in the committee report below for the Officer response in connection with the comments and observations of the Commercial Boat Operators Association.
- 8.41 Victorian Society – Have responded to state that they have no comments to make on the amended planning application (email received 23.01.2020).
- 8.42 Greater London Authority (GLA) – The current application was not referable to the Greater London Authority.
- 8.43 Historic England – Were consulted and have responded by letter dated 18<sup>th</sup> December that they were consulted on the previous planning application which went to appeal. At that time



Historic England raised concerns about the impact of the scheme on locally listed buildings in the Regent's Canal Conservation Area, particularly with regard to the direct impact on the canal side buildings, which we felt seriously compromised their integrity.

Historic England consider that this new proposal considerably reduces the harm to the historic environment in comparison to the previous proposal. Historic England note that they consider that some degree of harm remains, and recommend that design refinements are explored to ensure the conservation area is preserved or enhanced.

8.44 The following detailed comments and observations were made in connection with the planning application (as originally submitted):

- In this new proposal, several elements of the previous scheme which caused concerning levels of harm to heritage assets have been removed or revised;
- Our most significant concern with the 2017 scheme was the impact of the upward extension to the historic canal side buildings, and the insertion of inappropriate roof forms or upper storeys which did not respond well to the historic structures. The canal side buildings now maintain their facades and visible roofs, and can therefore be appreciated from the canal, the heart of the conservation area, in a mostly unaltered form;
- In some views to the east in particular the taller infill structures will still be seen behind the locally listed building in a slightly awkward juxtaposition, as seen in TVIA views 6, 7 and 8;
- We also raised concern in 2017 regarding the impact of the scheme on the south facing packing building, the more decorative street side face of the historic site. The upward extension of this building was to be very high, and set close to the front of the building, disrupting the hierarchy of the building and detracting from it; it would also be backed by a new structure rising another storey higher. In the current scheme, the single-storey upward extension has been slightly reduced in height and pushed back from the front of the building. These two changes have worked to reduce its impact, and limited its visibility in street views;
- The combination of this extension and the further infill behind do continue to introduce bulky elements above the locally listed building in mid-range views, such as TVIA view 14 looking into the conservation area where the upper storey appears offset;
- We consider that the harm caused by this proposal to the conservation area has now been reduced to a low level;
- Given the scale of the proposed development and the remaining harm caused, we would suggest further refinement of the infill and roof structures' design could ensure harm is limited as far as possible, and that the character of the conservation area is preserved.

8.45 Historic England (second round of comments) on the revised application: note that whilst the proposed design changes are welcomed, the massing and cluttered roof level remains the same and Historic England continue to feel that this element of the scheme could be improved upon, in consultation with your conservation and design colleagues.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

8.46 Design Review Panel (DRP) – Islington's Design Review Panel (DRP) meeting was held on 20 December 2019 for a Chair's review of the current application being considered. The DRP provided detailed observations (Refer to Appendix 3 below) and feedback (letter dated 09.01.2020) and include the following comments (inter alia):

### General observations

- The Panel welcomed the opportunity to comment on the scheme again, and were encouraged that the opportunity had been taken to improve the quality of the design following the appeal decision;
- The Panel found the proposals to generally represent a considerable improvement of the previous scheme. It was noted that the landscaping and sustainability aspects of the scheme had undergone further work which was positively received;
- Panel members focused on the proposed building heights, detailed design and materiality, particularly in relation to heritage and townscape impacts, where they considered that further refinement was necessary.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

### New canal side building

- Panel members considered the canal frontage would be better resolved if it had a more obvious bottom, middle and top. The introduction of a rusticated base was welcomed, but it was considered that it should appear as a 'plinth', carrying the upper floors. A visual conclusion to the upper part of the ground floor, or differentiation from the first floor, was therefore suggested;
- Panel members were also not convinced by the treatment of the upper part of this elevation. It was felt that the top floor could be differentiated from the floors below to serve as an 'attic' storey;
- Panel members also considered that the proposed treatment served to accentuate the building height in relation to the locally listed building, and that this was undesirable. A bespoke design which specifically relates to the latter was considered necessary, as the existing office building does. It was also suggested that lessons could be learnt from this approach, where a substantial shadow gap or recessed band is used to give the impression of a lower parapet height;
- The proposed brick palette was discussed and it was felt to be very important that this was successfully resolved. The introduction of a yellow brick was felt to be an improvement on the grey previously proposed, but there was a concern that it did not sit comfortably next to the historic building;
- Panel members suggested that there might be an opportunity to differentiate the brickwork between the canal elevation and the western flank elevation, as a darker brick would be more appropriate for the former, whereas a lighter brick is required for the latter. It was considered that the proposed design allows for such an expression, and that it could make sense in terms of the hierarchy of the elevations;
- Panel members considered that the opportunity could be taken to introduce further planting to the western flank elevation, specifically using the vertical components of the elevation for this purpose.

[Officer response: Please refer to paragraphs 11.116 – 11.131];

### Roof extension to All Saints Street

- The Panel found the massing and design of this extension to be an improvement in comparison to the previous scheme, and acknowledged that the introduction of a stronger horizontal emphasis seemed appropriate given the treatment of the adjacent retained building;

- Generally, it was considered that the massing should also be further simplified; the Panel found that the numerous projections such as lift over-runs were unfortunate and give rise to a fussy appearance which attracts unwanted attention;
- The materiality of the top storey was felt to be one of the most challenging aspects of the development to successfully resolve. The proposed polymer cladding was not considered to be successful in this context. Panel members considered that the proposed material should better respond to the industrial character of the site, and therefore something more robust and patinated would be more successful, whilst also retaining a light quality so as not to appear too overbearing. Corten was discussed as a potentially suitable option, but it was considered that this may feel too heavy.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

#### Set back top floor

- The reduction in massing was welcomed by Panel members, but it was considered that efforts to lower it further, or reduce the perceived bulk should be made, particularly where it sits behind the locally listed building in canal side views from the east. Here, the exploration of setbacks and shadow gaps were suggested by Panel members to minimize the visual impact. Panel members also noted that the retention of the existing brick party wall, which forms part of the 1980s extension, could help to reduce the proportions of the new addition;

#### Dormer windows

- The retention of the original form of the dormer windows on the locally listed building was welcomed by Panel members. However, it was pointed out that the existing dormer windows were not an entirely accurate recreation of the original Victorian windows in their detailing – for example the bargeboards and glazing division. The opportunity to improve on this by being more faithful to the original design (as seen in historic photographs) was strongly encouraged.

[Officer response: Please refer to paragraphs 11.49 – 11.151];

#### **Internal Consultees**

8.47 LBI Access Officer – some detailed concerns are raised which can be adequately addressed through the use of planning conditions. [Officer response: Please refer to paragraphs 11.148 – 11.151 and condition 10];

8.48 LBI Design and Conservation Officer – The Council's Design and Conservation Officer has reviewed the revised proposal and raise the following points in summary:

#### Design

There have been a number of post-appeal amendments to the design in order to reduce bulk, height and massing and deliver daylight/sunlight improvements. Subsequent amendments have also been made in response to the December 2019 DRP advice;

- Efforts have been made across the scheme to reduce the height and of the proposals, and this is welcome particularly where the applicants have improved the bulk and mass appearing behind the locally listed buildings along the canal. However, it is considered

that the 6<sup>th</sup> storey set back to building 10b and Thorley House is still bulky, and that the rooftop plant above further adds to the overall mass of the development;

- Under the appeal scheme the mass of the development at this level was broken across the plan by the inclusion of a roof terrace between the two 6<sup>th</sup> storey elements on Thorley house and the Packing House. By contrast under the current proposals, the 6<sup>th</sup> storey spans across the plan of Thorley house to meet the 6<sup>th</sup> storey element to the Mill House. However, from the important views down the canal this additional mass will not be visible,
- In terms of views, the full span of the 6<sup>th</sup> storey will be visible in some public views, including from the opposite side of the canal. The additional rooftop plant would be visible in these all of these public views. The unbroken form of the 6<sup>th</sup> storey has a regrettable townscape impact and diminishes the design quality of the scheme when viewed from the streets around All Saint's Street;
- The bulk of the 6<sup>th</sup> floor rising up behind the narrow frontage of the darker element of Thorley House results in a contrived appearance – where previously this frontage acted as a visual break between Thorley house and the Packing House, in elevation and at parapet level, it now appears 'stuck on'. Both Historic England and the DRP have raised concerns regarding the resolution of the top floor and plant enclosures;
- The lift overrun of the Mill House will be visible behind the locally listed Silo Building from the canal and therefore there will also be a negative impact on the conservation area, albeit 'less than substantial'. It is considered that greater efforts to address and simplify/consolidate the plant enclosures need to be made.
- Additionally, it is noted that in View 7 the flank of Level 05 that is visible above the locally listed building is unfenestrated. However, the drawing of the proposed eastern courtyard elevation includes a window in this position which will be visible from the canal path. It is important that this remains a blank façade so as not to draw the eye. This aperture should be omitted from the proposals.

Planning Officer Comment: As agreed during the course of the appeal, a condition to allow further details to be submitted to determine whether the plant rooms can be further reduced in height would be advantageous. In a similar vein there are a number of areas of plant annotated as 'undefined tenant roof space' which ought to be explored further to understand what is actually required.

- It is noted that post-DRP the applicant has included the advice of the DRP and included the existing brick party wall in the proposals. This could help to reduce the proportions of the new addition to the Mill House.
- Positive moves have also been made with regard to the appearance of the scheme overall, and in particular to the appearance Thorley House where the materiality and architectural expression have improved. The emphasis of Thorley House is now more horizontal rather than vertical as previously, and this has had a positive impact on the All Saint's Street Elevation. Additionally, the revised proposals include a more solid plinth base to the new build element and this is to the benefit of the building's composition.
- The introduction of a yellow brick is felt to be an improvement on the grey previously proposed, but the DRP felt that it did not sit comfortably next to the historic building. Further explorations of the brick proposed are required, and it may be the case that the canal side elevation and the west elevation would benefit from a difference in tone, as a darker brick would be more appropriate for the former, whereas a lighter brick is required for the latter. The brickwork for both Thorley House and any new areas of brick work, including the extension of the parapet on the Packing House should be secured by condition;

- The DRP advised that the initially proposed polymer cladding for the 6<sup>th</sup> storey was not an appropriate material for the context, and that the top storey roof plant enclosures need to be successfully resolved. They suggested that a material of a more industrial appearance might be an appropriate treatment of these elements so as to respond to the prevailing industrial character both of the conservation area and the site. In response the proposals have been revised to include a white standing seam metal panel cladding featuring legible joints, pressing and shadow gaps. The full detail of the material treatment has not been included in the revised submission, however, the use of white metal is unlikely to be acceptable as it would not accord with the prevailing material palette of the conservation area. The treatment of the 6<sup>th</sup> storey should be secured by condition.
- It is proposed to build on the tall parapet end of the Silo Building adjacent to Thorley House. This parapet end dates to the late 19<sup>th</sup>/early 19<sup>th</sup> century, and is a unique feature which was built to be necessarily tall so as to act as fire separation and to stop sparks traveling between wharf buildings. The proposed plan of Level 04 is not clear on this detail and it would appear to be unresolved in plan. This should be omitted from the proposals in order for the gable end to remain legible and for its significance to be understood in the future and for the separation;
- In order to facilitate a reduction in rooftop plant across all buildings, it is proposed to increase the amount of basement excavation to provide additional space for plant servicing equipment. Whilst the relocation of plant is welcomed, it has the potential to impact upon the below ground heritage assets of the recently updated Tier 2 Regents Canal, Basins and Wharfs' Archaeological Priority Area (a non-designated heritage asset). This allocation reflects the areas 19<sup>th</sup> century industrial archaeological interest associated with the Regents Canal, and specifically with the nearby Horsfall (now Battlebridge) Basin which opened in 1822.

## Heritage

- The assessment of this new planning application is set against the background of the appeal decision which is a significant material consideration and sets the baseline for significance and the impact of the proposals;
- The most important conservation area views are from the canal, particularly from the east given the exposed flank of the locally listed building in short, medium and long views. Longer views from the south towards All Saints Street are also important townscape considerations. The negative impact of the proposals on these views have been discussed in the assessment above, and it is considered that, by virtue of the height, bulk, mass and design of the rooftop extensions and development, there is a level of harm arising to the conservation area (a designated heritage asset), and to the wider townscape from the unresolved design of the upper storey and plant enclosures. For this reason, the proposals are contrary to the advice of CADG and the IUDG, and Local Plan policy DM2.1 and DM2.3. However, due to the omission of the significantly harmful elements of the scheme identified by the Inspector in paragraph 44, the overall impact of the proposals on the significance of the heritage assets identified must be considered to be lesser than previously identified;
- It is regrettable that the proposals have not gone further to meaningfully address the height and bulk of the upper storey and plant enclosures, however, it is considered that the proposals would result in less than substantial harm to the conservation area. Where a development proposal would lead to less than substantial harm to significance of a designated heritage asset, paragraph 196 of the NPPF requires local planning authorities weigh the harm arising against the public benefits of the proposal, including where appropriate securing its optimum viable use;

- An objection has been received by the Greater London Archaeology Advisory Service (GLAAS) due to the potential for harm to below ground heritage assets in the APA, but also due to the impact of proposals on the above ground industrial archaeology (the locally listed buildings) identified by Inspector in paragraph 20 of the appeal decision. The Inspector found the warehouses to be of 'more than moderate archaeological, architectural and historic interest'. Whilst there is a level of harm arising to this significance under the revised proposals, it is considered less than previously identified. Paragraph 197 of the NPPF requires local planning authorities to take the effect of an application on the significance of a non-designated heritage assets into consideration in determining applications. Regarding the weight given to this in the decision making process, it also suggests that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Design and Conservation Conclusion

Taking into account the Inspector's findings at appeal, the less than substantial harm to the designated and non-designated assets may be considered acceptable subject to the harm being appropriately minimised and mitigated through refining the design further, given that significant public benefits arising from the development were identified. It is also important that high quality materials and detailing, including signage are secured by condition. A condition requiring the recording of the heritage assets to be lost (wholly or in part) as per NPPF 199 would also be advisable.

The Design and Conservation Officer has also requested planning conditions be added in connection with: new brickwork, rooftop plant and lift overrun, expansion joints, signage and recording heritage assets.

- 8.49 LBI Energy Officer – The Council's Energy team have reviewed the application, including the Sustainable Design & Construction Report, prepared by Watkins Payne, dated November 2019, the TM52 Overheating Risk Analysis Report, prepared by Watkins Payne, dated November 2019, Draft Green Performance Plan, prepared by Watkins Payne, dated 12 December 2019 and subsequent email correspondence.

The submission is found to achieve both Islington policies and those as set out within the London Plan. Furthermore, with regard to "carbon off-setting", the Councils Energy Officer also advises that the submitted Energy Strategy includes a correctly calculated Carbon Offset contribution of £153,272 for the 166.6 tonnes of outstanding emissions. This can be secured through the s106 agreement.

- 8.50 The Energy Officer has also since advised that having looked at the comments for the previous planning application (Ref. P2016/4805/FUL), Officers accepted that there was not significant potential for a Shared Heating Network (SHN) in the area. As such, unless the buildings around the proposed development have changed significantly, this is likely still to be the case and we would accept that there is no real potential for an SHN. Officers therefore accept the applicant's argument on this matter, and no objections are raised.

[Officer response: Please refer to paragraphs 11.272 – 11.302 and 18, 19, 23, 24 and 25];

- 8.51 LBI Public Protection Division (Land Contamination) – no objections raised subject to a condition securing a land contamination investigation and any necessary remediation.

[Officer response: Please refer to condition 15];

8.52 LBI Public Protection Division (Noise) – no objections raised subject to a condition restricting plant noise levels with the following observations and comments:

The proposal includes a considerable number of items of new plant to the roof. The application includes a noise assessment. This predicts compliance with the Islington plant noise criteria. To minimise the impact for nearby receptors we would advise that the following condition is applied:

“The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level  $L_{Aeq Tr}$  arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level  $L_{AF90 Tbg}$ . The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.” The proposal also includes a standby generator. We advise against the use of these as they emit noise and diesel fumes and have tended to lead to complainants when they are used. If permitted the following condition is advised to control noise levels and use/testing:

Condition: This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from emergency plant and equipment, the subject of this consent. The code shall be submitted to and approved prior to the commencement of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with the approved details. The management code shall identify measures to reduce the impact of the noise on the community.

[Officer response: Please refer to paragraphs 11.262 – 11.267 and conditions 12, 17 and 43];

8.53 LBI Public Protection Division (Lighting) – note that the guidance recommends that LPAs specify environmental zones for exterior lighting control within their development plans. Looking at the area around the application site, zones E0 and E1 can be dismissed and even E2. However, with the site a wharf alongside the Regents Wharf canal, clearly this would not fit with E4 and high district brightness typical of town/city centres with high levels of night time activity. The submitted light assessment report draws comparisons with Camden Lock Village development which was agreed by LB Camden to fall within E4 – although that example is a large development a canal-side market, cafes and restaurants, a cinema, 195 residential units, a food quarter and commercial space, contextually, Camden market has high levels of night time activity and is a very different environment to the application site. Therefore, the appropriate category is E3.

The submission states “Overall, there are locations where the levels of brightness would feature a low/medium brightness area (E3)” – the ILP guidance states “Where an area to be lit lies on the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone” – therefore Zone E3. The submission includes measurements around the site. The designation of Environmental Zones for the LPA and the “Obtrusive Light Limitations for Exterior Lighting Installations” which follow in Table 2 of the guidance are for limits following the setting of the appropriate Zone. It is not designed to work the other way where measurements are taken of light spill and you then work backwards to designate the zone.

We would therefore advise that the lighting impact assessment should be revised to demonstrate compliance with the E3 environmental zone. The development should use good design of the light source, luminaire and installation to minimise light spill and glare with appropriate luminaire design and positioning, timer’s/motion sensors/automated blackout blinds etc. These matters can be secured by planning conditions.



[Officer response: Please refer to paragraphs 11.242 – 11.244 and conditions 29 and 30];

8.54 LBI Policy and Spatial Planning: No objections raised.

8.55 LBI Tree Preservation Officer: No objections. It is noted that although there are three relatively nice semi-mature Alder trees on site that are proposed to be removed, the proposed landscaping and greatly enhanced tree planting scheme (including 20 trees in the same space, 7 of which will attain similar form and dimensions to the existing three Alders) more than makes up for their loss and will provide significantly higher quality long-term landscaping for the site which will in turn provide significantly greater eco-system service benefits than what currently exists. In addition the underground conditions will be significantly improved to be conducive to good tree growth and health resulting in a healthier tree stock at this location. In short, the long-term benefits of the proposed scheme far outweigh what currently exists.

The Tree Officer notes that there has been an objection from a neighbour regarding the loss of their outlook to the Alder trees in the short-term but in 5-10 years' time (maybe even sooner) the outlook for the neighbour will be significantly better.

[Officer response: Please refer to paragraphs 11.11.160 – 11.161 and condition 38];

8.56 LBI Nature Conservation Manager (initial comments): There are three areas of concern:

In the first instance, we are looking for net gain in biodiversity terms in all applications therefore more details or a condition on what will be provided as part of the development will be required (Officer response: please refer to the s106 and conditions 21, 22 and 37). The Nature Conservation Manager also noted that with regard to lighting. I am pleased to see that Pollution Control colleague's note that that the area should be re-categorised as E2 or E3. The lighting pollution report notes that the development is unlikely to result in any significant increase in the lighting up of the canal. However, the light pollution of the canal from the current buildings is already of concern and likely to be impacting wildlife on the canal. This application represents an opportunity to try and lower light pollution on the canal. It may be possible to task the ecological consultation and the lighting consultants to put forward a proposal which reduces light spill over the water at night – e.g. automatic blinds that come down over the windows after dark. Again, these matters can be secured through the use of planning conditions (Officer response: please refer to conditions 29 and 30).

8.57 LBI Nature Conservation Manager (second round of comments):

8.58 The Council's Nature Conservation Manager has reviewed the GIA lighting report and application in general and noted the following in summary:

Nature Conservation agree with the argument that LBI Pollution Control colleagues have previously set out regarding the lighting. It is important that we take this opportunity to improve things for biodiversity, rather than accept that the current lighting of the canal from other buildings is already a problem therefore it doesn't matter if this new development adds to it. The potential impacts on biodiversity can be addressed through an appropriate condition. A lighting mitigation plan outlining a curfew time for all internal and external lights on automatic turn off, external lights on a motion sensor, screening on windows to prevent light spill and any other measures as appropriate should be added. The applicants may perhaps be able to submit a lux contour map and/ or 3D rendered images demonstrating that the light spill will not form a barrier to commuting bats along the canal corridor.

[Officer response: Please refer to paragraph 11.158 and conditions 21, 29, 30 and 37)];

## 9. RELEVANT POLICIES

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

### NATIONAL GUIDANCE

- 9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

*To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);*

*To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)*

*To pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).*

- 9.2 The National Planning Policy Framework 2019 (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF. Consideration is given to whether the development would support the aims of securing economic growth and productivity, but also that this would be achieved in a sustainable way.
- 9.3 Paragraph 80 of the NPPF states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.4 The National Planning Policy Framework 2019 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.
- 9.5 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

*Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;*

*Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.*

- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 9.9 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2016 (as amended), Islington Core Strategy (2011) and Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at **Appendix 2** to this report.

### **Designations**

- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:
- Employment Growth Area (General)
  - Kings Cross and Pentonville Road Key Area

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

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

### **Emerging Policies**

Draft London Plan (Intend to Publish Version), December 2019

- 9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors’ report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration.
- 9.14 The emerging London plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:
- Policy GG2 Making the best use of land
  - Policy GG3 Creating a healthy city
  - Policy GG5 Growing a good economy
  - Policy D1 London’s form and characteristics
  - Policy D2 Delivering good design
  - Policy D3 Inclusive design
  - Policy D9 Basement development
  - Policy D13 Noise
  - Policy E1 Offices
  - Policy E2 Providing suitable business space
  - Policy E3 Affordable workspace
  - Policy E2 Low cost business space
  - Policy G6 Biodiversity and access to nature
  - Policy HC1 Heritage conservation and growth
  - Policy SI2 Minimising greenhouse gas emissions
  - Policy SI4 Managing heat risk
  - Policy SI5 Water infrastructure
  - Policy SI12 Flood risk management
  - Policy SI13 Sustainable drainage
  - Policy T2 Healthy Streets
  - Policy T4 Assessing and mitigating transport impacts
  - Policy T5 Cycling
  - Policy T6 Car parking
  - Policy T7 Freight and Deliveries, servicing and construction
- 9.15 It is worth noting at this point that the Secretary of State has written to the Mayor of London setting our various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. In any event, given what is proposed by the Applicant, the direction does not alter the assessment in this case.

#### Draft Islington Local Plan 2019

- 9.16 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

9.17 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.18 Emerging policies relevant to this application are set out below (and the weight attributed to each indicated at the time of writing this report):

Policy B1 Delivering a range of affordable business floorspace (*limited to moderate weight*)

Policy B2 New business floorspace (*limited to moderate weight*)

Policy B3 Existing business floorspace (*limited to moderate weight*)

Policy B5 Jobs and opportunities (*limited to moderate weight*)

Policy DH1 Fostering innovation while protecting heritage (*moderate weight*)

Policy DH2: Heritage assets (*limited to moderate weight*)

Policy DH4 Basement development (*limited to moderate weight*)

Policy G4: Biodiversity, landscape design and trees (*limited to moderate weight*)

Policy G5: Green roofs and vertical greening (*moderate weight*)

Policy R1 Retail, leisure and services, culture and visitor (*limited to moderate weight*)

Policy R8: Location and concentration of uses (*limited weight*)

Policy S1 Delivering sustainable design (*limited weight*)

Policy S2 Sustainable design and construction (*limited to moderate weight*)

Policy S3 Sustainable design standards (*limited to moderate weight*)

Policy S4 Minimising greenhouse gas emissions (*limited weight*)

Policy S8 Flood risk management (*moderate weight*)

Policy S9 Integrated water management and sustainable design (*moderate weight*)

Policy ST2: Waste (*moderate weight*)

Policy ST4: Water and wastewater infrastructure (*moderate weight*)

Policy T1 Enhancing the public realm and sustainable transport (*limited to moderate weight*)

Policy T2 Sustainable transport choices (*limited to moderate weight*)

Policy T3 Car-free development (*limited to moderate weight*)

Policy T5 Delivery, servicing and construction (*limited to moderate weight*)

## **10. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

10.1 EIA screening is not required by this development, as the site is less than 0.5 hectare.

## **11. ASSESSMENT**

11.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Accessibility
- Landscaping, trees and biodiversity
- Neighbouring amenity
- Sustainability, energy efficiency and renewable energy

- Highways and Transportation
- Planning obligations/mitigations.

## **Land-use**

### Current and emerging policy frameworks

- 11.2 The NPPF includes requirements for planning policies and decisions to build a strong, competitive economy. Paragraph 82 of the 2019 NPPF states that “planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and suitably accessible locations”.
- 11.3 Policy 4.1 of the London Plan is concerned with Developing London’s Economy and states, inter alia, that:  
‘The Mayor will work with partners to:
- a1) promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors
  - d) support and promote the distinctive and crucial contribution to London’s economic success made by central London and its specialist clusters of economic activity
  - e) sustain the continuing regeneration of inner London and redress its persistent concentrations of deprivation.
- 11.4 Policy 4.2 of the London Plan is concerned with Offices and states, inter alia, that ‘the Mayor will and boroughs and other stakeholders should:
- a) support the management and mixed use development and redevelopment of office provision to improve London’s competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises.
  - c) encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility
  - d) seek increases in the current stock where there is authoritative, strategic and local evidence of sustained demand for office-based activities in the context of policies 2.7, 2.9, 2.13 and 2.15–2.17’
- 11.5 Policy 4.10 of the London Plan is concerned with new and emerging economic sectors and states, inter alia, that ‘The Mayor will, and boroughs and other relevant agencies and stakeholders should:
- a) support innovation and research, including strong promotion of London as a research location and encourage the application of the products of research in the capital’s economic development
  - c) work with developers, businesses and, where appropriate, higher education institutions and other relevant research and innovation agencies to ensure availability of a range of workspaces, including start-up space, co-working space and ‘grow-on’ space

- e) promote clusters of research and innovation as focal points for research and collaboration between businesses, HEIs, other relevant research and innovation agencies and industry
- f) support the evolution of London's science, technology, media and telecommunications (TMT) sector, promote clusters such as Tech City and Med City ensuring the availability of suitable workspaces including television and film studio capacity.

11.6 Policy E1 of the of Emerging London Plan relating to Offices states (inter alia)

Part (A) notes: Improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.

Part (G) also states that Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.

11.7 Table 6.1 of the Emerging London Plan notes that in terms of the projected office employment and floor space demand, there will be a requirement for between 1.0m and 1.1 million square metres in (GIA) of office employment floor space between the period of 2016-2041 in inner London locations, whilst in London as a whole the quantum would be 4.6 million to 6.1 million square metres in total.

11.8 Policy E2 of the of Emerging London Plan relating to Providing suitable business space states (inter alia):

Part (A) Boroughs should include policies in local Development Plan Documents that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.

Part (D) Development proposals for new B Use Class business floorspace greater than 2,500 sqm (gross external area), or a locally determined lower threshold in a local Development Plan Document, should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises.

11.9 Policy CS6 of the Core Strategy is concerned with King's Cross and states, inter alia, that:

A. Business floor space in the King's Cross area will be protected from change of use. The King's Cross area will be expected to accommodate estimated growth in jobs of approximately 3,200 from B-use floorspace...Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged.

F. Much of King's Cross has significant character value, and the area contains a number of heritage assets, including the Regent's Canal. The area's historic character will be protected and enhanced, with high quality design encouraged to respect the local context of King's Cross and its surroundings.

11.10 Policy DM5.1 (New Business Floorspace) of the Council's Development Management Policies Document states, inter alia, that:



A. Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:

- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and
- ii) a mix of complementary uses, including active frontages where appropriate.

F. New business floorspace must be designed to:

- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses...'

11.11 Policy CS13 of Islington's Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including a proportion of small, micro and/or affordable workspace or affordable retail space.

11.12 Paragraph 3.4.3 of the Core Strategy notes that employment in Islington is expected to increase by around 35,000 to 45,000 jobs between 2012 and 2027. Furthermore, it notes that the Islington Employment Study 2008 projected that just over 50% of these jobs will be provided within B-use floorspace.

11.13 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 and examination is expected to take place in summer 2020. As such, the draft Local Plan and policies with objection are considered to have limited weight.

11.14 Some of the draft Local Plan policies relevant to the application are set out below:

11.15 Part d of policy DH1 (Fostering innovation and conserving and enhancing the historic environment) notes (inter alia) that:

11.16 *'The Council will conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including listed buildings, conservation areas, scheduled monuments, Archaeological Priority Areas, historic green spaces, locally listed buildings and locally significant shopfronts.*

11.17 Part (e) of Policy B2 (New business floor space) is relevant and notes (inter alia) that

*'Outside of the locations mentioned in Parts A, C and D, new business floor space is acceptable where it would not detract from the character of the local area; and would not detrimentally impact on residential amenity. Proposals for new business floor space in these locations must be accessible to all in accordance with the priority for sustainable modes of transport set out in policy T1, and must not prejudice the overall aim of reducing the need to travel.'*

### London Plan

- 11.18 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration.

### Assessment

#### Office provision

- 11.19 The Islington Employment Land Study (2016) notes at paragraph 7.8.1 that:

‘For the period 2014-2036, employment as a whole in Islington is projected to increase by 50,500. Continued high levels of growth are projected for the future. Islington is forecast to have high levels of employment growth in the types of professional and technical services sectors that generate demand for office space. The London Office Policy Review 2012 had a guideline figure of 433,000 sq m over the period 2011-2036, and our revised forecasts come out with broadly the same figure. Once we have adjusted for the current low vacancy rate our forecasts in total give a planning target of 400,000 sq m of office floorspace for the period 2014-2036 to meet forecast demand and allowance of an 8% vacancy factor.’

- 11.20 Against the backdrop of an identified requirement to deliver new office floorspace Islington Council’s Annual Monitoring Reports (AMR) have identified consistent net losses in (B1a) office floor space over recent years as follows:

<b>Reporting Period</b>	<b>Net loss Class B1(a) floorspace (m<sup>2</sup>)</b>
1 April 2011 – 31 March 2012	4,630
1 April 2012 – 31 March 2013	7,923
1 April 2013 – 31 March 2014	7,705
1 April 2014 – 31 March 2015	15,635
1 April 2015 – 31 March 2016	12,352
1 April 2016 – 31 March 2017	29,423
1 April 2017 – 31 March 2018	1,787

- 11.21 The site currently provides 8,916m<sup>2</sup> (GIA) of inefficiently arranged Class B1 floorspace (this figure includes the ancillary canteen area). The buildings surround a central private yard, accessed from All Saints Street, which comprises areas for ad-hoc car and cycle parking as well as areas for servicing and deliveries which also take place in this courtyard.

- 11.22 The proposal would result in the delivery of 9,516sqm (GIA) of new and refurbished office floor space (Class B1a) including high quality floorspace suitable for occupation by larger tenants and flexible workspace which can adapt to the requirements of multiple occupiers, including co-working and SME space. This quantum represents an uplift of 600sqm of additional B1a floor space (for comparative purposes the previous scheme proposed 12,823sqm of office floor space in total). The office floor space would contribute towards meeting an identified need with corresponding economic and employment benefits. Similar to the previous application, significant weight can therefore be attached to the benefits of the delivery of the

9,516sqm of new and refurbished office floor space. A breakdown of the existing and proposed quantum of floor space is illustrated in the table below.

Use Class	Existing GIA (sqm)	Proposed GIA (sqm)
Use Class A1/A3		496
Use Class B1		9516
Use Class A1/B1/D1	N/A	120
Use Class A1/A3/B1/D1/D2	N/A	385
<b>USE CLASS TOTAL</b>		<b>10517</b>
Plant Area	N/A	3354
<b>TOTAL</b>	<b>8,916</b>	<b>13871</b>

#### Affordable workspace

11.23 Policy DM5.4 is concerned with the size and affordability of workspace and states, inter alia, that:

A. Within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises.

C. Where workspace is to be provided for small or micro enterprises, but is not within physically separate units, the applicant will be required to demonstrate that the floorspace will meet the needs of small or micro enterprises through its design, management and/or potential lease terms.

D. Where affordable workspace is to be provided, evidence should be submitted demonstrating agreement to lease the workspace at a peppercorn rate for at least 10 years to a council-approved Workspace Provider.

11.24 Policy E3 of the of Emerging London Plan relating to Affordable workspace states (inter alia): In defined circumstances set out in Parts B and C below, planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.

11.25 The proposals would provide 695sqm (GIA) of affordable workspace which is equivalent to 5.55% of the total floor space of the development as a whole, in excess of the Council's policy requirement of 5%. This quantum of affordable workspace provision would also represent an uplift from the 5.38% as proposed in the case of the previous planning application P2016/4805/FUL.

11.26 The workspace would be located on the first, second and third floors in a south facing part of the building (the Packing House) and would share the main entrance with the remainder of the office accommodation.

- 11.27 The affordable workspace would be provided to an Islington approved affordable workspace provider at a peppercorn rent for a period of 15 years, in excess of the council's policy requirement of 10 years. The provision of affordable workspace in excess of the council's policy requirements would represent a public benefit of the proposed development.

#### Flexible Uses

- 11.28 The proposed development would provide 496sqm (GIA) flexible A1/A3 use floor space suitable for retail/restaurant use at ground floor level. Retail and restaurant (A1/A3) uses are defined as 'main town centre uses', within the NPPF.

- 11.29 Parts (e) and (f) of the NPPF (2019), paragraph 85 are both relevant to the proposal on the matter of the 'Town Centre Uses' where they state:

*e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*

*f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*

- 11.30 Policy CS14 (Retail and services) and Policy DM4.4 (Promoting Islington's Town Centres) seek to maintain and enhance the retail and service function of the borough's town centres through focussing major new retail and proposals in designated town centres. Policy DM4.4 states at Part B that:

'The council will seek to maintain and enhance the retail and service function of Islington's four Town Centres

A. Applications for more than 80m<sup>2</sup> of floorspace for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses should be located within designated Town Centres. Where suitable locations within Town Centres are not available, Local Shopping Areas or edge-of-centre sites should be chosen. Where this is not possible, out-of-centre sites may be acceptable where:

- i) Alternative sites within Town Centres, Local Shopping Areas and edge-of-centre locations have been thoroughly investigated;
- ii) The development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres and Local Shopping Areas within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability; and
- iii) The development would be accessible to all by a sustainable choice of means of transport, and would not prejudice the overall aim of reducing the need to travel.'

- 11.31 The nearest Town Centre to the site is approximately 500m to the east along Upper Street whilst the nearest Local Shopping Centre is on Caledonian Road, approximately 100m to the east and south.

- 11.32 In terms of the retail element, it should also be noted that the arguments put forward previously on this matter were accepted by the Council and did not form part of the reasons for refusal. In this respect, it was previously identified (and remains the case in this application) that:

- The proposals would provide an increased quantum of employment floor space with a corresponding increase in employees on the site - there is currently very limited retail or restaurant provision within the immediate locality for these employees.
- Retail units will also provide a valuable amenity for local residents
- The scale of the proposed retail / restaurant floor space is considered to be appropriate in the context of the scale of the site and for this location.
- Case law has established that, when applying the '*sequential test*' and reviewing potential sequentially preferable sites that the proposal as a whole should be considered – the proposal seeks to provide a campus office environment, and there is no alternative site in the vicinity that could deliver the proposed development in its current form.
- A key benefit of the existing site location is its location on the Regent's Canal, which provides an attractive setting for the proposed restaurant which would not be available at an alternative location.
- The amount of flexible floor space (1,001sqm) is considered to be minor in quantum, well below the default 2,500m<sup>2</sup> NPPF threshold, whilst the units represent only a small proportion of the total floor space provided by the proposed development (13,871sqm inclusive of plant areas).

11.33 The applicant also notes that the provision of retail and restaurant floor space meets an identified need as set out within the Islington (Islington Retail Leisure Study 2017) and the London Plan evidence base. The retail study identifies capacity arising in the both town centres and non-central areas to support future retail floor space growth. It is further noted that the Islington Retail Study again identifies retail capacity within Islington's non-central areas.

11.34 In addition, it should be noted that in a similar manner to the previous application (which was not refused on land use grounds) it can be accepted that the proposed retail floor space would complement the proposed office use, particularly given the number of employees who would be accommodated on the site and the lack of restaurant provision in the immediate locality. As such, the applicant's argument as set out above can be accepted and is therefore considered that the proposed floor space would not have a detrimental impact upon the vitality and viability of the existing Local Shopping Areas in proximity to the site, both of which are well established.

11.35 Policy DM4.3 (Location and Concentration of Uses) states that proposals for cafés, restaurants and other similar uses will be resisted where they: i) Would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or ii) Would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

11.36 The application notes that the proposed restaurant replaces an existing canteen that is used by the occupiers of the existing buildings and the principle of an area where food is purchased and eaten in this location is therefore already established. The site is an out of centre location and the proposed restaurant would not result in an overconcentration of uses in one area. This argument was previously accepted in the case of the previous planning application and again, Officers raise no objections to this element in land-use terms.

11.37 With regard to the proposed opening hours of the restaurant, these would be controlled via the use of a condition to ensure that there are no adverse impacts upon residential amenity. It is considered that the restaurant would support the function of the area and of the development itself and is considered acceptable.

## **Design & Appearance / Heritage**

- 11.38 The NPPF, 2019 in section 12 (“Achieving well designed places”) states that ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’
- 11.39 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 11.40 London Plan Policy 7.4 is concerned with Local Character and states, inter alia, that:  
‘Buildings, streets and open spaces should provide a high quality design response that:
- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
  - b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
  - c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
  - d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.’
- 11.41 London Plan Policy 7.6 is concerned with architecture and states, inter alia, that:  
‘Buildings and structures should:
- a) be of the highest architectural quality
  - b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
  - c) comprise details and materials that complement, not necessarily replicate, the local architectural character
  - d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
  - e) incorporate best practice in resource management and climate change mitigation and adaptation

- f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g) be adaptable to different activities and land uses, particularly at ground level
- h) meet the principles of inclusive design
- i) optimise the potential of sites.'

11.42 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

11.43 Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act (1990) states: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

11.44 Development outside a conservation area but affecting its setting is not covered by s72, although the harm to the setting of a conservation area would nonetheless be a material consideration. This is because s72 applies "with respect to any buildings or other land in a conservation area". This, however, is one aspect where the NPPF goes further than the legislation: it makes the setting of a conservation area part of what may make it significant. This makes it significant to planning decisions. It appears to make harm to the setting of a conservation area of equivalent importance, in terms of the justification required, to the setting of a listed building. But it does so as a matter of policy rather than of statutory duty.

11.45 London Plan policy 7.8 is concerned with heritage assets and states, inter alia, that 'development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.' Policy 7.30 of the London Plan is concerned with London's Canals and other rivers and water spaces and states, inter alia, that:

- A. Development proposals along London's canal network and other rivers and water space (such as reservoirs, lakes and ponds) should respect their local character and contribute to their accessibility and active water related uses, in particular transport uses, where these are possible.
- B. Development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by:
  - a) preventing their partial or complete in-filling (see paragraph 7.103)
  - b) promoting their use for mooring visiting cruise ships and other vessels
  - c) encouraging the sensitive use of natural landscaping and materials in and around dock areas
  - d) promoting their use for water recreation
  - e) promoting their use for transport.'

11.46 Parts (C) and (D) of policy HC1 of the Emerging London Plan relating to Affordable Heritage conservation and growth state:

(C) Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage

assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process;

(D) Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

11.47 Policy CS9 of the Core Strategy is concerned with 'Protecting and Enhancing Islington's Built and Historic Environment' and states, inter alia, that:

'High quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive.

B. The historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced whether designated or not. These assets in Islington include individual buildings and monuments, parks and gardens, conservation areas, views, public spaces and archaeology.'

11.48 Policy DM2.3 of the Council's Development Management Policies document is concerned with Heritage and states, inter alia, that:

A. Conserving and enhancing the historic environment

Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged.

B. Conservation Areas

i)...new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted

11.49 The Regent's Canal West Conservation Area Design Guidelines (January 2002) state at paragraphs 17.7 – 17.8 and 17.13-17.16 (as listed below) that:

17.7 All new buildings must be on a scale appropriate to their location and any adjacent buildings of conservation value. Building heights recently approved (and now largely implemented) should be regarded as a maximum for any future redevelopment in the conservation area. New buildings should present an appropriate frontage to the canal or basin and reflect the character of canal buildings. Buildings of greater scale, height or bulk than those existing will be out of keeping with the character of the conservation area. Canal and basin warehouse facades have a particular architectural character which can easily be diminished or spoilt by inappropriate new development.

17.13 With refurbishment proposals which involve alterations or extensions, the original design and period of the building must be respected, including scale, proportion, architectural style, fenestration and materials. The canal warehouse buildings have a distinctive architectural character which is easily destroyed in converting them for



modern uses. Considerable care is therefore needed to ensure this is done without serious loss of their original character. Some materials are alien to the area and unlikely to be acceptable.

- 17.15 All plant rooms and lift over-runs, radio and satellite equipment, air conditioning units and other plant should be located so as to be invisible from the canal towpath, basin edges and in long views from the canal bridges. Long views are particularly susceptible to being spoilt in canal areas, particularly from the bridges along the towpath or across the Basin. Projecting plant rooms form no part of the original character of canal buildings and can significantly spoil the roof lines of canal side buildings.'

## **DESIGN AND APPEARANCE ASSESSMENT**

- 11.50 It is noted that the heritage value of No. 10 Regent's Wharf was significantly enhanced following the previous renovation. It is proposed to demolish the existing modern buildings on the site (Nos. 14, 16 and 18). These buildings are considered to be of little architectural and/or historic merit and their demolition is considered acceptable.

- 11.51 It should also be noted that the Inspector did not find any harm in the case of the previous appeal in respect to the proposed demolition element of the proposals.

### *The new build element - Layout*

- 11.52 The new-build element of the application would involve the redevelopment (following demolition of Nos. 14, 16 and 18 Regents Wharf) involving the subsequent erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement level and rooftop plant and enclosures. The proposal would provide Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 uses.

- 11.53 The proposed layout would broadly follow that of the previous application, with the new-build element projecting from All Saint Street (to the south) into the courtyard and then north to meet the southern edge of the Regents Canal. Refer to the image below for the overall site layout of both the previous (appeal) scheme and the current proposal. Three open (courtyard areas) would be retained across the site, comprising: Bartlett Yard (to the east), Shadbolt Square (centrally located) and Thorley Gardens to the west (adjacent to the neighbouring residential developments at Ice Wharf).

- 11.54 In terms of the character and uses of each of the above courtyards, the central courtyard is intended as a publicly accessible space with social spaces and main entrances focused together. The western courtyard would provide a private courtyard that is an opportunity to improve the relationship between residential and commercial occupiers.

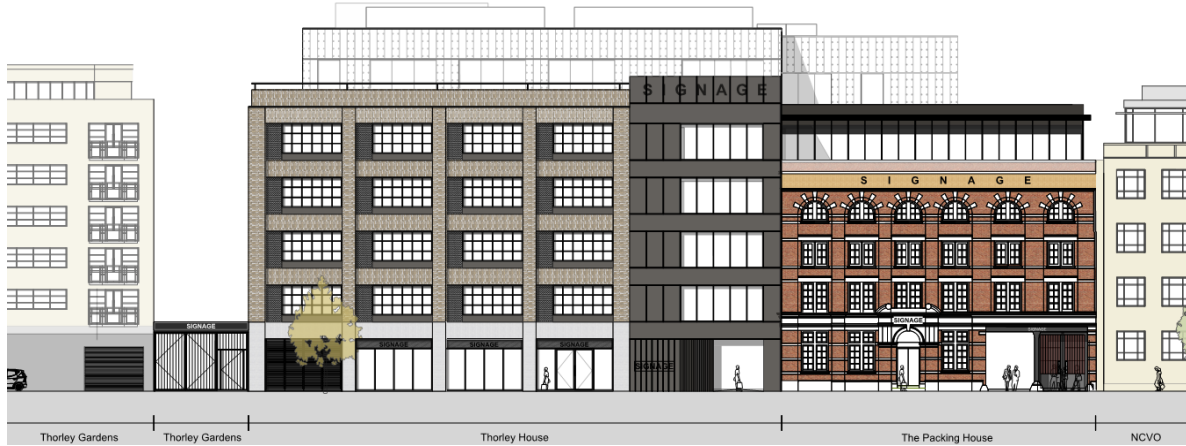
- 11.55 The applicants have noted that this space can be dramatically remodelled as a garden providing visual, ecological and social value to both occupiers and neighbours. The eastern courtyard (adjacent to No.10 Regents Wharf) and adjacent to the neighbouring NCVO offices to the east of the site would be retained and access improved into and across the site. Again, the layout is similar to the previous application and is supported by Officers.

### *The new build element – Bulk, scale, massing and architecture*

- 11.56 The new-build element would comprise a part 5 (ground plus 4) and part 6 (ground plus 5) storey building. This element of the scheme would project above the height of the neighbouring Ice Wharf South and above the locally listed No.10.

- 11.57 The new-build element has been reduced in height in comparison with the previous appeal scheme in an attempt to address both the heritage/design concerns raised by the Inspector and to improve amenity for surrounding occupiers. In this respect, it should be noted that there has been a 1.2m reduction in the height of the rooftop plant area and a separate 1.51m reduction in the height of the fifth floor level. In addition, further massing has been reduced as a result of the removal of part of the western building 'nib' (by 8.79m).
- 11.58 There has also been a reduction (400mm) at parapet level. These changes (since the previous application/appeal) are demonstrated in the tables and images below for comparative purposes.

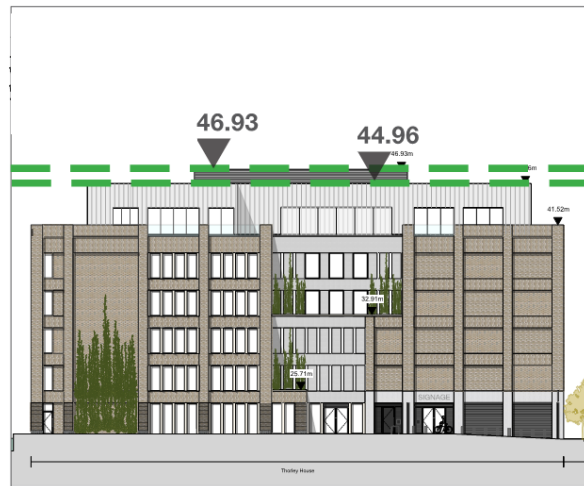
**All Saints Street elevation**



**Summary of Changes**

Appeal Scheme

Proposed Scheme





**Images above indicating the amended scheme RHS and appeal scheme LHS, noting the removal of part of the building nib to the western façade**

11.59 The massing and bulk reductions are presented in the table below for comparative purposes:

<b>Topic</b>	<b>Appeal scheme</b>	<b>Proposal</b>
<b>Thorley house (Level 5 to parapet)</b>	+42.01	+41.52
<b>Thorley house (roof parapet)</b>	+46.47	+44.96
<b>Thorley house (plant enclosure)</b>	+48.13	+46.93
<b>Building mass in the western courtyard</b>	A nib over ground, plus 1 <sup>st</sup> and 2 <sup>nd</sup> floors	A nib at ground floor level only

11.60 Under the appeal scheme the mass of the development at this level was broken across the plan by the inclusion of a roof terrace between the two 6<sup>th</sup> storey elements on Thorley house and the Packing House. By contrast under the current proposals, the 6<sup>th</sup> storey spans across the plan of Thorley house to meet the 6<sup>th</sup> storey element to the Mill House (behind the Packing House), creating a continuous 6<sup>th</sup> storey across the elevation.

11.61 In terms of the building heights, the previous (appeal) scheme was designed using a concrete frame, which the applicants note to be a cost effective and popular construction technique. However, following the appeal, a structural steel frame system is now proposed in order to minimise the floor-to-floor levels of the proposal, and help facilitate the height reductions noted elsewhere.

11.62 The Design and Conservation Officer notes that the 6<sup>th</sup> storey set back to building 10b and Thorley House is still large, and that the rooftop plant above further adds to the overall mass of the development. However, as agreed during the course of the appeal, a planning condition to allow further details to be submitted to determine whether the plant rooms can be further reduced in height would be advantageous. In a similar vein there are a number of areas of plant annotated as 'undefined tenant roof space' which ought to be explored further to understand what is actually required, and the use of a similar planning condition in this case is proposed to explore further refinements and reductions. As such, condition 44 is proposed to secure further refinements in accordance with the Officer recommendations.

11.63 Despite the modest reduction in height in the case of Thorley House, in townscape terms and with regard to the local context, it is considered that the resultant building height would not be overly-dominant in relation to the neighbouring properties owing to the use of set-backs at upper level, which would respect the appearance of the proposed development from public views.

Roof level development (including over the refurbished building 10)

11.64 In terms of the 'set-back' top floor level, the reduction in massing was welcomed by the December 2019 DRP, although it was considered that efforts to lower it further, or reduce the perceived bulk should be made, particularly where it sits behind the locally listed building in canal side views from the east. It was also observed that the exploration of set-backs and shadow gaps were suggested by Panel members to minimize the visual impact. Panel members also noted that the retention of the existing brick party wall, which forms part of the 1980s extension, could help to reduce the proportions of the new addition.

11.65 It was also considered (by the DRP) that the massing should also be further simplified; the Panel found that the numerous projections such as lift over-runs were unfortunate and give rise to a fussy appearance which attracts unwanted attention

11.66 The applicants have stated that intrusive surveys are required to determine whether the existing structures could accommodate heavier but smaller plant in order to reduce the overall height of these roof-level components. To address this matter, it is first noted that it was previously agreed, during the previous Public Inquiry (in relation to Planning Application Ref: P2016/4805/FUL), a condition was proposed to be included to allow further details to be submitted at the appropriate time to determine whether the plant rooms can be further reduced in height. It is therefore suggested that this same condition (condition 44) will be reapplied in this instance to explore further reductions to the roof-top plant area.

11.67 In addition to the above, the updated treatment of the plant rooms has been proposed in order to reflect the historic industrial aesthetic of the former water tanks which were previously located above 10b (now part of the Mill). In this respect, the application has been revised in January 2020 in order to address the DRP feedback in the following methods (in summary form):

- The external cladding to the level 05 extension above Thorley House and The Mill has been changed to be a standing seam metal panel featuring legible joints, pressing and shadow gaps, reducing the visual massing of the extension as suggested by the DRP;
- The parapet at the Level 04 on Thorley House has been lowered, with the horizontal banding altered following feedback from the DRP. As part of reducing the parapet height, a new handrail has been included (the external area is for maintenance only);
- The rustication of brickwork at ground floor of Thorley House has been increased to provide 'a more obvious bottom' as suggested by DRP members;
- The existing brick firewall above Level 05 in the Silo Buildings is proposed to be retained and refurbished. The retention of this component is considered to create a more consistent and sympathetic height between the Silo Buildings when read in elevation.

11.68 In terms of the facades (to Thorley House), the proposed development would be constructed in London brickwork with light mortar, together with the use of alternative/protruding brick courses to add texture and interest to the facades. The proposed roof addition would be constructed in textured fibreglass panelling and anodised aluminium panelling would be used

to mark the transition between the new-build element (Thorley House) and Building 10a (the locally listed building).

- 11.69 On the western façade, concrete fins are proposed (to also assist with prevention of overlooking) to the neighbouring residential Ice Wharf development. Other materials would include the use of black-painted steel railings to balconies and the use of light grey coloured pre-cast polished concrete facing panelling within the facades between ground and first floor levels. No objections are raised with regard to this palette of materials which is considered to respect the historic form whilst ensuring that the proposal offers visual interest and activation to the facing public realm.
- 11.70 The revisions are considered to be a positive and meaningful response to the DRP feedback and observations of Historic England. The Council's Design and Conservation Officer has noted (inter alia) that: The emphasis of Thorley House is now more horizontal rather than vertical as previously, and this has had a positive impact on the All Saint's Street Elevation. Additionally, the revised proposals include a more solid plinth base to the new build element and this is to the benefit of the building's composition.
- 11.71 It should be noted that the DRP were concerned that the brick details for Thorley House would be crucial to its overall success. The introduction of a yellow brick in the case of the revised proposal is considered to be an improvement on the grey previously proposed, but the DRP observed that it did not "sit comfortably" next to the historic building. As such, further explorations of the brick proposed are required. The Council's Design and Conservation Officer has noted that it may be the case that the canal side elevation and the west elevation would benefit from a difference in tone, as a darker brick would be more appropriate for the former, whereas a lighter brick is required for the latter. The brickwork for both Thorley House and any new areas of brick work, including the extension of the parapet on the Packing House. It is considered that this detail can be secured by planning condition 3.

#### The refurbished locally listed buildings (Buildings 10 and 12)

- 11.72 Nos. 10 and 12 Regent's Wharf would be retained and refurbished internally and externally along with a set-back fifth floor extension above building 10b, with plant enclosure above. The pitched roof to No. 10 would be extended at the rear to provide improved office accommodation at fourth floor level and the existing dormer windows would be retained. A pitched roof would be added to No.12, which would step-up from that of No. 10C. Extensions to Building 10a would be set back at roof level, and parapets with All Saints Street would be lowered. The current proposal would include a glazed link section between Buildings 10b and 10c to provide a clear distinction between the two elements. In terms of the latest designs, the proposed roof level development, which would be visible from above buildings 10a and 10c has been rationalised in a simpler form and profile, whilst the height of the development above 10b has been reduced from 46.46m to a height of 44.52.
- 11.73 Again, it is noted that the Design and Conservation Officers have advised that the sixth-storey set back to building 10b and Thorley House is still large and bulky, and that the rooftop plant above would further add to the overall mass of the development. However, the Design and Conservation Officer has recommended the use of a condition to seek further refinements and reductions at roof level (condition 44). It is considered that together with the use of the condition that the reduced height and set-back of the rooftop development would ensure that the development is not overbearing or dominant within the street scene and the heritage impacts of the development are explored further below. It should also be noted that the DRP found the massing and design of this extension to be an improvement in comparison to the

previous scheme, and acknowledged that the introduction of a stronger horizontal emphasis seemed appropriate given the treatment of the adjacent retained building.

## HERITAGE – POLICY CONTEXT

### Legislative and policy framework

- 11.74 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.75 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.
- 11.76 Development outside a conservation area but affecting its setting is not covered by s72, although the harm to the setting of a conservation area would nonetheless be a material consideration. This is because s72 applies “with respect to any buildings or other land in a conservation area”. This, however, is one aspect where the NPPF goes further than the legislation: it makes the setting of a conservation area part of what may make it significant. This makes it significant to planning decisions. It appears to make harm to the setting of a conservation area of equivalent importance, in terms of the justification required, to the setting of a listed building. But it does so as a matter of policy rather than of statutory duty,

### Applicable planning policies (heritage)

- 11.77 Paragraph 8 of the NPPF sets out 3 overarching objectives, contained within the planning system, in order to achieve sustainable development. These objective are interdependent and need to be pursued in mutually supportive ways and include the following (with detail provided on the most relevant objective to this section);
- a) an economic objective
  - b) a social objective
  - c) an environmental objective –to contribute to protecting and enhancing our natural, built and historic environment.

- 11.78 The NPPF defines a “heritage asset” as

*“A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”.*

The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing)

- 11.79 ‘Significance’ is defined within the NPPF as being:

*“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset’s physical presence, but also from its “setting”.*

- 11.80 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 11.81 Paragraph 189 of the NPPF extends this provision to non-designated heritage assets with an archaeological interest. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, paragraph 196 requires this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.82 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 11.83 At the local level, policy DM2.3 encourages development to make a positive contribution to Islington’s local character and distinctiveness whilst conserving and enhancing heritage assets in a manner appropriate to their significance.
- 11.84 The Regents Canal West Conservation Area Design Guidelines document is also relevant. This document has significant weight because it is a supplementary planning document identified in relation to the application of Policy DM2.1 of the Development Management Policies.
- 11.85 The purpose of the Conservation Area Design Guidelines (CADGs) is to give a description of the character and appearance of the conservation areas and to manage change in conservation areas to ensure that the character and appearance is protected.
- 11.86 In considering the application of the legislative and policy requirements referred to above, the first step is for the decision-maker to consider each of the designated heritage assets (referred to hereafter simply as “heritage assets”) which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 11.87 However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.

- 11.88 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 11.89 The case-law also establishes that even where the harm identified is ‘*less than substantial*’ (i.e. falls within paragraph 196 of the NPPF), that harm must still be given considerable importance and weight. Where more than one heritage asset would be harmed by the proposed development, the decision-maker also needs to ensure that when the balancing exercise is undertaken, the ‘*cumulative effect*’ of those harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.

#### Officer Assessment

- 11.90 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the applicant as part of its submission. This includes Conservation Areas and Listed/locally listed buildings. Furthermore, an individual assessment against each heritage asset is provided. This is then followed by an assessment of the heritage ‘*benefits*’ of the proposals.
- 11.91 The assessment of this new planning application is set against the background of the appeal decision which is a significant material consideration.

#### The relevant Heritage Assets

- 11.92 The “heritage assets” for consideration (individually and cumulatively) in this case include the following:
- **The Regent's Canal West Conservation Area;**
  - **Locally listed buildings at Nos. 10-12 Regents Wharf**, (which the Inspector noted at para 19 of the appeal decision notice that “there was a dispute of fact as to whether the buildings 10a and b are included in the local list but they were rightly treated as non-designated assets in both parties’ evidence.”)
  - **Regents Canal, Basins and Wharfs Archaeological Priority Area.**
- 11.93 It should also be noted that the application site is also situated adjacent (to the east of) the Kings Cross Conservation Area as indicated in paragraph 5.5 in the report above. However, no harm is identified to that conservation area either by Officers or by statutory consultees such as Historic England. Furthermore, the Inspector did not find any harm to the Kings Cross conservation area in the case of the previous appeal decision. This position is the same here and Officers do not find any harm to the Kings Cross Conservation Area.

#### **Heritage Asset (designated): Regent's Canal West Conservation Area**

- 11.94 With regard to the history and context, the site occupies a prominent plot between Regent’s Canal to the north and All Saint’s Street to the south, known as Regent’s Wharf. It includes 10, 12, 14, 16 and 18 All Saints Street and a central courtyard. Nos. 10 and 12 are historic mill



buildings of the 1890s, known as Regent's Wharf. They are locally listed and fall within, and for the reasons set out below, are integral to the Regent's Canal West Conservation Area.

- 11.95 The Regent's Canal was completed in 1820 and forms part of the first industrial transport network constructed to serve wide areas of the country. The Regents Wharf West Conservation Area profile notes that it met with immediate success and resulted in the construction of wharves along most of one bank and around Battlebridge Basin (opened in the same year as the canal).
- 11.96 It was common ground (at the appeal stage in the case of the previous application) that the Regent's Canal was the first industrial transport network constructed to serve wide areas of the country. It is of considerable historic interest through its association with John Nash, and as a remarkable early 19th century engineering and infrastructure undertaking.
- 11.97 Part of the appeal site lies within the Regent's Canal West Conservation Area which was designated by the London Borough of Islington in 1981. This was a tightly-drawn conservation area whose boundaries included the waterways of the canal and Battlebridge Basin, the towpath and the revetments and portal to the Islington Tunnel, and a group of important canal-side warehouse buildings on the southern bank. It is noted that the remainder of the application site was excluded from the conservation area when it was designated in 1981 because at the time it was considered to be an opportunity for redevelopment.

#### Significance of the Regents Canal West Conservation Area

- 11.98 In terms of its character, paragraph 17.4 of the conservation area profile notes (inter alia) that: 'The character of Regent's Canal West Conservation Area is a mixture of commercial and industrial uses. The Council will seek to retain the mixed use character and will not normally permit change of use which would harm this established character.' Furthermore, on the issue of 'Significance', it is noted that in the case of the previous planning appeal, the Inspector observed (Paragraphs 29 and 30) that:

*'The Regent's Canal West Conservation Area is characterised primarily by the canal itself which accounts for a large proportion of its area and provides much of its historic interest. As industrial buildings associated with the use of the canal, Nos.10c and 12 add to this historic interest. The architectural interest derives mainly from the bridges and canal side features with very few buildings.*

*These include a short stretch alongside the canal featuring Nos.10 (including a, b and c) and 12 but not the 1980s offices or the Ice Wharf blocks.' At paragraph 30, the Inspector observed that: 'I found that the way that the Conservation Area is experienced includes the water but also the boats on it and the historic structures and buildings surrounding it. As the Conservation Area only includes those buildings immediately abutting the water, and not all of those, I find that these are of particular importance to its architectural interest.'*

- 11.99 The Inspector noted that the impacts on the locally listed buildings (explored below) which are 'non-designated' heritage assets, should only be afforded 'moderate weight', however, the buildings were considered to be major contributors to the character and appearance of the Conservation Area.
- 11.100 Furthermore, the Inspector noted that the physical harm to the buildings themselves would be the same but the perception within the context of the few buildings in the Conservation Area, and the weight to be given it as a designated heritage asset, with its legal and policy protections, are quite different. In short, the impacts on both the (non-designated) buildings

and the wider conservation area are both important considerations individually and where taken together. As such, these impacts are assessed both individually and cumulatively.

- 11.101 The Council's Design and Conservation Officer has provided feedback and notes that the most important conservation area views are from the canal, particularly from the east given the exposed flank of the locally listed building in short, medium and long views. Longer views from the south towards All Saints Street are also important townscape considerations.

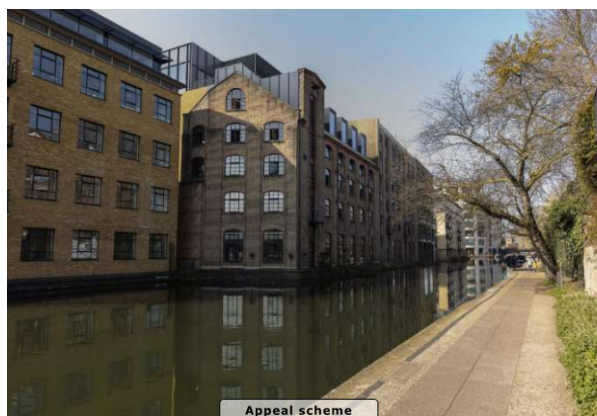
#### Planning Assessment

- 11.102 Officers acknowledge that as the largest, and only substantially intact 19<sup>th</sup> Century industrial building in the Conservation Area, it is the locally listed building(s) and the relationship with the canal which is at the core of the Conservation Area designation. Furthermore, the Conservation Area is experienced primarily in views from public space, the bridges on York Way and Caledonian Road, and in kinetic views as one moves along the tow path. The former mill buildings are consistently visible in these key (public) views, whilst there are very few points within the Conservation Area where the mill buildings are not, at least in part, visible.
- 11.103 With regard to the impacts of the current proposals and with particular regard to the proposed roof top plant, paragraph 17.15 of the Conservation Area Design Guidelines is relevant and requires (inter alia) plant rooms etc. to be invisible from the canal towpath and in long views from the canal bridges. In terms of the existing context, the existing buildings include a metal clad, 'box-like' structure on top of Building 18 and part of Building 12, which is partially visible in such views (from public vantage points within the CA), as illustrated in the below.
- 11.104 The Council's Design and Conservation Officer has observed that the lift overrun of the Mill House would be visible behind the locally listed Silo Building from the canal and therefore it is considered that there will also be a *negative* impact on the conservation area, albeit at the '*less than substantial*' level, therefore considerable importance and weight is given to this in the planning balance. It is considered that the use of a condition to seek further improvements and refinements should be imposed on the permission if approved by committee. The use of such a condition was accepted by the Inspector and it is considered necessary to again impose this to obtain further refinements at roof level in terms of the lift overrun and plant enclosures, which will be secured through condition 44.

#### ***The existing roof-top plant "copper-box" is evident from existing public views***



11.105 The proposed roof-top plant in this case would be visible as indicated in the RHS image below, however, it is considered that the plant would be less prominent than that presented in the case of the previous application, whilst both the form, design and treatment of the plant in this case would represent an improvement when compared with the previous appeal scheme (as indicated on the left-hand side image as indicated below).



11.106 Also, by way of a material planning consideration, it should also be noted that in the case of the previous planning appeal, the Inspector found no harm due to the visibility of plant rooms at roof level.

11.107 Again the most important conservation area views are from the canal, particularly from the east given the exposed flank of the locally listed building in short, medium and long views. Longer views from the south towards All Saints Street are also important townscape considerations. The Council's Design and Conservation Officer has stated that the negative impact of the proposals on these views and by virtue of the height, bulk, mass and design of the rooftop extensions and development, there is a level of harm arising to the conservation area (a designated heritage asset), and to the wider townscape from the unresolved design of the upper storey and plant enclosures. However, due to the omission of the *significantly harmful* elements of the scheme identified by the Inspector in paragraph 44 of the appeal decision, the overall impact of the proposals on the significance of the heritage assets identified must be considered to be lesser than previously identified at appeal.

11.108 The proposals would result in less than substantial harm to the conservation area. Where a development proposal would lead to less than substantial harm to significance of a designated heritage asset. Officers place great weight and importance on this matter in the planning balance. Paragraph 196 of the NPPF requires local planning authorities weigh the harm arising against the public benefits of the proposal, including where appropriate securing its optimum viable use.

11.109 In terms of the new-build element (to replace building 18), the proposed replacement building has been designed with a rusticated base and a vertical emphasis. The facades to the new-build (Thorley House) would be characterised by a strong order and rhythm, with London Stock brickwork and metal detailing proposed within the material palette, which would reflect the immediate neighbours.

11.110 It is also considered that the tall openings proposed would successfully reference the verticality of the adjacent locally listed buildings (Nos.10 and 12), whilst it is considered that the elevational depth and detailing would help provide visual interest, without cluttering the building or drawing away from the order and rhythm within the facades. It is considered that

the proposal would remain subservient to the older (locally listed) warehouses and would not compete with them or distract from them.

- 11.111 The proposed new-build element would sit well within the context of the locally listed 'canal-side' buildings (10c and building 12) continuing the 'stepped' height arrangement (as opposed to the previous application). It is considered that the new-build element (Thorley House) would complement and respect the industrial and archaeological (and heritage) of the buildings and would represent a successful architectural response to address the previous appeal decision. Furthermore, the design is considered to address the industrial character and enclosure of the canal frontage.
- 11.112 The latest proposals have been reviewed by both Historic England (HE) and the Design Review Panel (DRP). Historic England have noted (inter alia) that: *'In this new proposal, several elements of the previous scheme which caused concerning levels of harm to heritage assets have been removed or revised. Our most significant concern with the 2017 scheme was the impact of the upward extension to the historic canal side buildings, and the insertion of inappropriate roof forms or upper storeys which did not respond well to the historic structures. The canal side buildings now maintain their facades and visible roofs, and can therefore be appreciated from the canal, the heart of the conservation area, in a mostly unaltered form. In some views to the east in particular the taller infill structures will still be seen behind the locally listed building in a slightly awkward juxtaposition.'*
- 11.113 Historic England have considered that the harm caused by this proposal to the conservation area has now been reduced to a 'low level', and note that given the scale of the proposed development and the remaining harm caused, they would suggest further refinement of the infill and roof structures' design which could ensure harm is limited as far as possible.
- 11.114 The January 2020 revisions would help reduce visual massing as a result of the amendments to the external cladding (to the level 05 extension above Thorley House and The Mil) which has been changed to be a standing-seam metal panel featuring legible joints, pressing and shadow gaps, thereby reducing the visual massing.

**Heritage Asset (non designated): Locally listed buildings (Nos. 10-12 Regents Wharf)**

- 11.115 Nos.10-12 Regent's Wharf comprise a milling complex dating from the 1890s. They were built for J Thorley Cattle Foods. No.10a faces All Saints Street while 10c and 12 adjoin the canal. There was a dispute of fact (at appeal stage during the Public Inquiry) as to whether the buildings 10a and b are included in the local list but they were treated as non-designated assets in both parties' evidence, and this approach was agreed by the appointed Inspector. Furthermore, it was also common ground (paragraph 20 of the appeal decision) that Nos.10 and 12 are examples of industrial archaeology, a feature which overlaps with their architectural and historic interest when assessing their significance. For the purpose of the assessment of this application, both buildings are again treated as non-designated assets.

Significance of the locally listed buildings

- 11.116 This group of late-19th century/early 20th century buildings is arguably the finest reminder of the former industrial nature of the canal in the whole of Islington, indeed one of the most impressive along the whole length of the Regent's Canal. Nos 10 (in its entirety) and 12 All Saints Street are locally listed buildings, and make a very positive contribution to the character and appearance of the Regent's Canal West Conservation Area. These are considered to be assets of very high local significance. The locally listed buildings presently retain a great deal of integrity in the round – their external envelopes and form being little altered.

- 11.117 In respect of their aesthetic value, their historic scale, proportions and general detailing make a major contribution to the C19 character of the canal, which was considered to be so important in the act of designating of the Conservation Area. Deemed to be “an essential feature of the view” (from both Thornhill Bridge and the tow path), it is clear that the mill buildings are a landmark quality in the Conservation Area, particularly due their imposing design and the widening in the canal which exposes the eastern flank elevation.
- 11.118 In the case of the canal side elevations (buildings 10c and 12) are characterised by bold brickwork, rising almost directly out of the water, which lends a vertical emphasis of strong character in an imposing form and design. Both buildings have been altered: No.10 once contained grain silos but now has windows above the ground floor where none existed originally; No.12 has lost its original pitched roof to one which is nearly flat. In the case of the previous planning appeal, the Inspector found that despite the extent of changes, the significance of both buildings comes from more than moderate archaeological, architectural, and historic interest.
- 11.119 The (southern) façade to No.10a, facing All Saints Street was also identified as having some interest as this was the public entrance to the buildings and it retains the faint shadow of company lettering which makes sense of the lighter brick of the parapet.
- 11.120 The Conservation Area Design Guidelines state at para 17.6 that ‘the Council considers some of the warehouses and canal boundaries to be critical to the character of the area and their loss would reduce the historic and architectural interest of the area.’ 10-12 Regent’s Wharf are the most prominent warehouse buildings in the Conservation Area (there is only one other), and clearly critical to its character. In addition, the local listing designation already identifies the mill buildings as positive contributors to the Conservation Area.
- 11.121 In their recent consultation response (December 2019), Historic England identify these buildings where they note that: The historic structures on the development site comprise two co-joined canal side buildings, numbers 10 and 12 Regent’s Wharf, a red brick commercial building to All Saints Street which forms part of number 10 (building 10a), and a non-street-facing building between forming the middle section of number 10 (building 10b). These late nineteenth and early twentieth century buildings were built as a cattle feed mill and grain store (10c is the canal side building). They are locally listed, and sit within the Regent’s Canal West Conservation Area.

*Islington Officer’s assessment*

Building 10a (fronting All Saint Street)

- 11.122 It is proposed to extend the building through the addition of a set-back roof storey, and to retain the (yellow-brick) parapet for signage, but with a red brick ‘cornice’ course and coping stone. It is considered that the retention of this important historical feature and reduced height (by 0.78m since the previous scheme) above building 10a would ensure that any harm is kept to a minimum.
- 11.123 It is acknowledged that the roof extension (including over building 10b) and plant enclosure would rise above building 10a, and as such would be visible from public views, including from Killick Street (to the south) as evidenced in the images immediately below. However, given the reduced height together with the set-back from the street-edge, Officers consider that this element of the proposal represents an improvement from the previous proposal, and would result in limited harm in heritage terms.





11.124 In the case of the impact on Building 10a (The Packing House) it should be noted that Historic England have commented that:

*'We also raised concern in 2017 regarding the impact of the scheme on the south facing packing building, the more decorative street side face of the historic site. The upward extension of this building was to be very high, and set close to the front of the building, disrupting the hierarchy of the building and detracting from it; it would also be backed by a new structure rising another storey higher.'*

*In the current scheme, the single-storey upward extension has been slightly reduced in height and pushed back from the front of the building. These two changes have worked to reduce its impact, and limited its visibility in street views. The combination of this extension and the further infill behind do continue to introduce bulky elements above the locally listed building in mid-range views, such as TVIA view 14 looking into the conservation area where the upper storey appears offset.'*

11.125 Officers consider that the massing and design of this extension (to 10a) would represent an improvement in comparison to the previous scheme, and the reduced height, retention of the historic brickwork and yellow banding would all ensure that the level of harm to the locally listed building is limited.

#### Building 10b

11.126 The applicants have confirmed that the extension to Building 10b has been designed to reflect the industrial forms on the site that were once visible behind the eastern façade of Building 10c. It has been designed to be simple and clutter-less, giving it a recessive industrial appearance. Again, it is important to note that the Inspector at the recent appeal did not find any harm to this building (10b) due to the roof configuration as was then proposed, or the roof forms seen behind the gable.

11.127 To the eastern elevation (Bartlett Yard), a full-height, glazed panelling and door system would provide a visual break between Nos. 10b and the canal-side building at No.10c. The roof addition with No.10b would be constructed of full-height glass panel / doors within curtain walling system, with the frames in dark grey colour, whilst this roof addition would also be constructed in a steel-framed pergola with sedum roof (over the terrace) together with the use of natural roof slates. It is considered that this design response would ensure that the historic fabric is largely retained and the intervention between 10b and 10c would represent a successful transition between the two historic buildings.

## Buildings 10c and 12 (the “canal side buildings”)

- 11.128 The current proposals would retain the dormers to the (northern) canal-facing roof slope to building 10c. This is an important heritage benefit given that in the case of the previous appeal, the Inspector offered clear direction in the case of the appeal decision where it was noted that: ‘with regard to the dormers, even if they were not part of the original design, they may have been part of the original building or inserted relatively soon afterwards, and while unusually domestic in appearance for an industrial structure, they make sense in the context of a building housing grain silos and with no other upper floor windows, those seen today having been inserted much later.’
- 11.129 As for building 12, a new heritage (pitched) roof is proposed which would be a reference to a historic roof form, whilst the previously unacceptable vertical (upwards) extension of the canal side building has been omitted in order to directly respond to the previous refusal (and dismissed appeal). It is considered that the reduced building height in comparison with the previous appeal scheme (LHS image) would ensure that the development proposal would not harm the integrity of the locally listed buildings to the prominent canal side (northern) façade.
- 11.130 Historic England have been consulted on this latest application and note that:
- ‘In this new proposal, several elements of the previous scheme which caused concerning levels of harm to heritage assets have been removed or revised. Our most significant concern with the 2017 scheme was the impact of the upward extension to the historic canal-side buildings, and the insertion of inappropriate roof forms or upper storeys which did not respond well to the historic structures. The canal-side buildings now maintain their facades and visible roofs, and can therefore be appreciated from the canal, the heart of the conservation area, in a mostly unaltered form. In some views to the east in particular the taller infill structures will still be seen behind the locally listed building in a slightly awkward juxtaposition.’*
- 11.131 The latest application would retain a stepped order to the canal side elevation (i.e. stepping down in height west to east along the south bank of the canal) and would ensure that the new-build and refurbished (locally listed) elements would not compete, whilst also ensuring that the strong horizontal emphasis would remain. The resultant buildings in this revised form (without the upward extension of Building 12) are considered to represent heritage improvements since the previous appeal and are supported by Officers.



*The previous application LHS and the current proposal RHS indicated above (viewed south-east from the Regents Canal towpath)*

## **Heritage Asset (non designated): Regents Canal, Basins and Wharfs Archaeological Priority Area**

- 11.132 The application site lies within the recently updated Regents Canal, Basins and Wharfs Archaeological Priority Area (APA) reflecting its 19th century industrial archaeological interest associated with the Regents Canal, and specifically with the nearby Horsfall (now Battlebridge) Basin which opened in 1822.

### Significance of the Regents Canal, Basins and Wharfs Archaeological Priority Area (APA)

- 11.133 This APA is significant because it contains evidence of the canal's construction, operation and industrialisation of London. Limited archaeological investigations have shown that remains of the first industrial buildings do survive alongside the canal, which can add to further knowledge of the industrial activity of the 19th and early 20th centuries that depended on the canal. The canal and its associated industry provides locally distinctive historic character with high potential for interpretation and place-shaping by reflecting the area's history in new development. Distinctive structures may be worthy of preservation.
- 11.134 As a material consideration, the previous application was refused on heritage grounds with the inspector making specific reference to the archaeological interest of the locally listed buildings in the appeal dismissal decision. In this respect the Inspector noted at paragraph 20 that: *"it was common ground that Nos.10 and 12 are examples of industrial archaeology, a feature which overlaps with their architectural and historic interest when assessing their significance. The canal side elevations are characterised by bold brickwork, rising almost directly out of the water, which lends a vertical emphasis of strong character in an imposing form and design. Both buildings have been altered: No.10 once contained grain silos but now has windows above the ground floor where none existed originally; No.12 has lost its original pitched roof to one which is nearly flat. Be that as it may, I saw that despite the extent of changes, the significance of both buildings comes from more than moderate archaeological, architectural, and historic interest"*

### Assessment

- 11.135 As noted above, Historic England GLAAS have undertaken a site inspection, and have now identified appropriate and proportionate mitigation measures which include provision for a positive contribution to the conservation area and development design (if significant industrial archaeological remains are found). GLAAS have also stated that if the Council grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms, and note that the applicants should also improve knowledge of assets and make this public.
- 11.136 Again, as noted previously, within their original comments, GLAAS state that the application site lies within the recently updated Regents Canal, Basins and Wharfs Archaeological Priority Area reflecting its 19th century industrial archaeological interest associated with the Regents Canal, and specifically with the nearby Horsfall (now Battlebridge) Basin which opened in 1822.
- 11.137 The applicant's archaeological desk-based assessment (DBA) identifies low potential for remains of 19th/early 20th century buried structural remains associated with documented uses of the site as a timber yard, cement works and cattle feed mill as well as limekilns and residential properties. Whilst some of these remains are plausibly of low significance as suggested in the DBA if there are substantial buried remains of the limekilns they could contribute positively to the conservation area as part of its industrial archaeology thereby



meriting moderate significance. The kilns were associated with a 19<sup>th</sup> century lime and cement works which lay largely within the area of the proposed new basement where any surviving remains would be destroyed.

- 11.138 GLAAS further note that the conversion of historic buildings and extensive excavation for a new basement would harm the industrial archaeology (buried and standing) but having reviewed the case again, including the built heritage assessment, GLAAS are satisfied that that the significance of the assets and scale of harm to them is such that the effect can be managed using planning conditions 39, 40 and 41. The works required by the above conditions will require the following measures:

#### Evaluation

- 11.139 An archaeological field evaluation would form stage 1 of condition 47. It involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Historic England GLAAS noted that field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. Here it will involve excavation of trial pits or trenches on the site of the limekilns and the proposed basement area.

#### Excavation

- 11.140 Archaeological excavation is a structured investigation with defined research objectives which normally takes place as a condition of planning permission. It will involve the investigation and recording of an area of archaeological interest including the recovery of artefacts and environmental evidence. Once on-site works have been completed a 'post excavation assessment' will be prepared followed by an appropriate level of further analysis, publication and archiving. An excavation or a watching brief may be required under stage 2 of condition 41 depending on the results of stage 1 (condition 39).

#### Preservation in-situ

- 11.141 Where archaeological remains are to be preserved in-situ within a development there will normally be a requirement to provide details of how this will be achieved. Typically this would involve a design and methods statement for groundworks. Where particularly important or vulnerable features are to be preserved there may also be a requirement to monitor their condition and take remedial action in the event of decay. If important buried structural remains of the limekilns are found that part of the proposed basement will need to be redesigned to preserve the remains and reflect their significance in the new design in accordance with condition 2.

#### Archaeological Building Recording

- 11.142 Archaeological building recording is an investigation to establish the character, history, dating, form and development of a an historic building or structure which normally takes place as a condition of planning permission before any alteration or demolition takes place. The outcome will be an archive and a report which may be published. Conditions 6 and 39 secure the recording outlined in the submitted written scheme of investigation for an archaeological building survey covering units 10 and 12 (only).
- 11.143 In summary, it is considered that the significance of the assets and scale of harm to them is such that the effect can be managed using the above recommended planning conditions as requested by Historic England as a statutory consultee.

## Conclusion on Heritage

- 11.144 In a case where development would cause '*less than substantial harm*' to a designated heritage asset, this involves firstly putting great weight and importance on the fact any harm is being caused. It is from this starting position (putting great weight and importance on the fact that harm is being caused) that officers have then approached weighing the harm against the public benefits of the proposal, including where appropriate, securing the heritage asset's optimum viable use. When undertaking the balancing exercise, again considerable importance and weight is given to the the fact that any harm is being caused.
- 11.145 In a case where there is an impact on a non-designated heritage asset (such as a locally listed building), the significance of the asset should be taken into account and a balanced judgement is required having regard to the scale of any harm to the heritage asset.
- 11.146 Where more than one heritage asset would be harmed, then the cumulative effect will need to be considered. To assist the Planning Committee, a summary list of the **public benefits** that arise from the development is set out below:
- The Site is also identified as a Site Allocation within the Council's draft Site Allocation document (Ref: KC3) which supports the creation of new office floor space at this location;
  - The scheme would provide economic benefits, providing an increase in office floor space (over 600m<sup>2</sup> GIA) together with 496sqm increase in A1/A3 floor space and 500sqm of flexible (A1/A3/B1/D1/D2) floor space which would be more flexible and efficient, and meet higher standards with greater floor to ceiling heights. This provision would meet an identified need for office floor space (net gain of 600sqm in this case) against a backdrop of recent losses in B1a office space in recent years (refer to paragraphs 11.9 – 11.15 above);
  - Creation of up to 210 jobs (50 FTE) per year during construction and 875 jobs (805 FTE) over the lifetime of the Development and the indirect and induced job creation of 375 jobs (315 FTE) through the proposed development; and the operational phase is estimated to support 805 FTEs (875 jobs); an increase of an estimated 280 FTEs (310 jobs) from the current employment on site;
  - Provision of policy compliant affordable workspace (at peppercorn rent) for occupation by micro and small businesses;
  - There would be a mix of uses along all Saints Street and around the two new publicly accessible courtyards and a restaurant, on a site that is within a designated Employment Growth Area;
  - The redevelopment would be at a highly accessible location, it would be more energy-efficient than the existing buildings, and the proposed development would be car-free, and following negotiations, further exploration will be undertaken with regard to the feasibility of using the waterway during the demolition and construction periods. These factors also merit some weight in its favour;
  - Finally, the proposals would involve the retention and refurbishment of the locally listed buildings.
- 11.147 The proposal would secure an optimum viable use, meet land use objectives and bring economic benefits consistent with the development plan and Government policy. The proposal is considered to have less than substantial harm to the conservation area and such harm has been given considerable importance and weight. The proposal will also cause limited harm to the locally listed building. The proposal is however considered to be acceptable in

heritage terms having weighed the harms against the public benefits of the proposed development.

### **Accessibility**

11.148 Paragraph 108 of the NPPF (2019) is relevant to the current proposal in relation to inclusive design. London Plan Policy 7.2 relating to “An Inclusive Environment” requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor’s Accessible London SPG.

11.149 At the local level, 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.

11.150 The Council’s Access Officer had initially raised some concerns in relation to the application. In response, the applicants have since confirmed a number of inclusive access measures to support inclusive design within and across the site, which include:

- Provision of accessible parking bays (the additional bays will need to be secured through S106);
- Courtyard accessible cycle parking was initially proposed. However, following the revised plans, this is now to be located within the covered entrance space and sheltered on two sides, which is welcomed;
- Basement level cycle parking – the inclusion of a power assist button is welcomed by Officers;
- Mobility scooter charging points are proposed at locations in the basement cycle parking area. The Access officer has advised that some charging should be located at ground floor for mobility scooters instead of the basement, however this can be secured within the above referenced planning condition;
- In terms of toilet facilities, ambulant disabled accessible toilets at each floor at ‘the Mill’ (building 10b) have now been provided within the revised scheme;
- Provision of fully accessible and ambulant accessible changing and wash spaces (both of which would contain heated lockers for damp clothing);
- Officers welcome the confirmation regarding the use of a firefighting lift, however a fire and evacuation strategy should be approved through the access condition;
- There is alternative means of access to the fifth floor in Building 12, which includes the use of the spiral staircase, which is an addition between the floors and is supported.

11.151 Policy D5 of the Emerging London Plan notes (inter alia) that development proposals should achieve the highest standards of accessible and inclusive design. The proposal in the revised form (inclusive of the above measures) would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD and is considered to be acceptable in relation to accessibility and inclusive design. The councils inclusive design officer raises no objections to the revised layouts and designs subject to condition 10.

### **Landscaping, Biodiversity and Trees**

11.152 Islington’s Core Strategy Policy CS15 on open space and green infrastructure states that the council will provide inclusive spaces for residents and visitors and create a greener borough by protecting all existing local spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens.

- 11.153 Islington Development Management Policy DM6.5 maintains that new developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of a development site and surrounding area, including protecting connectivity between habitats.
- 11.154 Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitat and support the council's Biodiversity Action Plan.
- 11.155 Policy 7.28 of the London Plan is concerned with Restoration of the Blue Ribbon Network and states, inter alia, that:
- A. Development proposals should restore and enhance the Blue Ribbon Network by:
- b) increasing habitat value. Development which reduce s biodiversity should be refused;
- c) preventing development and structures into the water space unless it serves a water related purpose;
- f) protecting the open character of the Blue Ribbon Network.
- 11.156 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area.
- 11.157 Part (D) of Emerging London Plan policy G6 relating to Biodiversity and access to nature states that Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- 11.158 The canal itself is recognised by the GLA as part of the green corridor network and as a Site of Important Nature Conservation (SINC). On the matter of biodiversity, the application is accompanied by an Ecology Report (dated 20/11/2019) which makes a number of recommendations which are summarised as follows:

#### Evaluation

- The site was found to be the same as when previously surveyed in 2016, and is of low ecological value;
- The site is directly adjacent to the Regent's Canal, a Site of Interest for Nature Conservation (SINC). The canal is an important green corridor within an otherwise urban setting and is considered to be of significant ecological value;
- No bats were recorded emerging from the elevations of the building being observed (as no bats were present roosting within the building, there are no constraints to the demolition in this respect);
- A single common pipistrelle was recorded foraging/commuting along the canal during the survey on the 15<sup>th</sup> May. Six common pipistrelle passes, and one soprano pipistrelle pass were recorded foraging / commuting along the canal on the 1s July. It should be noted that these results are consistent with the previous bat surveys that were undertaken in 2016, which record similar low levels of activity.

### Recommendations

- The development should avoid dust deposition into the canal during demolition and contamination of the water in the canal
- All standard dust suppression methods should be employed to ensure that dust generation is kept to a minimum;
- Any lighting associated with the new development should not exceed current levels on the canal side of the building;
- Construction works should only take place during normal working hours (i.e. not at night);
- The development should employ stringent pollution prevention methods through the use of spill kits with all machinery, spill trays under machinery during refuelling and the bunding of fuel stores which are to be kept as far away from the canal as practical;
- Surface water will be managed through the current drainage system; but with silt and hydrocarbon traps in place to ensure that no contamination enters the surface water management system (mitigation to include hydro carbon booms, with such details to be captured within the Construction Environmental Management Plan (CEMP));
- The proposed development site was previously site was previously identified as being suitable to support small numbers of breeding black redstart, although subsequent surveys did not identify this species as present. The site has not changed since these surveys and therefore it is considered unlikely that this species would have established on site. Pre-development surveys will be undertaken to confirm this.

11.159 The Council's Nature Conservation Manager has reviewed the Ecology Report and has raised concerns with regard to the lighting classification for the site with the potential impacts on the canal and wildlife among key concerns, which include:

- The applicant has suggested that during the course of construction the existing bio-floats (reed beds) will be repositioned in order to prevent damage and threat to the wildlife that uses them. Prior to completion, any refurbishment required will be provided before re-instating the floats in their existing current location. The Councils Nature Conservation Team have advised that it is the Council that own the reed beds, who had also installed them in this location. In addition, The Councils Nature Conservation Team have advised that the applicants would need to supply more detailed information where they will re-position them, time of year they will do this, how they will avoid disturbance to nesting birds and other wildlife.

11.160 The proposed development includes a landscaping scheme and further details will be secured by condition 38 to ensure a scheme which enhances biodiversity and the visual setting of the proposed development. However, it should be noted that at this stage, the key landscaping proposals include the following:

- The site comprises a variety of hard landscape materials and detailing, due to piecemeal development, age range, and uses of the buildings. Currently the site comprises some 96% impermeable hard standing, with only 4% being permeable. This includes an area of hedge planting and loose gravel surfacing to the base of the existing trees;
- The scheme proposes to replace T1-T3 with 4no. *Betula nigra* at 5-6m height, with a variety of multi and single stems of *Betula* and *Prunus* within Thorley Gardens (Western Courtyard) to contribute to the long term success of the tree network. The site offers ample opportunity for the planting of additional new trees as part of a post development landscaping scheme. A total of 21no. trees are proposed;

- Of the seven trees surveyed (note some are on adjacent sites - refer to Tree Constraints Plan) there are three Category B, three Category C and one Category U. The age class of the trees ranges from young to semi-mature, with the majority being early mature. There is a mix of species; predominantly Alder - located within the site boundary, including three existing trees, (T1-T3), within 'Thorley Gardens' (Western Courtyard), are proposed for removal due to their proximity to the new scheme basement and foundation and the extent of the RPA which falls within the basement footprint, two existing trees are proposed for removal due to the introduction of a lay-by and disabled parking bay and one Category U tree on All Saints Street;
- Provision of new areas of vertical greening in the proposals to link the old and new and provide a green facade to adjacent residents.

11.161 The Council's Arboriculture Officer as reviewed the proposals and has raised no objections, noting that although there are three relatively good specimens of semi-mature Alder trees on the application site that are proposed to be removed, the proposed landscaping and greatly enhanced tree planting scheme (including 20 trees in the same space, 7 of which will attain similar form and dimensions to the existing three Alders) more than makes up for their loss and would provide significantly higher quality long-term landscaping for the site which will in turn provide significantly greater eco-system service benefits than what currently exists. In addition the underground conditions will be significantly improved to be conducive to good tree growth and health resulting in a healthier tree stock at this location.

11.162 In short, the long-term benefits of the proposed scheme far outweigh what currently exists. Finally, whilst it is noted there has been an objection from a neighbour regarding the loss of their outlook to the Alder trees in the short-term, however, in 5-10 years' time (perhaps even sooner) the outlook for the neighbour will be significantly improved.

11.163 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations. All roofs should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm. Details will be secured by condition 22.

### **Neighbouring Amenity**

11.164 The NPPF (2019) at paragraph 127 (e) sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

11.165 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.

11.166 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

- 11.167 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 11.168 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 11.169 The BRE Guidelines paragraph 1.1 states: "*People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by*". Paragraph 1.6 states: "*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 local 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*".
- 11.170 The BRE document contains guidance on site layout and is in part intended for use in the context of safeguarding daylight and sunlight within existing buildings. The over-riding principle is that '*in designing a new development, it is important to safeguard the light to nearby buildings*' and '*as a general rule the aim should be to minimise the impact to existing property*' (Paragraphs 2.2.1 and 2.2.13, BRE 2011). This is consistent with regional and local level planning policy.
- 11.171 The BRE document outlines the main methods for quantifying daylight receipt and the distribution of daylight within a room. These methods can be used to facilitate an assessment of the impact of proposed development on the daylight amenity to surrounding residential properties. They are described within the BRE document and comprise:
- (i) Vertical Sky Component (VSC); and
  - (ii) No Sky Line (NSL)/Daylight Distribution.
- 11.172 The method for quantifying sunlight receipt to existing buildings is the Annual Probable Sunlight Hours (APSH) method. A technical description of the various methodologies is not repeated here, however what is summarised below are the recommendations in respect of criteria which define minimum standards.
- i) Vertical Sky Component (VSC)
- 11.173 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or*
- The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).*

11.174 At paragraph 2.2.7 of the BRE Guidelines it states:

*'If the vertical sky component is greater than 27%, then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the vertical sky component, with the new development in place, is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy and electric lighting will be needed more of the time'* (Paragraphs 2.2.7, BRE 2011).

11.175 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall. The VSC can be calculated by the use either of Waldram diagrams or the translucent indicators included in the BRE document; however some practices, including GIA, the Appellant's advisors, use computer modelling programs that produce the information directly using a 3D model of the proposal and its surrounds.

ii) No Sky Line (NSL)

11.176 The second methodology is an assessment of direct daylight distribution within rooms and is achieved by calculating the change in position of the NSL between the existing and proposed situations.

11.177 At paragraph 2.2.8 the BRE Guidelines state: *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside"*.

iii) Average Daylight Factor (ADF)

11.178 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to proposed residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.

11.179 The third methodology for quantifying daylight, the ADF, is a measure of the overall amount of daylight in a space that takes into account the internally and externally reflected components and the direct light from the sky. It is intended for use in calculating daylight provision in new rooms and not existing neighbouring developments, which use both the VSC and NSL methods described above (Officer emphasis). The British Standard BS 8206 sets out minimal standards for ADFs at 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. The BRE document explains that these are minimum values of ADF which should be attained even if a predominantly daylight appearance is not required. If a predominantly daylight appearance is required then it recommends a minimum of 2% for interiors that will have supplementary electric lighting and 5% if there is no supplementary electric lighting.

11.180 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.



## Sunlight

11.181 The BRE Guidelines confirm that windows which do not enjoy an orientation within 90 degrees of due south do not warrant assessment. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

11.182 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

*“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- *Receives less than 0.8 times its former sunlight hours during either period and*
- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

11.183 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*

11.184 They go on to state (paragraph 3.2.3): *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.*

11.185 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, the document though emphasizes that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. 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.

11.186 The application site is located within an accessible location, where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.

11.187 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide

light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

- 11.188 The BRE Guidelines note that three tests need to pass a scheme to be BRE compliant. The tests are all important. This view was upheld in the High Court Judgement of *Guerry v Hammersmith and Fulham and Newco* 8915; Case no CO/1353/2018 (dated 01 Nov 2018).

The previously refused scheme and subsequent planning appeal decision

- 11.189 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in '*Rainbird vs Tower Hamlets* [2018]'. The tables in this report look at the actual impacts and make these clear so that the real impact can be understood. Transgressions beyond the BRE guidance are not a benefit and weigh against the scheme in the planning balance.

- 11.190 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place. In this case there is a planning history which is of relevance. The previous appeal decision (Ref. 3203871) is a *material consideration* in the assessment and determination of the current application. The Inspector noted inter alia (at paragraph 10 of the appeal decision) that '*it was common ground that the proposals would reduce daylight reaching the windows to a number of surrounding properties. It was agreed between the main parties, but not necessarily local residents, that the most relevant properties were those facing the site in Ice Wharf South, Ice Wharf North, and All Saints Street.*'

- 11.191 At paragraph 11, the Inspector noted that there would be unwelcome impacts on flats in Treaty Street, although given that these flats are separated by the (Regents) canal, and that the increase in the heights of the buildings facing the canal would not be considerable, the Inspector gave limited weight to the reductions in daylight. Similar considerations were also applied to Ice Wharf North (paragraph 11) where the Inspector noted that the footprint of the proposed building would not change and the increased height would not be excessive and would be stepped back.

Preliminary matters for consideration

- 11.192 The planning application was accompanied by a sunlight and daylight assessment. The proposal was amended during the course of the planning application process, and as such an updated Daylight and Sunlight information was produced by the applicant, and it is this report and addendum documentation that is being considered.

- 11.193 The neighbouring residents have also commissioned BRE to review the submitted report by GIA. BRE provided a letter dated 06 January 2020. In this letter, they state explicitly:

*"Some of GIA's values for the Appeal Scheme and baseline situation are slightly different from those they presented at the Appeal; it is not clear why this is."*

- 11.194 Planning officers put this to the applicant to explain.

- 11.195 The applicant responded (dated 17 February) stating the following:

*"Following a subsequent review of the 3D model, GIA identified an element of existing massing at roof level that was omitted from the analysis for the current planning application".*

- 11.196 Planning officers responded by stating that it would be very helpful to see the element of existing massing at roof level in visual/illustrative form, so that it can be clearly ascertained exactly where this massing is located on the application site and the exact amount of massing that was omitted. This supporting material was then submitted by the applicant.
- 11.197 The Applicant's Sunlight/daylight consultant stated that; *"In short, the true position (as submitted in February 2020) is either no different or marginally better (i.e. lower existing values and smaller reductions) than that which was initially presented in the November 2019 submission."* It is agreed that the differences are either no different or marginally better.
- 11.198 The following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.
- a. Ice Wharf South;
  - b. Ice Wharf North (Nos. 201-278);
  - c. Nos. 1-3 All Saints Street;
  - d. Nos. 67-77 Treaty Street

#### Ice Wharf South

- 11.199 Currently on the application site, there is a gap between the rears of No. 18 Regent's Wharf (fronting the canal) and Nos. 14-16 Regent's Wharf (fronting All Saints Street) of 16.2 metres. This open area is used for servicing and deliveries along with car parking to the existing appeal site. Whilst the eastern part of the site may have a full length built form from north to south, the western part of the site has maintained a gap to reflect the patterns of development to the west. The proposal seeks to infill this area with a continuous built form, adjacent to the east facing elevation at Ice Wharf South.
- 11.200 It should also be noted that this internal east elevation of Ice Wharf South adjacent to the new infill development contains single aspect units running from the first floor upwards.

#### Daylight

- 11.201 The results with regard to VSC and NSL are presented in the following four tables to represent the four different facing elevations of Ice Wharf South:

11.202 Table 1: Flats 314, 324, 334, 344 & 354

Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sqm)	Existing (sqm)	Proposed (sqm)	Reduction (%)
<b>Unit 314 – first floor</b>								
W3	L/K/D	11.4	6.7	<b>41.2%</b>	36.6	25.4	23.1	9%
W4		15.1	9.1	<b>39.7%</b>				
W5	Bedroom	22	18	18.2%	8	7.8	7.7	2.4%
W6	Bedroom	20.9	17.7	15.3%	9.7	9.5	8.8	7%
<b>Unit 324 – second floor</b>								
W3	L/K/D	15.6	8.7	<b>44.2%</b>	36.6	28.6	23.4	18.1%
W4		18.2	11.6	<b>36.3%</b>				
W5	Bedroom	25	20.8	16.8%	8	7.9	7.7	2.4%
W6	Bedroom	23.8	20.6	13.4%	9.7	9.5	9.1	4.2%
<b>Unit 334 – third floor</b>								
W3	L/K/D	22.9	11.3	<b>50.7%</b>	36.6	31.5	23.9	<b>24.1%</b>
W4		21.5	14.7	<b>31.6%</b>				
W5	Bedroom	28.3	24.1	14.8%	8	8	7.8	1.5%
W6	Bedroom	27.1	23.9	11.8%	9.7	9.5	9.4	1%
<b>Unit 344 – fourth floor</b>								
W3	L/K/D	32.5	14.9	<b>54.2%</b>	36.6	35.2	24.8	<b>29.4%</b>
W4		25	18.5	<b>26%</b>				
W5	Bedroom	31.9	28	12.2%	8	8	8	0.2%
W6	Bedroom	30.7	27.6	10.1%	9.7	9.6	9.5	0.2%
<b>Unit 354 – fifth floor</b>								
W3	L/K/D	37.3	20.3	<b>45.6%</b>	36.6	35.9	27.2	<b>24.4%</b>
W4		35.3	29.8	15.6%				
W5	Bedroom	35.3	31.7	10.2%	8	8	8	0.1%
W6	Bedroom	34.3	31.6	7.9%	9.7	9.6	9.6	0.1%

11.203 Transgressions are reported to first, second, third, fourth and fifth floor windows and rooms. The transgressions weigh against the scheme in the planning balance. In understanding what weight to afford to the transgressions it is worth noting that the residential units which are impacted are limited in number and they also have other rooms which would not be impacted by the development. It is also noted that the reductions in NSL for 314 and 324 are less than 20% and range between 24.1% and 29.4% for units 334, 344, and 354. While any transgression weighs against the scheme, it is officers view that the NSL transgressions are at the lower end of the scale.

11.204 Table 2: Flats 313, 323, 333, 343, 353 & 363

Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sqm)	Existing (sqm)	Proposed (sqm)	Reduction (%)
<b>Unit 313 – first floor</b>								
W10	Bedroom	2.5	2.3	8%	10.2	2.6	2.1	17.8%
W11	Bedroom	12.3	9.0	<b>26.8%</b>	8.3	7.9	5.8	<b>26.3%</b>
W12	L/K/D	11.2	6.5	<b>42%</b>	42.4	30.5	9.2	<b>70%</b>
<b>Unit 323 – second floor</b>								
W10	Bedroom	2.8	2.6	7.1%	10.2	2.6	2.4	9.8%
W11	Bedroom	13.4	10.2	<b>23.9%</b>	8.3	8	7	12.9%
W12	L/K/D	13.0	8.4	<b>35.4%</b>	42.4	32.3	11.9	<b>63.1%</b>
<b>Unit 333 – third floor</b>								
W10	Bedroom	3.2	3	6.3%	10.2	2.7	2.6	1.7%
W11	Bedroom	14.7	11.7	<b>20.4%</b>	8.3	8.1	8	0.2%
W12	L/K/D	15.1	10.6	<b>29.8%</b>	42.4	33.3	15.4	<b>53.7%</b>
<b>Unit 343 – fourth floor</b>								
W10	Bedroom	3.9	3.8	2.6%	10.2	2.7	2.7	0%
W11	Bedroom	16.2	13.5	16.7%	8.3	8.2	8.2	0%
W12	L/K/D	17.2	13.1	<b>23.8%</b>	42.4	34.3	20.3	<b>40.7%</b>
<b>Unit 363 – sixth floor</b>								
W1		36	36	0%	49.5	49.5	49.5	0
W2		36.4	36	1.1%				
W3		36.5	34	6.8%				
W4		36.8	31	15.8%				
W5		36.8	28.4	21.8%				
W6	L/K/D	36.1	26.5	<b>26.6%</b>				
W7		38.1	34.6	9.2%				
W8	Bedroom	37.7	35.3	6.4%				

11.205 Transgressions are reported to first, second, third, fourth and sixth floor windows and rooms. Again, the transgressions weigh against the scheme in the planning balance. In understanding what weight to afford to the transgressions it is worth noting that the residential units which are impacted are limited in number and they also have other rooms which would not be impacted by the development. However, the NSL impacts include up to 70% reductions.

11.206 Officers consider that the greater the scale of the transgression the greater the weight that should be given to the impact (which include upto 70% reductions in NSL). These reductions

are most concerning. Officers also note that the VSC transgressions in some cases are not significantly greater than 20%, and the weight afforded to those impacts is proportionate to the level of transgression.

11.207 Table 3: Flats 335, 345 & 355

Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sqm)	Existing (sqm)	Proposed (sqm)	Reduction (%)
<b>Unit 335 – third floor</b>								
W1 (faces All Saints St)	L/K/D	30.3	30.3	0	39.6	36.2	36.8	-1.8%
W2		24.3	17.1	<b>29.6%</b>				
<b>Unit 345 – fourth floor</b>								
W1 (faces All Saints St)	L/K/D	31.3	31.3	0%	39.6	38.2	36.8	3.5%
W2		33.3	20.1	<b>39.6%</b>				
<b>Unit 355 – fifth floor</b>								
W1 (faces All Saints St)	L/K/D	38.8	38.8	0	39.6	38.8	36.8	5.2%
W2		37.7	24.8	<b>34.2%</b>				

11.208 Transgressions are reported to third, fourth and fifth floor windows. Again, the transgressions weigh against the scheme in the planning balance. In understanding what weight to afford to the transgressions it is worth noting that in one case NSL would increase, and for other flats would not exceed 20%. The VSC transgressions are acknowledged and weigh against the scheme, and it is also noted that the living/kitchen/diner rooms have a window which would not be impacted.

11.209 Table 4: Flats 312, 322, 332, 342 & 352

Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sqm)	Existing (sqm)	Proposed (sqm)	Reduction (%)
<b>Unit 312 – first floor</b>								
W13	Bedroom	20.8	14.8	<b>28.8%</b>	8	8	6.1	<b>24%</b>
W14	L/K/D	21.8	15.6	<b>28.4%</b>	28.5	28.1	26.8	4.7%
W15 (faces Ice Wharf North)		11.5	11.2	2.6%				
W16 (faces Ice Wharf North)	Bedroom	18.5	18.3	1.1%	11.1	5.9	5.9	-0.5%
<b>Unit 322 – second floor</b>								
W13	Bedroom	23.7	17.7	<b>25.3%</b>	8	8	7.3	9.1%
W14	L/K/D	25.0	18.6	<b>25.6%</b>	28.5	28.3	27	4.3%
W15 (faces Ice Wharf North)		15.5	15.0	3.2%				
W16 (faces Ice Wharf North)	Bedroom	22.8	22.4	1.8%	11.1	7.5	7.5	0%
<b>Unit 332 – third floor</b>								
W13	Bedroom	27	21.1	<b>21.9%</b>	8	8	8	0%
W14	L/K/D	28.5	22.1	<b>22.5%</b>	28.5	28.4	27.5	3.2%
W15 (faces Ice Wharf North)		20.2	19.5	3.5%				
W16 (faces Ice Wharf North)	Bedroom	27.8	27.3	1.8%	11.1	10.7	10.7	0%

11.210 Transgressions are reported to first, second and third floor windows and rooms. The windows would see reductions of between 21.9% and 28.8%. It is noted that the majority of these windows where there are VSC reductions beyond BRE guidelines would not see significant reductions to daylight distribution (NSL). While the transgressions weigh against the scheme, officers are of the view that the impacts are at the lower end of the scale.

11.211 The proposed development would have a detrimental impact on these properties. Again, the impacts weight against the scheme in the planning balance. In understanding how much weight to give the impact, it is worth noting that the planning history, where the Inspector found similar impacts not to be undue or unacceptable. It is also noted that some of the transgressions are at the lower end of the spectrum, and that within some of the units affected there are windows and rooms which would not see transgressions beyond the BRE guidance.

11.212 The impacts must be acknowledged and considered in the planning balance which is discussed in more detail later in this report.

## Sunlight

- 11.213 The loss of sunlight would not be an issue for Ice Wharf South, as the relevant windows face either north or north of due east.

## Conclusion on Ice Wharf South

- 11.214 It is considered that the proposed development would have a *negative* impact on properties within Ice Wharf South. To understand how much weight is given to the impact, reference is made to the appeal decision, which also looked at the relationship of the proposed development opposite Ice Wharf South. It should be noted that the appeal scheme differs to the current proposal in that the appeal scheme was marginally higher opposite Ice Wharf South. The Planning Inspector made the following comments (paragraphs 13-16 of the appeal decision):

*“13. Many of the flats in Ice Wharf South have combined living/kitchen/dining (KLD) rooms with double aspect windows such that they would retain views either to the canal or to All Saints Street. While there would be some undesirable loss of daylight in these KLD rooms, the good outlook from at least one of the windows would mean that the overall effect on living conditions would not be unacceptable. There would be less impact on the flats on higher floors.*

*14. One of the flats most affected by reduced daylight would be Ice Wharf South No.313. This flat has a single aspect to all its rooms which currently face towards the appeal site. Similar considerations apply to the flats above this but to a lesser extent. As with many of the flats, it has a combined KLD room and two bedrooms. The bedrooms both face onto another wall in the same development, with one bedroom looking out at a chamfer and the other facing directly onto a blank wall very close to it. The proposals would reduce the daylight a little more, and make a bad situation slightly worse, but as these bedrooms are likely to need electric lighting for most of the time that they are in active use, I find that the reduction in daylight would be of little practical consequence.*

*15. The KLD to No.313 is ‘L-shaped’ with the kitchen part tucked away from the window. Given that kitchens tend to require the brightest light, I judge from my site visit that this area already has electric lights on when in use. At the moment, the large window to the living and dining area is partially shaded by an overhanging balcony but faces out onto the open courtyard with a relatively long view to the far side. The length of this view would be reduced by the new building which would enclose the courtyard and come closer to the KLD window. Although the upper floors to Building A would be set back on this side, there would be an appreciable loss of daylight.*

*16. On the other hand, there would still be an outlook of over 20m to the opposite building9. This compares favourably with other flats facing the site, where the existing separating distances would remain at around 6-10m, albeit often in double aspect rooms. Consequently, I assess that the outlook would remain reasonable and that there would not be an unacceptable sense of enclosure.*

*The KLD window would also look onto a newly built elevation rather than an area used for parking, servicing and deliveries. Subject to conditions, the finished surfaces could be light-coloured or reflective, to maximise the daylight that would bounce off, and provide a more attractive outlook than parked cars and a servicing area. Taken in the round, considering the existing daylight constraints, the outlook and sense of enclosure, I find that the living conditions as a whole in flat No.313 would be within the bounds of acceptability.*



*As the flats above would be affected less, their circumstances would also be at least adequate. Indeed, I found all the flats that I saw in Ice Wharf South to be pleasant, attractive and desirable and I consider that they would remain so.”*

- 11.215 Given the resubmission proposal has marginally decreased the height of the proposed building opposite Ice Wharf South Street resulting in a predominantly similar impact to that of the appeal scheme, and taking into account the Planning Inspector's decision, it is considered that the proposed development would have a detrimental impact on these properties. The loss of daylight is a matter for the overall planning balance and this is considered in a later section of this report.

*Ice Wharf North (Nos. 201-278)*

- 11.216 The Ice Wharf North (Nos. 201-220 and 250-278) is located to the west of the appeal site along Regent's Canal. Currently, Ice Wharf North is adjacent to the east by No. 18 Regent's Wharf.

- 11.217 The submitted daylight and sunlight assessment provides calculations of all windows and rooms to the east elevation of Ice Wharf North. The results show that any losses of daylight and sunlight to all the windows and rooms assessed would fall within the recommended BRE guidelines.

- 11.218 At appeal the relationship of the proposed development adjoining the eastern elevation of Ice Wharf North was also considered by the Planning Inspector. It should be noted that the appeal scheme differs to the current proposal in that it was marginally higher opposite Ice Wharf North than currently proposed. The Planning Inspector made the following comments (paragraph 11 of the appeal decision):

*“11. I acknowledge that there would be unwelcome impacts on flats in Treaty Street but, given that these are separated by the canal, and that the increase in the heights of the buildings facing the canal would not be considerable, I give limited weight to the reductions in daylight. Similar considerations apply to Ice Wharf North where the footprint of the proposed building would not change and the increased height would not be excessive and would be stepped back.”*

- 11.219 Given the resubmission proposal has marginally decreased the height of the proposed building opposite the east elevation of Ice Wharf North resulting in no BRE transgressions beyond the recommended guidelines, and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have an unacceptable impact on these properties.

*Nos. 1-3 All Saints Street*

- 11.220 Nos. 1-3 All Saints Street is located opposite the appeal site to the south and adjacent to Nos. 14 and 16 Regent's Wharf. The existing building at Nos. 14 and 16 Regent's Wharf opposite the properties to the south at Nos. 1-3 All saints Street is a 4-storey building at a height of 15.4 metres. The distance between the front facades of the two properties is 11.8 metres.

*Daylight*

- 11.221 The results with regard to VSC and NSL for 1 All Saints Street are presented in the following table:

11.222 No. 1 All Saints Street (on the corner with Killick Street)

		Vertical Sky Component			No Sky Line (Daylight Distribution)			
Window	Room use	Existing (%)	Proposed (%)	Reduction (%)	Room (sqm)	Existing (sqm)	Proposed (sqm)	Reduction (%)
<b>92 Kerrick Street - Ground floor</b>								
W1 (secondary side window)	Kitchen	28.4	27.2	4.2%	13.0	6.8	6.4	6.2%
W2 (main window)		13.3	9.5	<b>28.6%</b>				
W3	Bedroom	12.5	8.9	<b>28.8%</b>	13.3	2.2	1.7	<b>23.7%</b>
<b>Flat 2 - First floor</b>								
W1 (secondary side window)	Kitchen	30.6	28.9	5.6%	16.6	11.0	9.9	9.9%
W2 (main window)		17.0	11.8	<b>30.6%</b>				
W3	Bedroom	16.3	11.2	<b>31.3%</b>	11.9	3.7	2.2	<b>41.1%</b>
<b>Flat 4 - Second floor</b>								
W1 (secondary side window)	Kitchen	32.5	30.5	6.2%	16.6	13.7	11.3	17.2%
W2 (main window)		21.5	14.5	<b>32.6%</b>				
W3	Bedroom	20.7	13.9	<b>32.9%</b>	11.8	5.3	2.9	<b>46.0%</b>
<b>Flat 6 - Third floor</b>								
W1 (secondary side window)	Kitchen	34.2	32.1	6.1%	16.6	15.6	12.4	<b>20.7%</b>
W2 (main window)		26.5	17.6	<b>33.6%</b>				
W3	Bedroom	26.1	17.3	<b>33.7%</b>	11.8	7.2	3.2	<b>55.8%</b>

11.223 Transgressions are reported to ground, first, second and third floor windows and rooms. The windows would see reductions in VSC of between 28.6% and 33.7%. The NSL reductions range upto 55.8%. While the transgressions weigh against the scheme, officers are of the view that the VSC impacts are at the lower end of the scale, and it is also noted that the greatest NSL reductions are to bedrooms.

11.224 The remaining results with regard to VSC and NSL for the building at No. 3 All Saints Street are presented in the following table:

11.225 No. 3 All Saints Street

Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)			
		Existing (%)	Proposed (%)	Reduction (%)	Room (sqm)	Existing (sqm)	Proposed (sqm)	Reduction (%)
<b>Flat 2 - Ground floor</b>								
W5	Kitchen	13.1	10.8	17.6%	14.5	9.4	6.3	<b>33.1%</b>
W6	Bedroom	13.7	11.7	14.6%	11.7	7.8	6.0	<b>23.1%</b>
<b>44 Lavinia Grove - Ground floor</b>								
W8	Bedroom	11.4	10.0	12.3%	13.3	4.2	2.7	<b>34.5%</b>
W9	Kitchen	11.2	10.1	9.8%	13	7.9	7.9	0.1%
W10		20.3	20.3	0%				
<b>Flat 3 - First floor</b>								
W6	Kitchen	16.6	13.3	19.9%	14.5	9.7	6.9	<b>28.4%</b>
W7	Bedroom	17.0	14.2	16.5%	11.7	8.8	6.8	<b>22.6%</b>
<b>Flat 6 - Second floor</b>								
W6	Kitchen	20.6	16.0	<b>22.3%</b>	14.5	10.5	7.9	<b>24.5%</b>
W7	Bedroom	20.9	17	18.7%	11.7	10.1	8.4	16.7%
<b>Flat 9 - Third floor</b>								
W6	Kitchen	25.5	19.2	<b>24.7%</b>	14.5	11.5	8.9	<b>22.2%</b>
W7	Bedroom	25.4	20.2	<b>20.5%</b>	11.7	10.8	9.6	11.6%

11.226 Transgressions are reported to ground, first, second and third floor windows and rooms. The windows would see transgression in VSC of between 22.3% and 24.7%. While the transgressions weigh against the scheme, officers are of the view that the VSC impacts are at the lower end of the scale. It is also noted that in some units, where NSL transgression occurs, VSC will remain at compliant levels.

Sunlight

11.227 The Loss of sunlight would not be an issue for 1-3 All Saints Street, as the relevant windows face north.

Conclusion on Nos. 1-3 All Saints Street

11.228 It is considered that the proposed development would have an adverse impact on the properties at Nos. 103 All Saints Street, however this must also be considered in light of the appeal decision which also looked at the relationship of the proposed development opposite Nos. 1-3 All Saints Street. It should be noted that the appeal scheme differs to the current proposal in that it was marginally higher opposite Nos. 1-3 All Saints Street. The Planning Inspector made the following comments (paragraph 12 of the appeal decision):

*“12. To All Saints Street, including the corner flat to Killick Street, there would be appreciable reductions in daylight and the north facing rooms to the ground and first floor flats in particular would be left rather gloomy. On the other hand, the plans show that the rooms facing the street are generally bedrooms, kitchens or kitchen/dining rooms while the living rooms predominantly face into the development and away from the street.*

*Although any reduced daylight is regrettable, the expectation of daylight into bedrooms is not the same as for other habitable rooms, and in many kitchens electric lighting is likely to be used anyway. I therefore give only a reduced weight to the harm to living conditions in the All Saints Street flats. “*

11.229 Given the resubmission proposal has marginally decreased the height of the proposed building opposite Nos. 1-3 All Saint Street resulting in a similar impact to that of the appeal scheme, and taking into account the Planning Inspector's decision, it is considered that the proposed development would have a detrimental impact on these properties. However, the harm to living conditions as a result of the loss of daylight is a matter for the overall planning balance and this is considered in a later section of this report.

#### 11.230 Nos. 67-77 Treaty Street

11.231 This site is occupied by a residential building with its main elevation opposite the application to the north and fronting the canal. The submitted daylight and sunlight assessment provides calculations of all windows and rooms to this south facing building. The results show that any losses of daylight and sunlight to all the windows and rooms assessed would fall within the recommended BRE guidelines.

11.232 Previously, at appeal the relationship of the proposed development adjoining this property along Treaty Street was also considered by the Planning Inspector on the appeal scheme. It should be noted that the appeal scheme differs to the current proposal in that it was marginally higher than currently proposed. The Planning Inspector made the following comments:

*“11. I acknowledge that there would be unwelcome impacts on flats in Treaty Street but, given that these are separated by the canal, and that the increase in the heights of the buildings facing the canal would not be considerable, I give limited weight to the reductions in daylight.”*

11.233 Given the resubmission proposal has decreased the height of the proposed building opposite these neighbouring properties on the opposite side of the canal resulting in no BRE transgressions beyond the recommended guidelines, and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on these properties.

#### Overall Summary for Daylight and Sunlight

11.234 It has to be acknowledged that there would be impacts and that this is regrettable. When looking at all of the above sunlight/daylight assessments with regard to Ice Wharf South and Nos. 1-3 All Saints Street, the most affected windows are at the lower levels of the building and the impact lessens further up the building. It is noted that some of the transgression are at the lower end of the spectrum and in many cases there would be windows and rooms which don't fail the BRE tests..

11.235 It is considered that the losses of light would predominantly be either the same, or marginally better than, those for the appeal scheme. In this context, it is important to take into account the Planning Inspector's decision with regard to the appeal scheme.

*"17. I have noted concerns regarding reductions in sunlight but, for similar reasons, I concur with the Council's evidence that the primary impact would be on daylight. This also applies to the school and the canal towpath. I have studied the effects of mirror massing, and the argument that the Ice Wharf flats are taking more than their fair share of light<sup>10</sup>. This provides modest support to my conclusion that loss of daylight alone should not prevent the development proceeding. Nevertheless, harm to living conditions as a result of the loss of daylight is still a matter for the overall planning balance. I have considered the possible mental health implications<sup>11</sup> but find that my conclusions would not amount to discrimination under the Public Sector Equality Duty.*

*18. Taken in the round, I conclude that the scheme would accord with London Plan Policy 7.6B.d which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It would not conflict with Local Plan Development Management (LDM) Policies, June 2013 which, at Policy DM2.1xi), requires proposals to not unduly prejudice the satisfactory operation of adjoining land, and refers to the BRE Guide as guidance<sup>12</sup>....*

*...45. There would be harm to the living conditions of some local residents, especially through loss of daylight. While these concerns add to overall harm, they would not amount to unacceptable or undue prejudice and so there would be no breach of London Plan Policy 7.6B.d or LDM Policy DM2.1xi). Taken in isolation, neither the harm to living conditions, nor that to the locally listed buildings in themselves, would be sufficient to outweigh the benefits."*

11.236 At appeal, it is clear from the Inspector's decision that the appeal proposal would have a detrimental impact on neighbouring properties with regard to daylight. However, he accepted the level of detrimental impact from the appeal scheme on the basis of a balanced planning judgement when factoring in the benefits of the scheme.

11.237 Under the current planning application, when one considers all relevant material considerations, the Planning Inspector's decision on the appeal scheme, it would be fair to say that the current proposal would still have a detrimental impact on the amenity of these neighbours. It therefore becomes a matter of planning balance.

11.238 It is approximately at a level close to where it was at appeal (in terms of daylight/sunlight matters), and should be weighed accordingly, with the public benefits coming forward as part of this current application, then the Planning Inspector's previous decision should be given significant weight by the decision maker.

11.239 The **overall planning balance** is covered in a later section of this Committee report.

#### Other properties

11.240 The submitted daylight and sunlight report also assessed other properties that are not directly opposite the application site. None of the windows to these properties as a result of the development would have reductions further than 20% of their former value with regard to the Vertical Sky Component (VSC) test as set out in the BRE guidance.

11.241 Furthermore, the No Sky Line (NSL) test demonstrates that all of the above rooms would retain a good level of daylight distribution. Finally, all windows on this floor would meet the recommended BRE thresholds for annual and winter probable sunlight hours.

#### Light Pollution

11.242 Government guidance advises that artificial lighting needs to be considered when a development may increase levels of lighting, or would be sensitive to prevailing levels of artificial lighting. Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. However, for maximum benefit, it is important to get the right light, in the right place and for it to be used at the right time.

11.243 Paragraph 180 of the NPPF (2019) is relevant, and at part (c) states that:

*'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

11.244 In terms of the existing situation, it is noted that there are two primary sources of light pollution, which include the existing car-parking area flood-lights and the light-spillage from the existing office accommodation. The applicants have noted that the existing office lighting is not on a PIR sensor and so this can be on for a 24-hour period. As such, this is an 'unregulated situation' with no management conditions which can be enforced. The applicants have noted that the proposals put forward in this application would therefore provide an opportunity to formalise (by planning condition) and improve (through design) the perceived nuisance to the residential neighbours.

11.245 The development should use good design of the light source, luminaire and installation to minimise light spill and glare with appropriate luminaire design and positioning, timer's/motion sensors/automated blackout blinds which will be secured through the use of planning conditions 29 and 30. Finally, on this matter it should be noted that this approach towards mitigation was adopted in the case of the previous application.

#### Outlook / Sense of Enclosure:

11.246 The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses. A significant number of objections raise concerns in relation to loss of outlook and visual impact upon dwellings within Ice Wharf, in particular as a result of the increased height of the proposed development. A number of concerns have been specifically raised in relation to the impact upon dwellings within the Ice Wharf development, including at Nos. 201-278 Ice Wharf. The existing relationship is indicated in the photograph below.

Photograph - 18 All Saints Street and 201-278 Ice Wharf



- 11.247 The flank wall of the Building A will not be sited any closer to 201-278 Ice Wharf than the existing 18 All Saints Street (with 10.1m separating the two opposing flank walls). However, the proposed building would be higher and would therefore result in a greater visual impact and some loss of outlook for neighbouring properties, in particular affecting flats on the upper floors with east facing windows within the neighbouring Ice Wharf development. However, it should be noted that the proposed fifth floor level and rooftop plant areas would both be set back and the rooftop PV panel area is set further back from the western building elevation (3.1m in the case of the fifth floor level and 5.1m in the case of the nearest plant at roof level). It is considered that the set-back mitigates against the scheme being overly-dominant.
- 11.248 In the case of the previous planning application, a planning condition was recommended to secure revised details of rooftop plant with a view to further reducing the height and massing of the enclosure adjacent to 201-278 Ice Wharf. Again, the use of this condition is recommended. Having regard to the urban context of the site it is considered that the impact upon the residential amenities of the occupants of 201-278 Ice Wharf as a result of increased visual impact and loss of outlook would not be unduly harmful so as to warrant refusal of planning permission. Any harm should be considered as part of the planning balance which is assessed at the conclusion to this report. The proposed development would also result in an increase in height adjacent to ice Wharf South which includes units with east facing living room windows with an approximately 6m separation to the proposed existing building and the proposed development.
- 11.249 The fifth floor accommodation and rooftop plant area to Thorley House would again be set back and the rooftop PV panel area is set further back. It is again considered that, having regard to the urban context of the site, the impact upon the residential amenities of the occupants of Ice Wharf South as a result of increased visual impact and loss of outlook would not be unduly harmful so as to warrant refusal of planning permission. Any harm should again be considered as part of the planning balance which is assessed at the conclusion to this report.

Overlooking / Privacy:

- 11.250 Policy DM2.1 of the DMPD (2016) identifies that: 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy, consideration also has to be given also to the nature of views between habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable

rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms. Ice Wharf South features windows to living areas which face immediately onto the proposed block, with an approximately 6m separation, as indicated in the image immediately below.

Ice Wharf South east facing windows



- 11.251 There are also windows within 201-278 Ice Wharf which would face onto the proposed development. In particular, there is significant proportion of glazing to units at fourth and fifth floor level.

201-278 Ice Wharf – east facing windows



- 11.252 In the case of the previous application, the proposed block (Building A, now Thorley House) featured windows facing onto the two nearest Ice Wharf blocks. However, these openings (facing Ice Wharf North) have been removed from the southern (west facing) element, whilst the use of vertical window fins would help mitigate against any perceived overlooking and loss of privacy elsewhere within the western façade (see the image below).



## Thorley House – Proposed western elevation



11.253 The northern end of the western elevation has been designed to avoid some direct overlooking of dwellings within 201-278 Ice Wharf. However, despite the use of the proposed vertical window fins, some obscure glazing will still be required in order to ensure adequate privacy for occupants of those residential flats at 201-278 Ice Wharf. Accordingly, planning condition 8 has been added, securing details of obscure glazing to the western elevation of Thorley House to help further safeguard the amenities of Ice Wharf residential occupants.

### Construction Impacts:

11.254 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is required to comply with the Council's Code of Practice (CoP) for Construction Sites. Compliance would need to be secured as part of a section 106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered to be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. The submission of a method statement for the construction phase and a construction logistics plan would also be required.

11.255 Noise during the demolition and construction period has been identified in the consultation exercise. However, it should be noted that one of the key measures in ensuring that adequate noise and vibration mitigation is provided is careful planning before the start of the works to ensure that appropriate mitigation is factored into the programme. The London Good Practice Guide on Noise & Vibration Control for Demolition and Construction clearly sets out a method for risk assessment. This method provides an initial identification of the overall noise and vibration risk associated with the site and the proposed works. This enables early identification for developers and contractors of generic and specific noise or vibration mitigation measures likely to be required, procedures which may need to be developed and any external consents which may be required.

11.256 In addition, the CoP, will also ensure that before the commencement of work on site, the developer and/or contractor must contact the London Borough of Islington Street works team and Environmental Pollution, Policy & Projects team to agree on the scope of works and community liaison strategy, and will include the following measures:

- Site and Contractor details;
- Site plans;
- Programme of proposed works;
- Duration of proposed works;

- Any neighbours which may be affected by the works including residential properties, hotels/hostels & hospitals, offices, cafes/restaurants/pubs, those affected by party wall agreements, places of worship and community centres. Also any local community groups such as residents' or local business associations. Working methods and protective measures to control noise, dust and vibration;
- Environmental monitoring regimes;
- Identification of receptors and liaison strategy;
- Site logistics plan;
- Plant and equipment to be used and level of noise they produce;
- Number of major construction sites near the proposed site;
- The existing ambient noise and dust/air quality levels;

11.257 It should also be noted that the 'cumulative impacts' of the other nearby development sites will also need to be considered by the CoP to ensure that where two sites are operating in close proximity to each other the impact of all operations on neighbours will be taken into account when applying controls to mitigate any environmental effects.

11.258 Finally, the importance of good community liaison is set out within the CoP, where it notes that prior to each stage of the project the developer should provide a briefing to ward members, residents, businesses and other identified affected parties. The information should include, but not be limited to, duration and nature of the project, key dates and phasing, and contact details for the site should be given out prior to commencement. Furthermore, a dedicated member of staff should be appointed to liaise with the Council, local residents, businesses and other affected parties. The contractor should, during the liaison process, obtain details of any vulnerable persons, people who work at home during the hours of the proposed work, or details of any special occasions from occupiers of neighbouring premises, as this may influence schedules for noisy or dusty works. The newsletter should contain information about current progress and forthcoming works, with contact details for the site. It is also advised that regular meetings are arranged with the local community so that any concerns they may have can be raised in person. The member of staff should be available at all times while the site is in use to provide a first line of response to any complaints and inform the Environmental Pollution, Policy & Projects team should these occur.

11.259 In addition, by way of an additional safeguard, to further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition would be required to secure details to address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception), which is addressed by condition 13.

11.260 The development is likely to be disruptive with the site situated close to a mixture of residential and commercial office spaces, together with the proposed demolition and basement excavation works. Objections have been received from neighbouring residents about the disruption caused by the demolition of the building. Whilst the principle of the demolition impacts, are not in themselves a planning matter (as the impacts are controlled by other regulatory regimes), the process of demolition and construction can be managed by condition.

11.261 A Construction Logistics Plan (CLP) would need to be submitted and approved in line with Islington's Code of Practice for Construction Sites via condition 36 in the event of planning permission being granted, together with the imposition of the over-arching Construction Environment Management Plan (CEMP) by condition 13, to ensure that the amenities of local residents and businesses are safeguarded during the demolition and construction phases of the proposed development.

## Noise

- 11.262 Policy DM2.1 of the Councils Development Management Policies Document (2013) states (inter alia) that for a development proposal to be acceptable it is required to:
- x) 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.
- 11.263 Policy D14 of the Emerging London Plan relating to Noise states (inter alia) In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.
- 11.264 The application is accompanied by a Noise Impact Assessment which proposes suitable noise level limits for plant installed as part of the proposed development. It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents. As such, the imposition of a Construction Management Plan (CMP) would be required by condition 8 to ensure there would be minimal disruption arising from the construction process.
- 11.265 The Council's Environmental Health (Pollution) Officer has raised no objections to the proposal subject to a condition restricting plant noise levels. Conditions 17 and 43 secure further details in this respect.
- 11.266 Objections have been received from neighbouring residents raising concerns that the restaurant use and office uses would result in increased noise and disturbance. Furthermore, objections and concerns have also been raised with regard to noise and disturbance during the proposed demolition and construction phases. A condition restricting the hours of opening of the restaurant in order to protect the residential amenities of occupants of neighbouring dwellings is recommended through condition 11 and 32. In addition, a Delivery and Servicing Plan (DSP) would also be secured by condition 28 to ensure that servicing arrangements are acceptable in terms of noise. The details would be subject to scrutiny by the Council's pollution control officer in order to ensure that the amenities of surrounding residents (including those on the northern side of the Regents Canal) are not adversely affected by the proposal.

## Conclusion

- 11.267 In conclusion, the proposed development is not considered to result in undue impacts on neighbouring residential amenity in terms of loss of noise and disturbance, daylight/sunlight, privacy, or an increased sense of enclosure and overlooking subject to appropriate conditions and through the use of a (S106) planning obligation as detailed above. As such, the application is considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policy DM2.1.

### Crime Prevention, safety and security:

- 11.268 Development Management policy DM2.1 requires developments to be safe and inclusive, enhance legibility with a clear distinction between public and private space and to include safety in design, such as access, materials and site management strategies. On all developments, it is vital to build safety and security into the design
- 11.269 With regard to the existing situation, the buildings at Regent's Wharf that were designed in the 1980's refurbishment were part of a wider master-plan for the area. The existing built form is largely "inward looking" into the courtyards, particularly the central courtyard with the large expanse of off-street car parking. The proposals would introduce the following active and passive security and crime prevention measures:
- The site would be actively managed and would have management personnel on-site 24-hours a day;
  - Access to the site would be controlled by means of security gates at each of the primary entrances along All Saints Street. The applicants have confirmed that these gates would be open during daylight hours and subject to management / operational hours' conditions should the proposals be granted planning consent;
  - In the service area, access would be restricted to the "back of house functions" and access for cyclists / pedestrians with security cards;
  - With regard to the use of CCTV, the applicants have stated that there would be a centralised CCTV system which would be monitored in order to ensure main entrances are protected. This CCTV system would also be located within the courtyards, and within the western courtyard. The applicants have confirmed that CCTV locations would be agreed with residential neighbours prior to installation to avoid any impact on privacy and / or to provide opportunities for shared benefit should they prefer the coverage to be provided;
  - There are no proposed railings along the canal frontage. However, a new security gate would be located to the front of the buildings to prevent people accessing the small landing / walkway in front of the canal facing buildings (refer to drawing: ASD-HBA-00-B1-DR-A-PL20-0101 dated January 2020).
- 11.270 It is considered that the proposals would help improve upon the existing security situation, and would represent an approval upon the previous application (noting that crime and security was not a reason for refusal) in the case of the previous application.
- 11.271 The Metropolitan Police's Designing out Crime Officer (DOCO) has reviewed the proposal and has noted that the proposals are an improvement on the previous submissions, however, without the right standard of security measures it is likely to fall victim to anti-social behaviour, opportunists and other crime types. The MET Police DOCO has suggested that the application is conditioned to achieve 'Secured by Design' (SBD) accreditation in order to ensure that the appropriate security rated measures are implemented. As such, in accordance with this technical guidance, planning condition 42 is attached.

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

- 11.272 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Section 14 of the NPPF identifies the role that planning plays in helping shape places to meet the challenge of climate change. Policy 5.3 of the London Plan states that development proposals should ensure that sustainable design standards are integral to the proposal.

- 11.273 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.
- 11.274 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent (below 1990 levels) by 2025.
- 11.275 Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green).  
London Plan
- 11.276 Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 11.277 Core Strategy Policy CS10 requires it to be demonstrated that new development has been designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO<sub>2</sub> emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.
- 11.278 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.
- 11.279 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.

#### BE LEAN

##### *Energy efficiency standards*

- 11.280 The Council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation.
- 11.281 The proposed U-values for the development are: external walls = 0.20w/m<sup>2</sup>k, roof = 0.13w/m<sup>2</sup>k, exposed floors = 0.17 w/m<sup>2</sup>k and glazing = 1.2w/m<sup>2</sup>k. These U-values are generally close to the values suggested in the Council's SPD. The air permeability would be 3m<sup>3</sup>/m<sup>2</sup>/hr. These calculations are closely aligned with the previous planning application, where again, no

objections or reasons for refusal were raised in connection with energy or sustainability matters.

11.282 Low energy and LED lighting with occupancy and daylight sensor control systems are proposed and these measures are supported. Active Cooling has been specified for the development. Thermal modelling has been carried out, illustrating the performance without active cooling as laid out in the section above and this shows a risk of overheating against the criteria of CIBSE TM52. Thermal modelling has also been carried out again with the proposed active cooling and this shows that the proposed development is no longer at risk of overheating against the criteria of CIBSE TM52.

11.283 The proposed energy efficiency measures slightly exceed the required targets.

#### BE CLEAN

##### *District heating*

11.284 Policy DM7.3B requires that proposals for major developments within 500m of an existing or planned District Energy Network (DEN) should be accompanied by a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.

11.285 The site is within 500m of the King's Cross energy network (on the opposing side of the Regents Canal). However, as in the case of the previous application, the applicant has demonstrated that the actual route to reach the network would run to 640m as it would need to avoid the Regent's Canal. It would also need to cross York Way and the mainline north of King's Cross Station. In view of the distance and complexity of this route and the expected heat loads on the site it is accepted that it is not presently feasible to connect to the King's Cross network. This justification is accepted by the council's energy team.

#### SHARED HEAT NETWORK

##### *Combined Heat and Power*

11.286 Policy DM7.3(D) requires that 'where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.' In this case it is not proposed to connect to a shared heat network and the Council's Energy Advisor does not believe that there is currently significant potential for a shared network in the immediate area.

#### BE GREEN

##### *Renewable energy technologies*

11.287 The Energy Strategy includes a review of Solar Thermal, Wind Turbines and Ground Source Heat Pumps which have been ruled out for valid reasons. The Energy Strategy indicates that photovoltaic arrays covering an area of 52.8m<sup>2</sup> would be provided on roof and which would produce an output of 9.82kWp. The renewable energy proposals are supported. Further details of renewable energy technologies will be secured by condition should planning permission be granted.

11.288 The proposed development is expected to achieve a BREEAM rating of 'Excellent' and this is supported.

- 11.289 Carbon Emissions: Policy CS10A states that the promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 11.290 Paragraph 2.0.7 of the Council's Environmental Design states that the Council's 'CO2 reduction targets apply to all major developments, including refurbishments. It is accepted that some schemes, particularly refurbishment schemes, may struggle to reach the relevant target. In such instances the onus will be on the applicant to demonstrate that CO2 emissions have been minimised as far as reasonably possible.'
- 11.291 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO2 emissions reduction target. The final stage of the hierarchy requires developers to:
- '...offset all remaining CO2 emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO2 emissions from the existing building stock (e.g. through solid wall insulation of social housing). For all major developments the financial contribution shall be calculated based on an established price per tonne of CO2 for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.
- 11.292 The applicant proposes a reduction on regulated emissions of 35.97% compared to a 2013 baseline target, which exceeds the London Plan target of 35%. The development is predicted to achieve a reduction in total emissions of 28.07% compared to a 2013 Building Regulations Baseline, which exceeds the Islington requirement of 27%. In order to mitigate against the remaining carbon emissions generated by the development a financial contribution of £153,272 would be required for the 166.6 tonnes of outstanding emissions.
- 11.293 Overheating and Cooling: Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.
- 11.294 An Overheating Risk Assessment Report has been submitted as a separate document. Energy Officers have commented that thermal modelling has been carried out using CIBSE TM49 weather files and assessed against the criteria of CIBSE TM5, meeting the requirements of London Plan and Islington Policies.
- 11.295 The applicant has also provided evidence to demonstrate how 'Active Cooling' has been specified for the proposed development. Thermal modelling has been carried out showing the performance without active cooling and this shows a risk of overheating against the criteria of CIBSE TM52. Thermal modelling has been carried out again with the proposed active cooling and this shows that the proposed development is no longer at risk of overheating against the criteria of CIBSE TM52 and details are secured by condition 24.

- 11.296 Sustainable Urban Drainage System (SUDS): Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate', where feasible.
- 11.297 The site has been identified as being in a low flood risk zone (Zone 1). In terms of the existing site characteristics, the applicants have indicated that from topographical surveys, there are a number of manholes around the site which appear to carry the majority of surface water into the public sewers. It is known that the roof water from the Northern building discharge directly into the Regents canal. Furthermore, the site is primarily hard-standing, occupied by the built form and central car-park, meaning that it is largely impermeable.
- 11.298 The proposed development will incorporate SUDS for the collection of rainwater and waste water. The rainwater system will discharge rainwater to the canal (under license) and the remainder will be discharged to the local authority (sewer) system. Green roofs and landscaped areas will be provided to retain water and therefore provide further attenuation. A condition is recommended to secure details of Sustainable Urban Drainage System measures including the proposed green roofs by conditions 20 and 22. A further planning condition has also been requested by the Canals and Rivers Trust to secure a revised Construction Environment Management Plan (CEMP) by condition 13 which should ensure that no surface water or extracted/ perched water is allowed to be discharged into the canal during the proposed demolition/construction phases.
- 11.299 Subject to the use of planning conditions, it is considered that the proposal is acceptable in terms of flood risk and sustainable drainage.
- 11.300 It should also be noted that Thames Water have been consulted and have not raised any objections to the proposal in relation to foul or surface water drainage, with matters pertaining to piling secured by condition 35 and foul drainage by conditions 16.
- 11.301 Green Performance Plan: Islington Development Management Policy DM7.1 (Sustainable design and construction) part E requires provision of a Green Performance Plan (GPP) detailing measurable outputs for the occupied development, with respect to energy consumption, CO<sub>2</sub> emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation.
- 11.302 A Draft Green Performance Plan has been supplied. This includes measurable targets for energy use and CO<sub>2</sub> emissions and how these will be adjusted post-occupation. Details for data collection, management of the GPP and corrective action to deal with any underperformance are included. However, Officers from the Council's Energy team have noted that the Draft Green Performance Plan should include measurable targets for water usage. This would be secured through the Section 106 legal agreement and condition 19.
- 11.303 Site Waste Management Plan: The application is accompanied by a Site Waste Management Plan (SWMP) Ref: 8/1396 Rev C, which was provided as part of the revised application (dated 17<sup>th</sup> January 2020), which details proposals for waste reduction, waste monitoring and recycling of demolition, construction and operational waste. The SWMP has been reviewed by the Council's Environmental Health (Pollution) Officer and is considered acceptable, and details will be secured by condition 27.
- 11.304 Contaminated Land: The application is accompanied by a Preliminary Risk Assessment which identifies the possibility of ground contamination on the predominantly associated with the



presence of made ground from previous phases of development as well as potential offsite sources of contamination (associated with fill material from Regent's Canal construction).

- 11.305 The Council's pollution control officer has advised that the site includes a desktop survey with some site sampling. The site is listed for further investigation as part of the Council's Contaminated Land inspection strategy due to the previous potentially polluting uses. As such, the following condition is advised requiring a remediation statement and verification report:

Following completion of measures identified in the approved RSK remediation report (report number 28468 R03 (00) dated January 2020), 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. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement.

All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 11.306 In the event of planning permission being granted, a planning condition (15) to that effect is recommended to ensure compliance with the above.

### **Air Quality and Contamination**

- 11.307 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 13. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

- 11.308 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits. The council's Public Protection Officer has raised no objection to the proposal from an air pollution perspective.

### **Archaeology**

- 11.309 The application site lies within the recently updated Regents Canal, Basins and Wharfs Archaeological Priority Area reflecting its 19th century industrial archaeological interest associated with the Regents Canal, and specifically with the nearby Horsfall (now Battlebridge) Basin which opened in 1822.

- 11.310 NPPF Section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF section 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.

- 11.311 At the local level, policy DM2.3 of the Council's DMPD (2016) is relevant and notes (inter alia) that:

- i) The council will ensure the conservation of scheduled monuments and non-designated heritage assets with archaeological interest which are of demonstrably equivalent significance.
- ii) Archaeological priority areas and scheduled monuments are identified on the Policies Map and in Appendix 7. All planning applications likely to affect important archaeological remains are required to include an Archaeological Assessment.
- iii) Archaeological remains should be retained in situ. Where this cannot be achieved measures must be taken to mitigate the impact of proposals through archaeological fieldwork to investigate and record remains in advance of works, and subsequent analysis, publication and dissemination of the findings.

11.312 The (Historic England) Greater London Archaeological Advisory Service (GLAAS) have reviewed the application at all stages of the planning process and note that the concerns raised in the initial response (Historic England GLAAS letter dated 12<sup>th</sup> December 2019) GLAAS subsequently commented (February 2020) and stated that the approach to the site's archaeological interest is still unhelpfully fragmented between buildings and buried remains when they all form part of its industrial heritage recognised through the conservation area designation and archaeological priority area.

11.313 As noted above within the consultee section of the report, Historic England GLAAS have since met with the applicants (16<sup>th</sup> March) in order to discuss their original concerns and following a site inspection, and GLAAS have now identified appropriate and proportionate mitigation measures which include provision for a positive contribution to the conservation area and development design (if significant industrial archaeological remains are found). GLAAS have stated that if the Council grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. GLAAS note that the applicants should also improve knowledge of assets and make this public.

11.314 It is therefore recommended that a programme of archaeological and historic building investigation is secured by conditions 6, 39, 40 and 41. In this regard and subject to these conditions, the proposal is considered to accord with Islington Development Management Policy DM2.3 Part F.

### **Highways and Transportation**

11.315 Policies relevant to highways and transportation are set out in section 9 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.

11.316 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. In broader terms, it is necessary to consider whether these developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, taking account of the policies in the NPPF.

11.317 Paragraphs 102 – 111 of the NPPF 2019 relates to promoting sustainable transport and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 11.318 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The promotion of sustainable transport is an objective of the NPPF and patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 11.319 The site has a PTAL rating of 6b (the highest rating), primarily due to its proximity to Kings Cross Saint Pancras railway and underground station.
- 11.320 The application is accompanied by a Transport Assessment (TA) which uses the TRICS model to assess the trip rates of the current and proposed situations and concludes that the proposed redevelopment and introduction of new uses at the site will lead to negligible impact on the local highway network, with a reduction in the number of vehicle trips to the site due to the reduction in on-site parking and proximity to public transport.
- 11.321 In summary, there is expected to be a reduction in vehicular trips in both peak hours and throughout the day with 152 fewer arrivals per day. The submitted data indicates that the overall trip numbers are expected to increase in both the peak hours and across the day as a whole (as would be expected with an increase in commercial floor area) as proposed. However, given the proximity to local bus routes and Kings Cross station, the impact on any one public transport route is likely to be extremely limited. The Council's Highways team have provided feedback and raise no objections to the latest proposals.
- 11.322 Cycle access and parking: Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking.
- 11.323 Appendix 6 of the Development Management Policies document requires cycle parking to be provided at a rate of 1 space per 60m<sup>2</sup> (GIA) for Class A uses and 1 space per 80m<sup>2</sup> (GIA) for office uses, which equates to a requirement for 127 cycle parking spaces in the case of the current application (the previous planning application required 161 cycle spaces given the larger quantum of accommodation).
- 11.324 The development would exceed the policy requirements, and proposes to make provision for 160 secure long-stay cycle spaces, of which 146 are at basement level (140 two-tier and 6 accessible Sheffield Stands) and 14 spaces within the eastern (Bartlett) courtyard which would be comprised of 12 x two-tier and 2 x accessible Sheffield Stands, along with 10 showers and associated changing areas.
- 11.325 However, in addition to the above, provision would also be catered for 34 short-stay cycle parking spaces, which would be provided at ground level, 32no. of the spaces would be located within the eastern courtyard, 2 spaces which are accessible and 2 x accessible spaces are to be located within the central courtyard (30 standard Sheffield Stands and 4 accessible Sheffield Stands).
- 11.326 In terms of access, cyclists would access the on-site cycle store via the basement from a lift and stairwell at ground floor level accessible from All Saints Street and the on-site loading bay, located at the western frontage of the building. It should be noted that the accessible parking provision has been discussed with the access officer at LB Islington and has been designed to accommodate cycles including cargo bikes and other non-standard dimensioned equipment.

- 11.327 The proposed cycle parking would exceed both Islington and London Plan requirements, whilst the quality of provision, including accessible modes would ensure that the allocation of cycle parking is accessible for the range of users. TfL have advised that the proposed long stay cycle parking should be provided in accordance with London Cycle Design Standards (LCDS 2014) and it is recommended that this is secured through condition 26.
- 11.328 TfL also noted that the original application included a PERS Audit, and while this is not in line with current TfL TA guidance for an Active Travel Zone (ATZ) assessments, this establishes the potential enhancements to the local highway network and public realm. In order to address this matter, TfL will support Islington in securing contributions to local public realm, walking and cycling.
- 11.329 In the case of cycling a contribution to the Mayor's Cycle Hire scheme to extend the Killick Street docking station, and which would also mitigate the additional impact of the proposed development to comply with policy 4 (Assessing and mitigating transport impacts) of the new London Plan. It is noted that this can be secured through a planning obligation through a Section 106 agreement.

Servicing, deliveries and refuse collection:

*The current situation*

- 11.330 With regard to the existing situation, the internal courtyard is accessed via a shared vehicular/pedestrian shared space access and crossover from All Saints Street. In terms of the local context, paragraph 4.1.2 of the submitted Delivery and Servicing Plan (DSP) illustrates that the site is well placed in relation to London's strategic road network.
- 11.331 The A5203 operates within 250m to the south and east of the site, providing a connection northerly and southerly whilst Pentonville Road (A501) is within 500m of the site, providing a strategic connection in both easterly and westerly directions. The single and double yellow lines sections in the vicinity of the site on All Saints Street are not marked with kerb loading restrictions allowing for loading at all times.
- 11.332 TfL have noted that the site of the proposed development is located on All Saints Street, which is accessed from the A5203 Caledonian Road, which forms part of the Strategic Road Network (SRN). While the Local Planning Authority is also the highway authority for these roads, TfL is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. Given the location on All Saints Street, the impact of servicing, deliveries and amendments to local highway network should be agreed with Islington as local highway authority, secured through a Section 278 agreement and other obligations.

*Anticipated demand*

- 11.333 The submitted DSP notes that the proposed office use is expected to generate 23 daily LGV movements and 3 daily OGV movements (26 in total). The proposed A3 uses would generate 7 LGV movements and 0 (zero) OGV movements, whereas if the largest retail unit is occupied as a convenience store this increases to 8 LGV movements and 4 OGV movements, as indicated in the table below.

**Table 3-1: Delivery and Servicing Daily Trip Rates and Trips by Land Use**

	Office	Restaurant	Restaurant + Convenience Retail
<i>Trip rate (veh/100m<sup>2</sup>)</i>	0.203	0.667	1.767
<i>Daily Trips</i>	26	7	8

11.334 The submitted DSP notes that in total up to 34 deliveries are expected per day. The vast majority (around 90%) of servicing vehicles will be light vans with around 10% being vans over 3.5 tonnes, or lorries up to 8m in length. The restaurant and convenience store deliveries create a peak demand of seven to eight vehicles between 10.00 and 11.00hrs. It is noted that the typical delivery “dwell times” are between five minutes and eight minutes on average, meaning a single loading bay would be occupied for between 35 minutes and 56 minutes (between 58% and 93% of its capacity).

11.335 With regard to refuse collection, the applicants have confirmed that as a commercial operation refuse and recyclable waste collections for the proposed uses would be undertaken using a private waste collection contractor. This strategy is in line with the existing arrangements at 10 – 18 All Saints Street.

*The off-street delivery bay (and amendments received)*

11.336 In terms of the previous application (Ref. P2016/4805/FUL), in order to accommodate vehicle loading and unloading it was proposed that the on-street arrangement is reconfigured along the frontage of Regent’s Wharf to incorporate a recessed loading bay and a blue badge bay. To achieve the above in that case it was proposed to remove the existing 20 metre stretch of residents permit holder bay adjacent to the Regent’s Wharf frontage with parking re-provided in 2 x 11 metre sections, with one section at the far western extent of All Saints Street along existing single yellow line, abutting a section of existing residential permit holder bay, and a second stretch located on New Wharf Road.

11.337 Policy DM8.6 of the DMPD is relevant, in particular Part A, which states (inter alia) that:

Provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200m<sup>2</sup> gross floor area. In order to ensure proposed delivery and servicing arrangements are acceptable:

- i) It must be demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear.
- ii) Details shall be submitted to establish the delivery and servicing needs of developments.
- iii) Delivery and servicing bays are required to be strictly controlled, clearly signed and only used for the specific agreed purpose.

11.338 The current application (when originally submitted) also proposed the use of an off-street delivery and servicing bay, which would be located to the west of Thorley House. An additional on-street bay, and single yellow line loading space was proposed to provide additional flexibility to undertake deliveries and servicing.

11.339 The off-street bay (to the immediate west of Thorley House) was proposed to be used for refuse collection and some deliveries, with refuse being stored at basement level (as per the

case of the previous application) and brought up to ground floor for collection by the management team. However, a number of concerns have been raised by local residents with regard to highways safety and convenience in terms of vehicles, particularly larger vehicles using the proposed off-site delivery bay given the need to reverse over the path fronting All Saints Street.

- 11.340 It is accepted that vehicles using this bay would not be able to enter and exit in forward gear as per the above planning policy requirements. Whilst it should be noted that the off-street bay did not form part of the previous reason for refusal, the objections and concerns with regard to highways safety and convenience are noted and will be taken into account at this stage.
- 11.341 As such, in light of these concerns regarding the use of the off-street servicing area, Officers including highways colleagues have sought to address the proposed delivery and servicing objections, and so amendments have been received. In this respect, the amendments indicate that the proposed on-street blue-badge bays have been moved to allow delivery and servicing vehicles to utilise the on-street space within the parameters of the yellow line restrictions outside of the building (Thorley House) along All Saints Street.
- 11.342 This has been proposed as an alternative to the previously submitted arrangement (where the off-street loading bay would have facilitated most of the deliveries (as originally set out within paragraph 3.1.8 of the submitted DSP), with the latest proposals seeking to minimise use of the off-site loading bay to respond to the safety and convenience concerns that have been raised. The yellow-line system would be readily available to meet the needs of the development for the purposes of servicing and deliveries, and as such the Councils highways and transport team have raised no objections to this revised layout.
- 11.343 It should also be noted that for commercial uses located around the eastern courtyard, it is intended for deliveries to be undertaken adjacent to the eastern courtyard where there is currently a section of single yellow line abutting the footway where loading is permitted (Mon-Fri 8.30am – 6.30pm and Sat 8.30am – 1.30pm).
- 11.344 Furthermore, the applicants have also confirmed that the new courtyard area to the rear of the proposed loading bay, in proximity to Thorley House would not be made available for vehicular use except on exceptional circumstances, such as external building maintenance or office fit out. Access to this area would be via double doors to the rear of the loading bay.
- 11.345 Similar to the previous application, a planning condition is recommended to secure a revised Delivery and Servicing Plan (condition 28) in order to secure satisfactory servicing arrangements and in particular to ensure that on-site servicing takes place at times which do not result in undue harm to the residential amenities of Ice Wharf by reason of increased noise and disturbance.

#### Vehicle parking

- 11.346 Policy CS10 (Sustainable development), Part H, requires 'car-free' development. Development Management Policy DM8.5 (Vehicle parking), Part B (Non-residential parking) states:

*i) Parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council*

*and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted.*

*ii) Any permitted parking is required to be off-street and located to be accessible and convenient in relation to the development and to provide an accessible route from the parking space to the development. Where on-street drop-off, wheelchair accessible parking or other essential parking is proposed details must be submitted to demonstrate the need for on-street provision and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.*

- 11.347 As in the case of the previous application, the proposed development involves the removal of 37 car parking spaces and will be car free on site, whilst a financial contribution of £16,000 is sought towards the provision of accessible transport initiatives, to be secured through a Section 106 agreement.

#### Construction Management Plan

- 11.348 The application is accompanied by a draft Construction Management and Site Waste Management Plan which provides the strategy in terms of managing traffic movements during demolition and construction. It is recommended that a full Construction Management Plan and Construction Logistic Plan be secured by condition should planning permission be granted.
- 11.349 Travel Plan: The application is accompanied by a draft Framework Pre-Occupation Travel Plan which details proposals to promote sustainable travel amongst future occupiers of the building. It is recommended that a full Travel Plan be secured through the Section 106 legal agreement, should planning permission be granted.
- 11.350 Transport for London: TfL raise no objections to the proposals subject to conditions securing a Delivery and Servicing Plan, a Travel Plan and a Construction Management Plan. TfL have also requested that a contribution to the Mayor's Cycle Hire scheme to extend the Killick Street docking station would be required, secured as part of the S106 legal agreement.
- 11.351 In conclusion on this matter, the application sets out adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The Council's Highways Officer has raised no objections to the proposal. The proposal would be acceptable in highways terms and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012). The proposal is therefore acceptable subject to conditions and S106 contributions.

#### **Basement and SuDS**

- 11.352 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E).
- 11.353 The Basement Development SPD sets out inter alia:

*"All basement development will need to be appropriate and proportionate to its site and context. Basement development should be proportionate in scale to the above ground portion*

*of building, not unduly intensify the use of a site, or cause significant environmental harm. Design of basements and associated structures must be of a high quality and should respect and respond positively to existing buildings; streetscape and the wider context; surrounding heritage assets; and locally distinctive patterns of development and landscape.”*

11.354 Policy D10 of Emerging London Plan relating to Basement development states that Boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.

11.355 The extent and depth of the proposed basement accords with the principles of the Basement Development SPD. The proposals include excavations at basement level which are considered necessary to enable development and facilitate construction, whilst the subterranean level development also helps to facilitate the reductions of massing at roof level in comparison to the previous (appeal) scheme.

11.356 The submitted Basement Impact Assessment refers to excavation methodology and states that:

- The buildings to be demolished are founded on piles set at significant depth into the underlying London Clay and therefore the load removal will affect the lower strata in the London clay, where retained stresses due to the weight of the soil above the pile formation level, will exceed the stresses induced by the building loading;
- A perimeter secant piled wall will then be formed around the site to allow basement excavation to take place. The wall has been designed to be propped at capping beam level, just beneath the proposed ground floor slab. Once the piled wall has been constructed a capping beam will be formed on top of the piled wall. The ground will be reduced in level to allow temporary props to be installed across the basement. Thereafter excavation of the basement itself be undertaken;
- Once the basement has been excavated piled foundation for the super structure will be installed and a basement slab constructed which will act as a prop to the base of the retaining walls;
- The basement vertical structures, walls and columns will then be formed allowing the ground floor slab itself to be constructed. Once the ground floor slab has been constructed the temporary props will be removed and the basement box will have been completed.

11.357 The above construction measures will be secured by condition 45 in the event of permission being granted.

#### Waterborne freight

11.358 Policy 7.26 of the London Plan is concerned with increasing the Use of the Blue Ribbon Network for freight transport and states, inter alia, that development proposals close to navigable waterways should maximize water transport for bulk materials, particularly during demolition and construction phases.

11.359 In terms of the site context, the application site is located adjacent to the Grand Union Canal (GUC) on its south bank, between Thornhill Bridge (also known as Caledonian Road Bridge) to the east and Battle Bridge Basin to the west. The submitted Water Freight Study observes that the development site is located adjacent to the GUC on its south bank, between Thornhill



Bridge (also known as Caledonian Road Bridge) to the east and Battlebridge Basin to the west.

11.360 The justification to London Plan policy 7.26 notes at paragraph 7.75 that 'Using water based transport for freight is fully in line with the NPPF in particular paragraphs 29, 30 and 41, promoting sustainable modes of transport and paragraph 143 specifically referring to the safeguarding of wharfage to facilitate minerals handling. Water transport is recognised as one of the most sustainable modes, particularly for low value, non time-critical bulk movements.'

Figure 2-2: Views of the existing canal access



Existing canal access - north west location



Existing canal access - north east location

11.361 Representations have been received from parties including the Canal and River Trust and the Commercial Boat Owners Association (CBOA) suggesting that the canal should be used for carriage of freight to and from the site during the demolition and construction phases of development.

11.362 There have also been objections from local residents in connection with the quantum of road-borne vehicles which would need to use the local highways network during the proposed demolition and construction phases of development, and the environmental and social impact in terms of using road instead of the local canal network in the form of the GUC.

11.363 It should be noted that, in the case of the previous planning application, a condition was recommended to secure such a feasibility study and, if feasible, a logistics plan involving the carriage of freight by canal barge. To support the current application, the applicants provided a Water Freight Study (dated 29.01.2020) which amongst other matters, investigates the feasibility of carriage of freight by barge.

11.364 The Water Freight Study considers the following issues:

- Navigational constraints such as wharves and other factors that might influence practical delivery of materials;
- Initial assessment of any loading and unloading constraints and infrastructure requirements;
- Review of potential waterside locations for materials and waste to be transported to/from the site (including the commercial and operational viability); and
- The consultation with barge operators on the practicalities of moving construction freight to and from the site.

11.365 The study findings conclude (inter alia) that the general navigational conditions on the GUC (including in the immediate locality) are good owing to low-levels of commercial usage and

adequate widths whilst the depth of the water is sufficient for commercial barge operations, therefore in an operational sense there are no restrictions to the use of the GUC for the transportation of materials to and from the application site.

11.366 With regard to destinations for receipt of demolition/construction materials, the study provides five suppliers/origins that would be able to take receipt of loose bulk and skipped materials directly from barges with suppliers identified as: Powerday at Old Oak Common and the Conway Heathrow Depot at Bulls Bridge with further supplier/materials sites identified at: Lords Builders Merchants, Jewson Depot at the manor Farm Road Bridge and at Bow Free Wharf. Barge “Travel Times” are given for each of the above and range between 180mins and 360mins from the application site at regents Wharf.

11.367 In terms of viability, the study notes the five factors in determining what can be achieved by using the canal in terms of viability. These include:

- The quantities of bulk materials to be transported;
- Lorry and barges numbers and transport activity;
- Operational requirement for water freight;
- Cost of water freight versus road freight;
- Environmental issues.

The quantities of bulk materials to be transported

11.368 The demolition phase is anticipated to produce around 5,734t of hard waste material, including a 600t contingency) with the redevelopment element works accounting for an anticipated 15,734t of construction waste.

Lorry and barges numbers and transport activity

11.369 The study confirms that the demolition of 18 All Saints St and 14-16 All Saints St are scheduled to be carried out concurrently, meaning the number of tipper lorries or barges visiting the site each week for these works is equal to 34 and 10, respectively.

Table 4-3: Estimated number of lorry and barge loads

Material Type	Lorry	Barge
Demolition waste	334	95
Excavation arisings	927	264

Operational requirement for water freight

11.370 The study notes that the handling of bulk materials onto a barge are similar to loading a tipper lorry and this can be carried out using the standard construction machinery on site. The scheduling of arrivals and departures of barges at a site is slightly different to that of a lorry operation, although the underlying organising principles are the same.

Feedback from stakeholders, the public and officer review

11.371 Following review of the report, it is noted that both the Commercial Boat Owners Association (CBOA) and the Canal and River Trust (CRT) have raised concerns and objections to the findings, assumptions and conclusions of the original submitted Water Freight Study.

11.372 Wood, Hall and Heward (WHH) are identified as one of the 'operators' that generally supply marine services on the London section of the GUC, who have also raised objections.

11.373 The Canals and Rivers Trust (CRT) has recommended the following condition be added to secure an appropriate feasibility:

Condition: Construction Environmental Management Plan

Prior to the commencement of the development hereby permitted, a revised Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:

1. Proposed surface water arrangements (either via drains or surface water run-off) during the demolition/construction works, and during site occupation;
2. A further feasibility study for waterborne freight during the demolition/construction phase, to complement and further explore the potential described within the submitted PBA Water Freight Study (Project Ref: 47853/5501, dated 29th January 2020).

No surface water (either via drains or surface water run-off) or extracted perched water or groundwater is allowed to be discharged into the Regents Canal during the demolition/construction works. If it is found that there are any surface water drains connecting the site with the Regents Canal, then these must be immediately capped off at both ends for the duration of the demolition and construction works.

Reason: To ensure that prior to any works taking place, the proposed construction works do not have any adverse impact on the safety of waterway users and the integrity of the Regents Canal, and to ensure that the development maximises water transport for bulk materials, in accordance with Policy 7.26 of the London Plan.

Officer response: This condition is recommended (condition 14)

11.374 The applicants commissioned Stantec to produce a Freight Feasibility Study Addendum dated 16<sup>th</sup> March 2020, which is to be read alongside the original refight report dated 29th January 2020 with the addendum providing the following clarifications:

- Following further analysis, RPS, as ecology consultants, have confirmed that the bird nesting season commences in March each year meaning that any movement of the bio-floats whilst birds are nesting would initially be problematic. This does not prohibit the longer term use of the canal. As such, the applicant has confirmed it is willing to explore using the canal for some of the construction activity post planning. This approach was used successfully at both Kings Place in Islington - a development site 0.5km from the submission site, and St Mark's Crescent Camden; around 3.5km from the submission site.
- The applicants have confirmed that they will continue to explore the use of the canal during construction;
- For the demolition phase, loading barges at the access proposed poses significant operational and safety risks as well as requiring conveyors.
- Moving materials by water to facilities to the east would delay the construction programme due to the additional journey times required;
- Therefore, the overall delay would cause an extension of 16 weeks in addition to the cost premiums previously discussed;

11.375 A further water freight feasibility study would be secured by condition 14, and will allow the Council the opportunity to secure an updated water-freight study, one which seeks to complement and further explore the potential of using the local canal network for the purpose of the transpiration of materials and aggregates to and from the development site during the proposed demolition and construction phases of the development.

11.376 It should be noted that a third response was received from the Commercial, Boat Operators Association (CBOA) (dated 15.04.2020) noting inter alia that:

*“The CBOA still have concerns in connection with the proposed use of a condition to secure a “Further Feasibility Study for waterborne freight”, observing that whilst the issue can of course be explored at more length. However, if the developer or sub-contractors are not minded to use canal transport either for cost reasons, or that they will use the usual conventional in-house methods (lorry sub-contractors) then that is what they most likely will do, despite what the Study might say.*

*The CBOA note that the Study is not bound in any way to make canal transport appear more workable or acceptable, despite its obvious environmental advantages. The people that receive the brunt of the effect of over 1000 lorries would be the local residents, while the developer saves a little money in disposal costs, but this is small when compared to the profit due with the whole construction project.*

*The CBOA state that they have witnessed canal transport being ignored several times previously in very similar situations, which is why we try to encourage the placing of conditions within the consent itself which in effect obliges the developer to use canal transport. To allow the developer to make his own decision after the consent is provided, will mean only the financial arguments will apply as is normal for commercial situations.*

*This will be a loss, especially with the London Mayor's proactive policies towards significantly reducing air pollution in London and wanting everyone to adopt all possible means of achieving this. In retrospect, how would this be viewed by City Hall and/or TfL if they were aware that a good opportunity to reduce emissions and achieve environmental improvement was being negated?”*

Officer response:

11.377 The above representation from the CBOA have been considered and taken into account, and Officers consider that this is a construction logistics matter and does not need to be bottomed out prior to the determination of the planning application. Furthermore, the use of such a planning condition to secure a further freight feasibility study has been recommended by the Canals and Rivers Trust.

11.378 Paragraph 55 of the National Planning Policy Framework (2019) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following (six) tests:

1. The necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

Procedurally, each of the tests need to be satisfied for planning conditions which an authority intends to apply. Officers consider that the use of a condition would meet each of the above six tests (including enforceability) and so the condition is robust and would ensure that the Council and other stakeholders such as the Canals and Rivers Trust would have the opportunity to scrutinise the additional detail ahead of development commencing (on the assumption that the detail is considered acceptable by the Council).

11.379 It should be noted that additional information was received on 11.06.2020 and 12.06.2020 to supplement and expand on the information already provided with the planning application. As part of the review of a Canal Freight Feasibility Study undertaken by the applicants, the following works (indicated in the table below) are proposed to be carried out using the canal at additional costs to the applicants. This is quantified in terms of lorries removed from the road and the carbon savings also achieved using the canal. The Applicant advises that this would add approximately £250,000 to the cost of the project. As part of the canal freight feasibility analysis, the applicants have confirmed that all aspect of the demolition and construction programme has been reviewed to determine how the development can maximise the viable use of the canal. The applicants have also confirmed that additional commitments will be made, and expect to remove 1,111 vehicles from the roads whilst saving 28 tonnes of CO2. The applicants have also noted that Additional commitments to those set out below will be reviewed and explored as part of the updated CEMP (condition 13) to be submitted and approved by the Local Planning Authority, such as the use of consolidation centres which might save a further 35% of vehicles as well as use of the canal for site accommodation and storage.

<b>Commitment to moving material via canal</b>	<b>Stage of Works</b>	<b>Vehicle Load Saving</b>	<b>Carbon (CO2) Savings</b>
Excavation Removal	Enabling Works	477 (50%)	16 tonnes (57%)
Waste Removal	Throughout	634 (100%)	12 tonnes (86%)
<b>TOTAL</b>		1,111	28 tonnes

11.380 The applicants have stated that due to the existing constrained access to the canal side alongside residential windows, it is not feasible to use the canal until No. 18 All Saints Street has been demolished. Officers have reviewed the above and accept that the above offer is an improvement upon the original submission, and the reduction in lorries to and from the site, relative carbon saving (through the use of the Regents canal for transportation) would both individually and collectively result in social and environmental improvements to the scheme as submitted and can be supported. It should also be noted that the previous application was not refused on the grounds of can-freight, with the offer put forward at this stage, a betterment to the previous application.

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

11.381 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development.

11.382 Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.

11.383 Islington's CIL Regulation 123 infrastructure list (no longer in place, following recent legislative changes) specifically excluded measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement. The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.

11.384 The Section 106 agreement would include the following agreed Heads of Terms:

- Financial Contribution towards offsetting projected residual CO2 emissions of the development (£153,272);
- Bond/deposit of £58,546.23 to cover costs of repairs to the highway. The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways. Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- Compliance with the Code of Employment and Training;
- Facilitation of 3 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee (£15,000) to be paid to LBI;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee (£5,126);
- Provision of 8 additional accessible parking bays or a contribution (£16,000) towards provision of on-street bays or other accessible transport initiatives;
- Submission of a Green Performance Plan and a post occupation 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;
- Submission of a final post occupation Green Performance Plan;
- Payment of Council's fees in preparing and monitoring the S106;
- Future proofing in order that the development can be connected to a local energy network if a viable opportunity arises in the future;
- Relocation of parking bays (if required) or compensation for the Council's loss of income;
- Provision of 695m2 GIA of affordable workspace for 15 years at peppercorn rent;
- Payment towards employment and training of local residents of a commuted sum £41,730;
- Payment (£200,000) to TfL towards extension of existing Killick Street Cycle Hire docking station or provision of an alternative facility within 300m walking distance of the site;
- Contribution of £3,000 towards the replacement of the floating Reedbeds on the Regents Canal.

11.385 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission.

11.386 This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

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

## **12. PLANNING BALANCE**

12.1 As identified and explored in full detail elsewhere within this report, the proposed development would result in identified benefits and identified harm in planning terms. The section below is a summary and analysis of this "planning balance".

12.2 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with a planning application, 'the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration'.

12.3 Section 38(6) of the Town and Country Planning Act 1990 states that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, then the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

12.4 There are the following additional requirements when considering planning applications which affect the setting or the character and appearance of a conservation area. Section 72(1) of the Act states: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

12.5 The effect of the duties imposed by section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, to require decision-makers to give considerable weight and importance to the desirability preserving or enhancing the character or appearance of a conservation area.

12.6 The National Planning Policy Framework (2019) is relevant where it states that:

*193. 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

*196. '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, where appropriate, securing its optimum viable use.'*

*197. 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

## Conservation Area Impacts

- 12.7 In terms of the impacts of the current proposals and with particular regard to the proposed roof top plant, it is accepted that the lift overrun of the Mill House would be visible behind the locally listed Silo Building from the canal (such as from View 7 within the Design and Access Statement) and therefore it is considered that there will also be a negative impact on the conservation area, albeit at the 'less than substantial' level, therefore considerable importance and weight is given to this in the planning balance. It is also considered that the use of a condition to seek further improvements and refinements should be imposed on the permission if approved by committee.
- 12.8 The proposed roof-top plant in this case would also be visible and therefore contrary to the guidance as set out within the Regents Canal West Conservation Area Design Guidelines, however, it is considered that the plant would be less prominent than that presented in the case of the previous application, whilst both the form, design and treatment of the plant in this case would represent an improvement when compared with the previous appeal scheme.
- 12.9 The Council's Design and Conservation Officer has stated that the negative impact of the proposals on these views and by virtue of the height, bulk, mass and design of the rooftop extensions and development, there is a level of harm arising to the conservation area (a designated heritage asset), and to the wider townscape from the unresolved design of the upper storey and plant enclosures. However, due to the omission of the significantly harmful elements of the scheme identified by the Inspector in paragraph 44 of the appeal decision, the overall impact of the proposals on the significance of the heritage assets identified must be considered to be lesser than previously identified at appeal.
- 12.10 As noted elsewhere in this report, Historic England have considered that the harm caused by this proposal to the conservation area has now been reduced to a 'low level', and note that given the scale of the proposed development and the remaining harm caused, they would suggest further refinement of the infill and roof structures' design which could ensure harm is limited as far as possible, which can be secured by planning condition.
- 12.11 Overall, it is considered that this harm will constitute less than substantial harm to the significance of designated heritage assets. The effect of the duties imposed by section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 and the NPPF is that where harm is identified, that harm should be given considerable importance and weight in the planning balance.

## Locally listed buildings

- 12.12 The roof extension (including over building 10b) and plant enclosure would rise above building 10a, and as such would be visible from public views, including from Killick Street (to the south) as evidenced in the images immediately below. However, given the reduced height together with the set-back from the street-edge, Officers consider that this element of the proposal represents an improvement from the previous proposal, and would result in limited harm in heritage terms.
- 12.13 In terms of Building 10a (The 'Packing House'), in the current scheme, the single-storey upward extension has been slightly reduced in height and pushed back from the front of the



building. Historic England have commented that these two changes have worked to reduce its impact, and limited its visibility in street views. Officers consider that the massing and design of this extension (to 10a) would represent an improvement in comparison to the previous scheme, and the reduced height, retention of the historic brickwork and yellow banding would all ensure that the level of harm to the locally listed building is limited.

#### Impact on residential amenity

- 12.14 The proposal would result in the loss of sunlight/daylight to residential properties in Ice Wharf to the west and to some properties along All Saints Street to the south and south-east of the site. The transgressions weigh against the scheme, and the weight afforded to the impacts is proportionate to the degree of the transgressions. It is also noted that in some cases NSL reductions are to bedrooms, additionally in many cases rooms are served by more than one window and the other windows would not see transgressions against the BRE guidance. It is also worth noting the planning history at the site, which includes an appeal, where sunlight/daylight impacts were not found to be undue or unacceptable, and the current scheme has less of an impact compared to the appeal scheme.

#### Benefits

- 12.15 The Site is also identified as a Site Allocation within the Council's draft Site Allocation document (Ref: KC3) which supports the creation of new office floor space at this location. The proposal would result in the delivery of 9,516sqm (GIA) of new and refurbished office floor space (Class B1a) including high quality floor space suitable for occupation by larger tenants and flexible workspace which can adapt to the requirements of multiple occupiers, including co-working and SME space. This quantum represents an uplift of 600sqm of additional B1a floor space. The office floor space would contribute towards meeting an identified need with corresponding economic and employment benefits. Similar to the previous application, significant weight can therefore be attached to the benefits of the delivery of the 9,516sqm of new and refurbished office floor space.
- 12.16 There are also further benefits in that the proposals would provide 695sqm (GIA) of affordable workspace which is equivalent to 5.55% of the total floor space of the development as a whole, in excess of the Council's policy requirement of 5%. The affordable workspace would be provided to an Islington approved affordable workspace provider at a peppercorn rent for a period of 15 years, in excess of the council's policy requirement of 10 years. The provision of affordable workspace in excess of the council's policy requirements would represent a public benefit of the proposed development.
- 12.17 There are clear economic and social benefits that would be derived from the scheme in terms of employment generation and innovation as a result of the mix of uses and the offer of a range of employment spaces to meet the range of users from business start-ups through to the SMEs and above. The provision of these units is strongly supported in policy terms and is considered to be a public benefit of the scheme. There would also be a mix of uses along all Saints Street and around the two new publicly accessible courtyards and a restaurant, on a site that is within a designated Employment Growth Area. The use of the canal to remove demolition materials etc, would reduce emissions and vehicle movements and is a benefit over the appeal scheme.
- 12.18 In addition, the development is also projected to create up to 210 jobs (50 FTE) per year during construction and 875 jobs (805 FTE) over the lifetime of the Development and the indirect and induced job creation of 375 jobs (315 FTE) through the proposed development; and the operational phase is estimated to support 805 FTEs (875 jobs); an increase of an estimated

280 FTEs (310 jobs) from the current employment on site. As such, it is considered that, in view of the identified office (employment) floor space need, the policy compliant affordable workspace provision, and the benefits of job creation, it is considered that moderate to substantial weight can be attached to these public benefits.

- 12.19 The redevelopment would be at a highly accessible location, it would be more energy-efficient than the existing buildings, and the proposed development would be car-free, and following negotiations, further exploration will be undertaken with regard to the feasibility of using the waterway during the demolition and construction periods. These factors also merit some weight in its favour.
- 12.20 The proposed development would provide 496sqm (GIA) flexible A1/A3 use floor space suitable for retail/restaurant use at ground floor level. These uses would activate the ground floor.
- 12.21 The proposal would secure an optimum viable use, meet land use objectives and bring economic benefits consistent with the development plan and Government policy.

#### Conclusion on the 'Planning Balance'

- 12.22 It is considered that the overall harm arising from the proposed development identified above is 'less than substantial' in the case of the heritage impacts. Great weight and importance has been placed on this. In terms of the residential impact, some of the neighbouring residential flats would experience adverse impacts (some of which would be significant transgressions). While Officers have been mindful of their statutory duty in terms of heritage impacts as well as the impact to amenity, it is considered that the overall benefits arising from the proposal would outweigh the identified harms.
- 12.23 This is considered to be a finely balanced case with great weight to be attached to both the harm (particularly the heritage and townscape harm and impact on neighbouring amenity) together with the range of benefits, including the affordable office workspace provision, employment benefits and provision of the mix of uses including office space for a range of users which would also help stimulate the local economy, and on balance, it is considered that the proposal is acceptable in planning terms. There is also an appeal history which is relevant. The current scheme is considered to overcome the reasons the appeal scheme was dismissed.

### **13. SUMMARY, CONCLUSION**

#### **Summary**

- 13.1 This application follows the previous refusal and dismissed appeal, and in the case of the appeal the Inspector concluded that the extensions and alterations to Nos.10 and 12, alongside the canal, would cause harm to the character and appearance of the Conservation Area, and that the public benefits of the scheme would not outweigh the harm. The Inspector concluded that further harm would be caused to the locally listed buildings. While the harm would be significant, as undesignated heritage assets without statutory support, the weight to this harm should be reduced.
- 13.2 On the matter of residential amenity, The Inspector concluded that there would be harm to the living conditions of some local residents, especially through loss of daylight. While these

concerns add to overall harm, they would not amount to unacceptable or undue prejudice and so there would be no breach of London Plan Policy 7.6B.d or LDM Policy DM2.1xi).

- 13.3 The current impacts to amenity have been clearly set out in this report. In understanding what weight to afford the impacts there are various factors which have been taken into account. These include the fact that in some cases NSL impacts are to bedrooms, in many cases rooms benefit from other windows which are not impacted. Some transgressions are at the lower end of the spectrum, and overall the impacts are less than those in the appeal scheme.
- 13.4 Appropriate weight has been given to the appeal decision, and a key issue is the extent to which the proposal has addressed/overcome the Inspectors concerns in the case of the previous application/appeal. The dormer windows, which were of concern to the Inspector at the appeal have been redesigned and the Design Review Panel endorsed the new design. Impacts to residential amenity are less than with the previous appeal scheme.
- 13.5 The proposal is intended to provide a sustainable campus of workspace for the creative industries that encourages inter-sector collaboration and catalyses business growth. The site is located in an Employment Growth Area where the intensification, renewal and modernisation of existing business floor space is encouraged and the maximum amount of business floor space reasonably possible on the site, whilst complying with other relevant planning considerations, is sought.
- 13.6 A mix of complementary uses, including active frontages where appropriate, is also sought. The intensification of the business use, including office floorspace suitable for small to medium sized enterprises and with a complementary mix of uses is supported in policy terms.
- 13.7 It is worth noting that 5.55% of the overall office floor space will be designated as affordable workspace, in excess of the Council's policy requirement of 5% (and an improvement on the offer of 5.38% in the case of the previous planning application). The affordable workspace would be provided to an Islington approved affordable workspace provider at a peppercorn rent for a period of 15 years. The provision of affordable workspace in excess of the Council's policy requirements and is considered to represent a public benefit of the scheme.
- 13.8 As in the case of the previous application, the proposal represents an increase in the height, scale and massing of built form on the application site. However, the applicants have revised the scheme to address the concerns raised by the Inspector in the case of the previous appeal and has made further amendments, post-submission of this application in order to address the comments and feedback of Officers, the Design Review Panel, Historic England and key stakeholders, whilst also seeking to address the comments and concerns raised by local residents and consultees that were received during the Council's public consultation exercise.
- 13.9 In this respect, with regard to heritage and detailed design, the applicant has removed the upwards extension of Building 12 from the scheme, retained the historic dormer windows to Building 10c and rationalised the roof top plant. These amendments (amongst others) are considered to have resulted in a significant improvement in terms of bulk and massing of the building when viewed from the canal and has resulted in some improvements to the daylight amenity of occupants of Ice Wharf. The proposal involves the replacement of existing buildings which are considered to be of limited architectural merit with new buildings which are considered to represent a high standard of design and which will enhance the character and appearance of the area.

- 13.10 The proposal (including in its revised form) has resulted in a substantial volume of objections, with strong objections from residents of the adjacent Ice Wharf development notably in relation to loss of light, loss of privacy, visual impact from excessive height, scale and massing and the impact on heritage assets. In addition, objections have also been raised in connection with noise and disturbance from servicing, whilst highways and environmental concerns have also been raised. The objections have been investigated and taken into account.
- 13.11 In terms of loss of privacy, this latest application has sought to address the previous refusal by a range of measures including the use of 'privacy fins' within the western elevation, removal of windows elsewhere which previously faced the Ice Wharf development and the limitations of roof terraces at high level. It is also considered that objections regarding loss of privacy can be satisfactorily addressed through a condition requiring details of a scheme of obscure glazing to the western elevation of Building A, which is still required as a further safeguard to protect the amenities of the Ice Wharf development (despite the use of the proposed privacy fins).
- 13.12 It is also considered that concerns regarding noise and disturbance from delivery and servicing activity can be addressed through a Delivery and Servicing Plan which includes appropriate measures to minimise noise and disturbance to occupants of Ice Wharf, in particular during night time hours.
- 13.13 It is considered that, having regard to the urban context of the site, the increased visual impact and loss of outlook from dwellings within Ice Wharf as a result of the increased height, scale and massing of the proposed development would not be unduly harmful so as to warrant refusal of planning permission.
- 13.14 It is noted that the proposal would also result in benefits, including:
- The delivery of high quality new and refurbished floorspace on the site, including space suitable for occupation by small and medium sized enterprises, which would facilitate a significant increase in the employment density with corresponding economic benefits.
  - The proposal would deliver 5.55% of the overall office floorspace as affordable workspace at a peppercorn rent for a period of 15 years, in excess of the Council's policy requirements. The proposed development is considered to represent a high standard of design.
  - One time construction jobs and spending;
  - Improved sustainability and energy performance;
  - Use of the canal, reducing trips and carbon emissions;
  - High quality design;
  - Improved accessibility;
  - Improved external spaces and safety/security arrangements (secure by design);
  - Contributions towards employment and training initiatives
- 13.15 Having regard to relationship of the site with adjacent development, that the significant benefits of the proposal outweigh the amenity and heritage impacts. It is recommended that planning permission be granted.

### **Conclusion**

- 13.16 The proposal is considered to comply with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in **Appendix 1– RECOMMENDATIONS**.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

1. Contribution of £153,272 towards offsetting projected residual CO2 emissions of the development;
2. bond/deposit of £58,546.23 to cover costs of repairs to the highway. The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways. Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
3. Compliance with the Code of Employment and Training;
4. Facilitation of 3 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £15,000 to be paid to LBI;
5. Compliance with the Code of Local Procurement;
6. Compliance with the Code of Construction Practice, including a monitoring fee of £13,000;
7. Provision of 8 additional accessible parking bays or a contribution of £18,000 towards provision of on-street bays or other accessible transport initiatives;
8. Submission of a Green Performance Plan and a post occupation Green Performance Plan;
9. 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;
10. Submission of a final post occupation Green Performance Plan;
11. Payment of Council's fees in preparing and monitoring the S106;
12. Future proofing in order that the development can be connected to a local energy network if a viable opportunity arises in the future;
13. Relocation of parking bays (if required) or compensation for the Council's loss of income
14. Provision of 695m<sup>2</sup> GIA of affordable workspace for 15 years at peppercorn rent;
15. Payment towards employment and training of local residents of a commuted sum of £41,730.
16. Payment of £200,000 to TfL towards extension of existing Killick Street Cycle Hire docking station or provision of an alternative facility within 300m walking distance of the site.
17. Contribution of £3,000 towards the replacement of the floating Reedbeds on the Regents Canal.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning

Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

**RECOMMENDATION B**

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

**List of Conditions:**

<b>1</b>	<b>Commencement (compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list (compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p><u>Drawings</u></p> <p>ASD-HBA-00-XX-DR-A-PL00-0001 [Location Plan 1:1250] PL01; ASD-HBA-00-XX-DR-A-PL00-0010 [Existing Site Plan 1:200] PL01; ASD-HBA-00-XX-DR-A-PL20-0010 [Proposed Site Plan 1:200] PL01; ASD-HBA-00-B1-DR-A-PL00-0100 [Existing Basement Floor Plan] PL01; ASD-HBA-00-00-DR-A-PL00-0101 [Existing Ground Floor Plan] PL01; ASD-HBA-00-01-DR-A-PL00-0102 [Existing First Floor Plan] PL 01; ASD-HBA-00-02-DR-A-PL00-0103 [Existing Second Floor Plan] PL 01; ASD-HBA-00-03-DR-A-PL00-0104 [Existing Third Floor Plan] PL 01; ASD-HBA-00-04-DR-A-PL00-0105 [Existing Fourth Floor Plan] PL 01; ASD-HBA-00-RF-DR-A-PL00-0106 [Existing Roof Plan] PL01; ASD-HBA-00-XX-DR-A-PL00-0200 [Existing Elevation - All Saints Street] PL 02; ASD-HBA-00-XX-DR-A-PL00-0201 [Existing Elevation – Canal side] PL 02; ASD-HBA-00-XX-DR-A-PL00-0202 [Existing Elevations - Western Courtyard] PL 02; ASD-HBA-00-XX-DR-A-PL00-0203 [Existing Elevations - Eastern Courtyard] PL 02; ASD-HBA-00-XX-DR-A-PL00-0204 [Existing Elevations - Internal Courtyard – North] PL 02; ASD-HBA-00-XX-DR-A-PL00-0205 [Existing Elevations - Internal Courtyard – South] PL 02; ASD-HBA-00-XX-DR-A-PL00-0206 [Existing Elevations - Internal Courtyard – West] PL 01; ASD-HBA-00-ZZ-DR-A-PL00-0300 Existing Section AA PL 02; ASD-HBA-00-ZZ-DR-A-PL00-0301 Existing Section BB PL 02; ASD-HBA-00-ZZ-DR-A-PL00-0302 Existing Section CC PL 02; ASD-HBA-00-B1-DR-A-PL01-0100 [Strip Out Drawing - Basement Floor Plan] PL 01; ASD-HBA-00-B1-DR-A-PL01-0101 [Strip Out Drawing - Ground Floor Plan] PL 01; ASD-HBA-00-B1-DR-A-PL01-0102 [Strip Out Drawing - First Floor Plan] PL 01; ASD-HBA-00-B1-DR-A-PL01-0103 [Strip Out Drawing - Second Floor Plan] PL 01; ASD-HBA-00-B1-DR-A-PL01-0104 [Strip Out Drawing - Third Floor Plan] PL 01; ASD-HBA-00-B1-DR-A-PL01-0105 [Strip Out Drawing - Fourth Floor Plan] PL 01; ASD-HBA-00-B1-DR-A-PL01-0106 [Strip Out Drawing - Roof Plan] PL 01; ASD-HBA-00-XX-DR-A-PL01-0200 [Strip Out Drawing - All Saints Street Elevation]] PL 01; ASD-HBA-00-XX-DR-A-PL01-0201 [Strip Out Drawing - Canal side Elevation] PL 01; ASD-HBA-00-XX-DR-A-PL01-0202 [Strip Out Drawing - Western Elevation] PL 01; ASD-HBA-00-XX-DR-A-PL01-0203 [Strip Out Drawing - Eastern Courtyard Elevations] PL 01; ASD-HBA-00-XX-DR-A-PL01-0204 [Strip Out Drawing - Internal Courtyard Elevations – North] PL 01; ASD-HBA-00-XX-DR-A-PL01-0205 [Strip Out Drawing - Internal Courtyard Elevations – South] PL 01; ASD-HBA-00-B1-DR-A-PL20-0100 [Proposed Basement Floor Plan] PL 01; ASD-HBA-00-00-DR-A-PL20-0101 [Proposed Ground Floor Plan] PL 03; ASD-HBA-00-01-DR-A-PL20-0102 [Proposed First</p>

Floor Plan] PL 03; ASD-HBA-00-02-DR-A-PL20-0103 [Proposed Second Floor Plan] PL 03; ASD-HBA-00-03-DR-A-PL20-0104 [Proposed Third Floor Plan] PL 03; ASD-HBA-00-04-DR-A-PL20-0105 [Proposed Fourth Floor Plan] PL 03; ASD-HBA-00-05-DR-A-PL20-0106 [Proposed Fifth Floor Plan] PL 04; ASD-HBA-00-RF-DR-A-PL20-0107 [Proposed Roof Plan] PL 04; ASD-HBA-00-XX-DR-A-PL20-0200 [Proposed Elevation All Saints Street] PL 03; ASD-HBA-00-XX-DR-A-PL20-0201 [Proposed Elevation Canal side] PL 03; ASD-HBA-00-XX-DR-A-PL20-0202 [Proposed Elevation Western Courtyard] PL 04; ASD-HBA-00-XX-DR-A-PL20-0203 [Proposed Elevations Eastern Courtyard] PL 04; ASD-HBA-00-ZZ-DR-A-PL20-0300 [Proposed Section AA] PL 03; ASD-HBA-00-ZZ-DR-A-PL20-0301 [Proposed Section BB] PL 02; ASD-HBA-00-ZZ-DR-A-PL20-0302 [Proposed Section CC] PL 03; ASD-HBA-00-ZZ-DR-A-PL20-0303 [Proposed Section DD] PL 03; ASD-HBA-00-ZZ-DR-A-PL20-0304 [Proposed Section EE] PL 02; ASD-HBA-00-XX-DR-A-PL21-0400; [Detailed Bay Study 01 All Saints Street Elevation] PL 03; ASD-HBA-00-XX-DR-A-PL21-0401 [Detailed Bay Study 02 Internal Courtyard Elevation] PL 03; ASD-HBA-00-XX-DR-A-PL21-0402 [Detailed Bay Study 03 Canal side Elevation] PL 03; ASD-HBA-00-XX-DR-A-PL21-0403 [Detailed Bay Study 04 Western Elevation] PL 03; ASD-HBA-00-XX-DR-A-PL21-0404 [Detailed Bay Study 05 Internal Courtyard Elevation] PL 03; ASD-HBA-00-00-DR-A-PL50-0101 [Proposed Ground Floor Plan Affordable Workspace] PL 01; ASD-HBA-00-01-DR-A-PL50-0102 [Proposed First Floor Plan Affordable Workspace] PL 01; ASD-HBA-00-02-DR-A-PL50-0103 [Proposed Second Floor Plan Affordable Workspace] PL 01; ASD-HBA-00-03-DR-A-PL50-0104 [Proposed Third Floor Plan Affordable Workspace] PL 01

#### Documents

Sustainable Design and Construction Statement Ref: 4671 (Dated: November 2019); Planning Statement (Dated: November 2019); Transport Assessment Ref: D001 (Dated: November 2019); Delivery and Servicing Plan Ref: D004 (Dated: November 2019); Flood Risk Assessment and Surface and Foul Water Drainage Strategy (Dated: 14<sup>th</sup> November 2019); Ecology Report Ref: ECO00710 (Dated: 13<sup>th</sup> November 2019); Historic Environment Assessment (Dated: November 2019); Ventilation and Extraction Statement (Dated: November 2019); Overheating Risk Analysis Report (Dated: November 2019); Demolition Management Plan (Dated: November 2019); Health Impact Screening Assessment (Dated: November 2019); Noise Impact Assessment Ref: AS8635.191024.NIA.1.1 (Dated: November 2019); Townscape and Visual Impact Assessment (Dated: November 2019); Structural Statement (Potential for the re-use of the Existing Buildings) (Dated: 20<sup>th</sup> November 2019); Economic Statement (Dated: November 2019); Archaeological Written Scheme of Investigation (Dated: November 2019); Daylight and Sunlight Report Ref: 9771 (Dated: November 2019); Statement of Community Involvement (Dated: November 2019); Design and Access Statement (Dated: 22<sup>nd</sup> November 2019); Geo-environmental Site Investigation Ref: 28468 R02 (00) (Dated: December 2016); Light Pollution Assessment (Dated: 29<sup>th</sup> November 2019); Arboriculture Impact Assessment (Dated: 3<sup>rd</sup> December 2019); Heritage Statement (Dated: November 2019); Canal Freight Feasibility Study Ref: 47853/5501 Rev: AA (Dated: 29<sup>th</sup> January 2020); Transport Note Addendum (Dated: January 2020); Updated Construction Management Plan and Site Waste Management Plan (Dated: 17<sup>th</sup> January 2020); Cover Letter (Dated: 29<sup>th</sup> January 2020); Remediation Strategy (Dated: January 2020); GIA Letter (Dated 7<sup>th</sup> February 2020); Updated Demolition Management Plan Rev: 02 (Dated: 14<sup>th</sup> February 2020); GIA Letter Response (Dated: 17<sup>th</sup> February 2020); Updated Delivery and Servicing Plan Version 2.0 (February 2020); Freight Feasibility Addendum (Dated: 16<sup>th</sup> March 2020); GIA Briefing Note (Dated 13<sup>th</sup> March 2020); GIA Letter (Light Pollution) (Dated: 8<sup>th</sup> April 2020).

	<p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Materials and Samples (Compliance and Details)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to the relevant works commencing on site. This shall include details and sample panels of proposed brickwork showing the colour, texture, face bond and pointing:</p> <p>The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) The brickwork for Thorley House (new build);</li> <li>b) The red brickwork capping to The Packing House (10a);</li> <li>c) Any other external brickwork to be used;</li> <li>d) Concrete lintels;</li> <li>e) Window treatment (including sections and reveals);</li> <li>f) Balustrading treatment (including sections);</li> <li>g) Detailed drawings showing the principal entrance and service entrances;</li> <li>h) Glass samples;</li> <li>i) Details at a scale of 1:50 of the secondary gate between Regent's Wharf and Ice Wharf South. The secondary gate shall be 2.5 metres in height;</li> <li>j) The expansion joints in the elevations; and</li> <li>k) Any other materials to be used.</li> </ul> <p>For the retained buildings, all new facing brickwork shall match the existing brickwork adjacent with regard to colour, texture, face bond and pointing and the brickwork shall be maintained as such thereafter.</p> <p>The approved sample panels shall be retained on site until the works have been completed.</p> <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: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Islington Local Plan policy DM2.1.</p>
<b>4</b>	<p><b>Details of Ground Floor Elevations (Details)</b></p> <p>CONDITION: Full details of the design and treatment of ground floor elevations shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the ground floor elevations.</p> <p>The details shall include: doors, sections, elevational and threshold treatments, all to be shown in context and to a scale of 1:50. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The approved design/treatments shall be provided prior to the first occupation of the part of the development to which they form part.</p> <p>REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>
<b>5</b>	<p><b>Design Detail – Roof-Top Plant &amp; Lift Overrun</b></p>



	<p>CONDITION: Notwithstanding the approved drawings, all details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site.</p> <p>The details shall include the location, height of all individual plant and extract above roof level, specifications, and justification why all areas including servicing areas, currently require to be contained in an enclosure, and justification as to the proposed height for all these areas. The above details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure; and</li> <li>c) lift overrun;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding area and in the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>6</b>	<p><b>Recording Heritage Assets</b></p>
	<p>CONDITION: No demolition or construction work to the locally listed buildings shall take place unless and until the applicant has undertaken a programme of building recording and historic analysis, which considers building structure, architectural detail and archaeological evidence, including industrial archaeology. This shall be undertaken in accordance with the written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.</p> <p>REASON: Built heritage assets of archaeological interest survive on the site. The Local Planning Authority (in conjunction with Historic England) wishes to secure the provision of archaeological recording of the historic structures prior to development.</p>
<b>7</b>	<p><b>Signage Strategy</b></p>
	<p>CONDITION: Notwithstanding the approved drawings, details of the signage including the dimensions, materials and method of fixing to be used, shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing on site.</p> <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 interest of good design and also to ensure that the Authority may be satisfied that any signage does do not have a harmful impact on the surrounding street scene in accordance with Islington Local Plan policy DM2.1.</p>
<b>8</b>	<p><b>Overlooking</b></p>
	<p>CONDITION: Details of a scheme of obscure glazing to all windows on the western elevation, and also the part of the southern elevation opposite Ice Wharf South, of Thorley House which are adjacent habitable rooms within Ice Wharf South and Ice Wharf North, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p>

	<p>The obscure glazing shall be to a minimum height of 1.7 metres from finished floor level and shall remain fixed and un-openable. They shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of dwellings within Ice Wharf South and Ice Wharf North.</p>
<b>9</b>	<b>Details of Noise Reduction Measures for Gates adjacent to Ice Wharf South</b>
	<p>CONDITION: The two gates adjacent to Ice Wharf South shall feature noise reducing measures to be submitted to and approved in writing by the Local Planning Authority and these measures shall be permanently maintained thereafter. The gates are to be kept closed when not in use.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring dwellings.</p>
<b>10</b>	<b>Inclusive Design</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to the relevant works commencing on site, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance 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 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.</p>
<b>11</b>	<b>Use Class A1/A3/D1 or D2 – Restrictions on Use</b>
	<p>CONDITION: The proposed ground floor flexible commercial units fronting All Saints Street shall not operate outside the following times:</p> <p>Monday to Saturday – 08:00 to 23:00  Sunday and Public/Bank Holidays – 09:00 to 10:00pm</p> <p>REASON: To ensure that the operation of the above uses do not have a detrimental impact on residential amenity.</p>
<b>12</b>	<b>Fixed Plant Noise Ratings (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
<b>13</b>	<b>Construction Environmental Management Plan CEMP and DMP (Demolition)</b>
	<p>CONDITION: An updated 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 substructure works commencing on site.</p>

	<p>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.</p> <p>The report shall also include details of proposed surface water arrangements (either via drains or surface water run-off) during the construction works, and during site occupation.</p> <p>An inventory of materials and equipment shall be maintained during the construction process and any materials or equipment which fall into the canal shall be recovered.</p> <p>The CEMP should pay reference to BS5228:2009, LBI Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance. 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>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 proposed development does not have an adverse impact on neighbouring residential amenity and the local environment.</p>
14	<p><b>Waterborne Freight Feasibility Study (Details)</b></p>
	<p>CONDITION: A further feasibility study for waterborne freight shall be submitted to and approved in writing by the Council prior to commencement of the following stages of development:</p> <ul style="list-style-type: none"> <li>• demolition</li> <li>• construction.</li> </ul> <p>The submission shall complement and further explore the potential described within the submitted PBA Water Freight Study (Project Ref: 47853/5501, dated 29<sup>th</sup> January 2020) and Stantec 'Addendum' dated 16<sup>th</sup> March 2020, as well as the CEMP issue 2 dated 12/06/2020</p> <p>Additionally, no surface water (either via drains or surface water run-off) or extracted perched water or groundwater is allowed to be discharged into the Regent's Canal during the demolition/construction works.</p> <p>Any existing rainwater pipes that are proposed to be retained in the Development may be retained to serve the roofs of the retained buildings provided that no new discharge enters into the rainwater pipes without first obtaining the approval of the CRT</p> <p>REASON: To ensure, prior to any works taking place, the proposed construction works do not have any adverse impact on the safety of waterway users and the integrity of the Regent's Canal, and to ensure the development maximises water transport for bulk materials, in accordance with Policy 7.26 of the London Plan.</p>
15	<p><b>Land Contamination</b></p>
	<p>CONDITION: Following completion of measures identified in the approved RSK remediation report (report number 28468 R03 (00) dated January 2020), 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. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring</p>

	<p>including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement.</p> <p>All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.</p> <p>REASON: Given the history of the site the land, remediation is necessary to safeguard the health and safety of future occupants.</p>
<b>16</b>	<b>Drainage into Canal (Details)</b>
	<p>CONDITION: Details of a scheme of surface water drainage into the Regent's Canal shall be submitted to and approved in writing by the local Planning Authority, in consultation with the Canals and River Trust (CRT), prior to the commencement of the basement construction hereby permitted, and thereafter implemented in accordance with the approved details.</p> <p>REASON: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the waterway environment and integrity of the waterway infrastructure.</p>
<b>17</b>	<b>Standby Generators (Details)</b>
	<p>CONDITION: This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from emergency plant and equipment, the subject of this consent. The code shall be submitted to and approved prior to the commencement of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with the approved details. The management code shall identify measures to reduce the impact of the noise on the community.</p> <p>The Management code shall include measures to address the following matters:</p> <ol style="list-style-type: none"> <li>1. The testing of equipment not to take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.</li> <li>2. The duration of the testing to be commensurate with the test requirements and not to exceed one hour.</li> <li>3. A list of potential residential receptors to be drawn up and those receptors to be given advance written notification of the time and date of the test.</li> <li>4. The acoustic design and control of the fixed plant and equipment to meet a criterion of a rating level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, of not more than 5dB(A) above the existing background noise level (LA90). The rating level to be determined as per the guidance provided in BS4142:1997.</li> </ol> <p>A report to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the plant and machinery. The report is to be submitted to, and approved in writing by the Local Planning Authority, and any noise mitigation measures shall be installed before the commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
<b>18</b>	<b>BREAAM</b>

	<p>CONDITION: Evidence confirming that the development achieves a BREEAM rating of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <ul style="list-style-type: none"> <li>a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted prior to commencement of superstructure works on site; and</li> <li>b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and within the first 12 months of occupation.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
<b>19</b>	<p><b>Green Procurement Plan (Site Waste Management Plan)</b></p>
	<p>CONDITION: No development other than demolition shall take place unless and until a Green Procurement Plan (including detailed Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
<b>20</b>	<p><b>Sustainable Urban Drainage System (SUDS)</b></p>
	<p>CONDITION: No development other than demolition works shall take place unless and until details of an updated drainage strategy for a sustainable urban drainage system and maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ul style="list-style-type: none"> <li>i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li> <li>ii. include a timetable for its implementation; and</li> <li>iii. provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the on-going maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development.</li> </ul> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the</p>

	<p>approved details. The scheme shall be implemented and thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>21</b>	<p><b>Nesting Boxes (Details)</b></p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>22</b>	<p><b>Green/Brown Biodiversity Roofs</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> <li>a) substrate base depth;</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>23</b>	<p><b>Renewable Energy</b></p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than a 24.07% on-site total C02 reduction (or an alternative percentage as shall be agreed by the Local Planning Authority) in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the superstructure works, a revised Energy Strategy, which shall provide for no less than a 24.07% onsite total C02 reduction (or an alternative percentage as shall be agreed by the Local Planning Authority) in comparison with total emissions from a building which complies with Building Regulations 2013. This shall include the details of any strategy needed to mitigate poor air</p>

	<p>quality (such as mechanical ventilation). The final agreed scheme shall be installed and in operation prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>24</b>	<b>Thermal Modelling</b>
	<p>CONDITION: Details of passive design and other measures incorporated within the to ensure adaptation to higher temperatures (taking climate change projections into account) should be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be operational prior to the first occupation of the development hereby approved. These details shall include the results of thermal modelling (under the higher future temperatures projected as a result of climate change) for non-air conditioned internal spaces to demonstrate that the likelihood of internal overheating has been minimised. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of adapting to climate change and to secure sustainable development.</p>
<b>25</b>	<b>Solar Photovoltaic Panels (Details)</b>
	<p>CONDITION: Prior to their installation, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Location;</li> <li>• Area of panels; and</li> <li>• Design (including elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
<b>26</b>	<b>Cycle Parking Provision</b>
	<p>CONDITION: Notwithstanding the details provided, the bicycle storage areas hereby approved shall provide for no less than 160 long stay and 34 short stay spaces. The submitted details shall include details of: the type of stand(s) to be installed and aisle widths; oversized parking provision; any CCTV and lighting to secure cycle storage areas; access controls to external and internal doors; access to lifts; and access to basement level cycle parking, to accord with TfL's London Cycle Design Standards (2014) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The cycle parking shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport.</p>
<b>27</b>	<b>Refuse and Recycling</b>
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p>

	<p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);</p> <p>b) a site waste management plan for the ongoing use of the site.</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>28</b>	<b>Delivery &amp; Servicing Plan</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The DSP shall include details on investigating the use of an on-street loading bay and the service bay within the development to be used for maintenance and office fit-out. The development shall be constructed and operated strictly in accordance with the details 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 that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>29</b>	<b>External Lighting Management Plan (Details)</b>
	<p>Prior to the occupation of the development hereby permitted, a 'Lighting and Mitigation Strategy' to prevent unnecessary light pollution of the Regent's Canal, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details unless otherwise agreed in writing. The strategy shall require an earlier curfew of the suggested 23:00pm within ILP guidance due to the proximity of residential receptors to the Proposed Development</p> <p>Thereafter the development shall be operated in accordance with the approved Lighting and Mitigation Strategy details.</p> <p>Reason: In order to prevent the development having any adverse impact on the biodiversity of the Regent's Canal by way of light pollution.</p>
<b>30</b>	<b>Internal Lighting Management Plan (Details)</b>
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting the east façade of Ice Wharf South, Ice Wharf North, the north façade of 1-3 All Saints Street and the properties opposite the Regent's Canal shall be submitted to and approved in writing by the Local Planning Authority, prior to construction of the facades of Building A. These measures may include:</p> <ul style="list-style-type: none"> <li>• Automated black out roller blinds;</li> <li>• Lighting strategies that reduce the output of luminaires closer to the façades;</li> <li>• Light fittings controlled through the use of sensors;</li> <li>• Motion sensors to switch lights off when spaces are unoccupied (operational 24/7); and</li> <li>• Installation of external fins.</li> </ul>



	<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 habitats and associated wildlife, in particular bats from undue light-spill.</p>
<b>31</b>	<p><b>No Obscuring of Ground Floor Frontage</b></p> <p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
<b>32</b>	<p><b>Restaurant Windows to be Shut (Canal Side)</b></p> <p>CONDITION: All windows to the Use Class A3 restaurant unit on the canal side (north) elevation shall only be opened between 7am and 10pm and shall be kept shut outside of these hours, Monday - Sunday (including bank holidays) except for use in an emergency.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring dwellings.</p>
<b>33</b>	<p><b>External Amenity Area – Hours of Use</b></p> <p>CONDITION: The ground floor external amenity area adjacent to Ice Wharf North and South shall not be used by tenants staff and their visitors outside of the hours of 8am and 9pm (including Bank Holidays).</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring dwellings.</p>
<b>34</b>	<p><b>Rooftop Amenity Area Management Plan (Details)</b></p> <p>CONDITION: Notwithstanding the hereby approved drawings, an External Amenity Area Management Plan for the use of all rooftop external amenity areas and the western courtyard space (excluding the service zone) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the building and the external amenity area shall be used in accordance with the approved management plan thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring dwellings</p>
<b>35</b>	<p><b>Thames Water</b></p> <p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>

<b>36</b>	<b>Construction Logistics Plan (CLP)</b>
	<p>CONDITION: No development shall take place unless and until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The approved CLP shall be adhered to throughout the construction period. The CLP shall provide details of:</p> <ol style="list-style-type: none"> <li>1. the parking of vehicles of site operatives and visitors</li> <li>2. loading and unloading of plant and materials</li> <li>3. storage of plant and materials used in constructing the development</li> <li>4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>5. wheel washing facilities</li> <li>6. measures to control the emission of dust and dirt during construction</li> <li>7. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>The report shall assess the impacts during the construction phases of the development on the surrounding roads, nearby residential amenity 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 order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.</p>
<b>37</b>	<b>Enhancement of Black Redstart Habitat (Compliance)</b>
	<p>CONDITION: Appropriate steps should be taken to minimise possible establishment of breeding black redstart during construction phase. Demolition rubble should be cleared as soon as possible or covered over and nest boxes should be erected away from the site construction during construction phase. If these measures are not possible, then black redstart surveys should be undertaken by a qualified ecologist.</p> <p>REASON: In the interests of biodiversity and to protect the black redstart population.</p>
<b>38</b>	<b>Landscaping</b>
	<p>CONDITION: A landscaping scheme for all outdoor areas at ground level and roof areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The landscaping scheme shall seek to maximize the urban greening potential of the development and shall include the following details:</p> <ol style="list-style-type: none"> <li>a) a biodiversity statement detailing how the landscaping scheme maximizes biodiversity;</li> <li>b) proposed trees: their location, species and size;</li> <li>c) soft plantings including shrub and herbaceous areas;</li> <li>d) retention where possible of trees, small hedgerow and ivy;</li> <li>e) use of native plants to enhance the site for black redstarts;</li> <li>f) a landscape and ecology management plan;</li> <li>g) planting on the roof garden selected for its potential benefit to wildlife;</li> <li>h) hard landscaping;</li> <li>i) any other landscaping features forming part of the scheme including other surface materials;</li> <li>j) the type, location and proposed root protection of new vegetation, and;</li> <li>k) information on the reuse of existing cobbles at the site.</li> </ol> <p>All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved.</p>

	<p>The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>39</b>	<p><b>Stage 1 Written scheme of investigation (WSI) 1</b></p> <p>CONDITION: No below ground works shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.</p> <p>REASON: To ensure potential archaeological remains at the site are safeguarded. This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this pre-commencement condition please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.</p>
<b>40</b>	<p><b>Limekilns</b></p> <p>CONDITION: If important and intact buried structural remains of the Limekilns are discovered these will be reviewed with the local planning authority and Historic England and the basement layout and design in that area shall be amended to achieve preservation in-situ and on-site interpretation of the remains if required. Any amended details to include foundation design and construction method to protect and interpret identified archaeological remains must be submitted and approved in writing by the local planning authority prior to commencement of groundworks in that area. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To ensure important industrial archaeological remains at the site are safeguarded and can make a positive contribution to the conservation area and design of the development.</p>
<b>41</b>	<p><b>Stage 1 Written scheme of investigation (WSI) 2</b></p> <p>CONDITION: Works to buildings (units 10 and 12) that are included within the written scheme of investigation for an archaeological building survey, no development shall take place other</p>

	<p>than in accordance with the agreed WSI, which includes the statement of significance and research objectives, and :</p> <p>A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>REASON: To ensure important industrial archaeological remains at the site are safeguarded and can make a positive contribution to the conservation area and design of the development.</p>
<b>42</b>	<b>Secured by design</b>
	<p>CONDITION: Prior to occupation of the development hereby approved, details of how the development achieves Secured by Design (2015 commercial guide) accreditation 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 details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
<b>43</b>	<b>Written code for the management of noise from emergency plant and equipment</b>
	<p>CONDITION: This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from emergency plant and equipment, the subject of this consent. The code shall be submitted to and approved prior to the commencement of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with the approved details. The management code shall identify measures to reduce the impact of the noise on the community.</p> <p>REASON: In the interests of the residential amenities of the occupants of neighbouring dwellings.</p>
<b>44</b>	<b>Revised details of roof- top plant/structures/enclosures</b>
	<p>Notwithstanding the approved plans, revised details of roof- top plant/structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The revised details shall undertake best endeavours to achieve a reduction in the amount/scale of roof justification. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and in order to reduce the visual impact of the rooftop plant and enclosures upon occupants of 201-278 Ice Wharf.-top plant/structures/enclosures on the roof-top of Building 10 and Thorley House immediately adjacent to 201-278 Ice Wharf. Any reduction in the rooftop photovoltaic panel array required to facilitate these amendments will be accepted subject to a technical assessment.</p>
<b>45</b>	<b>Basement Works</b>
	<p>CONDITION: The development shall be constructed in accordance with the approved documents: Construction Management and Site Waste Management Plan dated 21<sup>st</sup> November 2019 and the Demolition, Piling and Basement Construction Works Rev 02 dated 14.02.2020, unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Demolition, Piling and Basement Construction Works Rev 02 dated 14.02.2020, (or a suitably qualified Chartered Civil Engineer (MICE) or</p>

	<p>a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Planning Obligations Agreement</b></p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>3</b>	<p><b>Thames Water (Surface Water Drainage)</b></p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.</p> <p>In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.</p> <p>Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
<b>4</b>	<p><b>Thames Water (Mains Water Pressure)</b></p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>5</b>	<p><b>Groundwater Risk Management Permit</b></p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>.</p>
<b>6</b>	<p><b>Waste Oil and Fat</b></p> <p>Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the</p>

	production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses
<b>7</b>	<b>CIL Informative</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <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 payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available 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> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a></p>
<b>8</b>	<b>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>9</b>	<b>Means of Escape</b>
	You are advised that during building works a temporary means of escape must be provided to any surrounding buildings which have an existing means of escape accessed via the application site.
<b>10</b>	<b>Building Control</b>
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: <a href="mailto:building.control@islington.gov.uk">building.control@islington.gov.uk</a></p>
<b>11</b>	<b>Party Wall Act</b>
	The applicant is advised to comply with the relevant sections of the Party Wall (etc) Act 1996 (as amended) in regards to the proposal, namely in relation to the alteration and building up onto side boundary walls, and the excavation of a single storey basement to the existing side boundary walls.
<b>12</b>	<b>Nuisance from Construction Work</b>
	Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are: " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team. T: 020 7527 7272 E: <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>
<b>13</b>	<b>Non-Road Mobile Machinery</b>

	An inventory of all NRMM must be registered on the NRMM register <a href="https://nrmm.london/user-nrmm/register">https://nrmm.london/user-nrmm/register</a> . All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM shall meet Stage IIIB from 1st September 2020. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. Relevant details should be provided in the CEMP required by condition 11.
<b>14</b>	<b>Other Legislation</b>
	You are advised of the need to comply with other legislation outside the realms of planning, namely building regulations and environmental health regulations.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

The National Planning Policy Framework 2019 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.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

## **A) The London Plan 2016 - 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

### **3 London's people**

Policy 3.2 Improving health and addressing health inequalities

### **4 London's economy**

Policy 4.1 Developing London's Economy

Policy 4.2 Offices

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 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

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

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

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

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

Policy 7.26 Increasing the use of the Blue Ribbon Network for freight transport

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

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

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

### **Spatial Strategy**

Policy CS6 King's Cross

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 CS13 Employment Spaces

Policy CS19

### **Infrastructure and Implementation**

Policy CS18 Delivery and Infrastructure

Policy CS19 Health Impact Assessments



## C) Development Management Policies June 2013

### Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design

### Employment

- DM5.1 New business floorspace

### Health and open space

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

### Energy and Environmental Standards

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

### Transport

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

### Infrastructure

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

## 5. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013:

- Employment Growth Area (General)
- Kings Cross and Pentonville Road Key Area

## 6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

### Islington Local Development Plan

- Environmental Design SPD
- Inclusive Design in Islington SPD
- Planning Obligations SPD
- Urban Design Guide SPD
- Regenerating King's Cross Neighbourhood Framework Document
- Environmental Design SPD
- Streetbook SPD
- Basement Development SPD

### London Plan

- Accessible London: Achieving and Inclusive Environment SPG
- The Control of Dust and Emissions during Construction and Demolition SPG
- Sustainable Design & Construction SPG
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy
- Planning for Equality and Diversity in London

## Emerging Policies

Draft London Plan (Intend to Publish Version), December 2019. The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has

appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration.

Policy GG2 Making the best use of land  
Policy GG5 Growing a good economy  
Policy D1 London’s form, character and capacity for growth  
Policy D2 Delivering good design  
Policy D3 Inclusive design  
Policy D7 Public Realm  
Policy D8 Tall buildings  
Policy D9 Basement development  
Policy D11 Fire safety  
Policy D13 Noise  
Policy E1 Offices  
Policy E2 Providing suitable business Space  
Policy E3 Affordable Workspace  
Policy E4 Land for industry, logistics and services to support London’s economic function  
Policy E6 Locally Significant Industrial Sites  
Policy E7 Industrial Intensification, co-location and substitution  
Policy E8 Sector growth opportunities and clusters  
Policy E11 Skills and opportunities for all  
Policy HC3 Strategic and local views  
Policy HC5 Supporting London’s culture and creative industries  
Policy G5 Urban Greening  
Policy G7 Trees and Woodlands  
Policy SI1 Improving Air Quality  
Policy SI2 Minimising greenhouse gas emissions  
Policy SI4 Managing heat risk  
Policy SI5 Water infrastructure  
Policy SI7 Reducing waste and supporting the circular economy  
Policy SI12 Flood risk management  
Policy SI13 Sustainable drainage  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T7 Deliveries, servicing and construction

#### Draft Islington Local Plan 2019

The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 and examination is expected to take place in summer 2020. As such, the draft Local Plan and policies with objection are considered to have limited weight.

Policy SP3 Vale Royal/Brewery Road Locally Significant Industrial Site  
Policy B1 Delivering a range of affordable business floorspace  
Policy B2 New business floorspace  
Policy B3 Existing business floorspace  
Policy B4 Affordable Workspace  
Policy B5 Jobs and Training Opportunities  
Policy G5 Green roofs and vertical greening  
Policy S1 Delivering sustainable design  
Policy S2 Sustainable design and construction  
Policy S3 Sustainable design standards  
Policy S4 Minimising greenhouse gas emissions  
Policy S6 Managing heat risk  
Policy S8 Flood risk management  
Policy T1 Enhancing the public realm and sustainable transport  
Policy T2 Sustainable transport choices  
Policy T3 Car-free development  
Policy T4 Public Realm  
Policy T5 Delivery, servicing and construction  
Policy DH1 Fostering innovation while protecting heritage  
Policy DH3 Building heights

## APPENDIX 3: DESIGN REVIEW PANEL LETTER DATED 09.01.2020

### CONFIDENTIAL

ATT: Katharine Woods  
DP9  
100 Pall Mall,  
London  
SW1Y 5NQ

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA  
T 020 7527 7733  
F 020 7527 2731  
E [alexander.bowring@islington.gov.uk](mailto:alexander.bowring@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: Q2020/0056/DRP

Date: 09/01/20

Dear Katharine Woods

#### ISLINGTON DESIGN REVIEW PANEL

RE: 10-18 Regents Wharf, All Saints Street, London, N1 9RL

Thank you for attending Islington's Design Review Panel meeting on 20 December 2019 for a Chair's review of the above scheme. The proposed scheme under consideration is for Redevelopment of the site at 10 - 18 All Saints Street including the refurbishment and extension of 10-12 All Saints Street (including part roof extension and installation of rooftop plant and enclosure) to provide additional Class B1 business floor space with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/office/non-residential institutions); demolition of 14, 16 and 18 All Saints Street and erection of a part 5 (ground plus 4) and part 6 (ground plus 5) storey building with basement and rooftop plant and enclosures providing Class B1 office floor space and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & cafe/business/non-residential institutions/assembly & leisure) floor space at ground floor; and associated hard and soft landscaping (officer's description).

#### Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair) and Dorian Crone (Heritage) on 20/12/19 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

#### Panel's observations

The Panel welcomed the opportunity to comment on the scheme again, and were encouraged that the opportunity had been taken to improve the quality of the design following the appeal decision. The Panel found the proposals to generally represent a considerable improvement of the previous scheme. It was noted that the landscaping and sustainability aspects of the scheme had undergone further work which was positively received. Panel members focused on the proposed building heights, detailed design and materiality, particularly in relation to heritage and townscape impacts, where they considered that further refinement was necessary.

The following comments were made:

### New canal side building

- Panel members considered the canal frontage would be better resolved if it had a more obvious bottom, middle and top. The introduction of a rusticated base was welcomed, but it was considered that it should appear as a 'plinth', carrying the upper floors. A visual conclusion to the upper part of the ground floor, or differentiation from the first floor, was therefore suggested.
- Panel members were also not convinced by the treatment of the upper part of this elevation. It was felt that the top floor could be differentiated from the floors below to serve as an 'attic' storey. Panel members also considered that the proposed treatment served to accentuate the building height in relation to the locally listed building, and that this was undesirable. A bespoke design which specifically relates to the latter was considered necessary, as the existing office building does. It was also suggested that lessons could be learnt from this approach, where a substantial shadow gap or recessed band is used to give the impression of a lower parapet height.
- The proposed brick palette was discussed and it was felt to be very important that this was successfully resolved. The introduction of a yellow brick was felt to be an improvement on the grey previously proposed, but there was a concern that it did not sit comfortably next to the historic building. Panel members suggested that there might be an opportunity to differentiate the brickwork between the canal elevation and the western flank elevation, as a darker brick would be more appropriate for the former, whereas a lighter brick is required for the latter. It was considered that the proposed design allows for such an expression, and that it could make sense in terms of the hierarchy of the elevations.
- Panel members considered that the opportunity could be taken to introduce further planting to the western flank elevation, specifically using the vertical components of the elevation for this purpose.

### Roof extension to All Saints Street

- The Panel found the massing and design of this extension to be an improvement in comparison to the previous scheme, and acknowledged that the introduction of a stronger horizontal emphasis seemed appropriate given the treatment of the adjacent retained building.

### Set back top floor

- The reduction in massing was welcomed by Panel members, but it was considered that efforts to lower it further, or reduce the perceived bulk should be made, particularly where it sits behind the locally listed building in canal side views from the east. Here, the exploration of setbacks and shadow gaps were suggested by Panel members to minimize the visual impact. Panel members also noted that the retention of the existing brick party wall, which forms part of the 1980s extension, could help to reduce the proportions of the new addition.
- Generally, it was considered that the massing should also be further simplified; the Panel found that the numerous projections such as lift over-runs were unfortunate and give rise to a fussy appearance which attracts unwanted attention.
- The materiality of the top storey was felt to be one of the most challenging aspects of the development to successfully resolve. The proposed polymer cladding was not

considered to be successful in this context. Panel members considered that the proposed material should better respond to the industrial character of the site, and therefore something more robust and patinated would be more successful, whilst also retaining a light quality so as not to appear too overbearing. Cor-ten was discussed as a potentially suitable option, but it was considered that this may feel too heavy.

#### Dormer windows

- The retention of the original form of the dormer windows on the locally listed building was welcomed by Panel members. However, it was pointed out that the existing dormer windows were not an entirely accurate recreation of the original Victorian windows in their detailing – for example the bargeboards and glazing division. The opportunity to improve on this by being more faithful to the original design (as seen in historic photographs) was strongly encouraged.

#### **Summary**

The Panel commended the many improvements made to the design, in addition to the shift to a more heritage-led approach. Panel members encouraged the Design Team to continue in the same vein, ensuring any additions should be respectful to, and sit comfortably with the locally listed buildings. Specific areas where further work was considered necessary were highlighted, with suggestions made on how to overcome these concerns.

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

#### **Confidentiality**

Please note that since the scheme is at planning application stage, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

**Alex Bowring**  
Design Review Panel Coordinator  
Design & Conservation Officer

## Appeal Decision

Inquiry Held on 4-7 and 18-19 June 2019

Site visit made on 19 June 2019

by **David Nicholson RIBA IHBC**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> August 2019

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**Appeal Ref: APP/V5570/W/18/3203871**

**Land at 10-18 Regent's Wharf, All Saints Street, Islington, London N1 9RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (T&CPA) against a refusal to grant planning permission.
  - The appeal is made by Regent's Wharf Property Unit Trust against the decision of the Council of the London Borough of Islington.
  - The application Ref P2016/4805/FUL, dated 1 December 2016, was refused by notice dated 25 January 2018.
  - The development proposed is: Redevelopment of the site at Regent's Wharf including the refurbishment and extension of 10-12 Regent's Wharf (including part one/part two storey roof extension) to provide additional Class B1 business floorspace with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/business/non-residential institutions) floorspace at ground floor level; demolition of 14, 16 and 18 Regent's Wharf and erection of a part 5 and part 6 storey building with rooftop plant enclosure providing Class B1(a) office floorspace and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & café/business/non-residential institutions/assembly & leisure) floorspace at ground floor; and associated hard and soft landscaping.<sup>1</sup>
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. A planning obligation under section 106 of the T&CPA (s106) was agreed between the site Owner and the Council. I deal with its contents below.
3. I have reached my Decision based on the revised submissions<sup>2</sup> as did the Council. The extent of the scheme was confirmed and detailed in documents submitted at the Inquiry which set out the distances from adjoining buildings and their relative heights<sup>3</sup>.
4. The Inquiry sat for 6 days. I held an accompanied site visit on the last day and carried out an unaccompanied visit before the Inquiry opened.

### Main Issues

5. From the evidence before me, the written representations, and my inspections of the appeal site and its surroundings, I consider that the main issues are:

- the effect of the proposals on the living conditions of nearby residents with particular regard to loss of daylight and sunlight, loss of outlook, and sense of enclosure, by reason of their layout, height, massing and proximity to nearby residential properties;
- the effect of the development on the non-designated heritage assets (locally listed buildings) at Nos.10 and 12 Regent's Wharf;
- whether the scheme would preserve or enhance the character or appearance of the Regent's Canal West Conservation Area as a result of development within it and its setting;
- whether the public benefits of the scheme would outweigh any or all of the harm that might arise from the first three issues.

## Reasons

### *Background*

6. The appeal site lies between All Saints Street and Regent's Canal with a commercial building at the east end and residential flats at Ice Wharf North and South to the west. There are more flats along All Saints Street and to the north of the canal. It is a highly accessible location with the highest possible public transport accessibility level of 6b. The complex of existing buildings is 4-6 storeys high providing around 9,000m<sup>2</sup> gross internal area (GIA) of office floor space with an ancillary canteen area. The buildings surround three sides of a central, private courtyard, which is open as it faces Ice Wharf South, is accessed from All Saints Street, and used for parking, servicing and deliveries.
7. No.10 Regent's Wharf extends from All Saints Street through to the canal while No.12 stands alongside the water. These buildings have been altered with new windows, glass and metal infills within the courtyard, and refurbishment of the internal layout in the 1980s to provide interconnected office floor space. Nos.14, 16 and 18 are all purpose-built office buildings, dating from the late 1980s. No.18 adjoins the canal while Nos.14 and 16 sit side by side along All Saints Street.
8. The footprint of the proposed development would be roughly the same along the canal, and around the east side to All Saints Street, but the courtyard would be reduced in area and enclosed facing Ice Wharf South. The scheme would provide just over 11,000m<sup>2</sup> GIA of offices with around 1,200m<sup>2</sup> GIA for flexible uses and about 1,500m<sup>2</sup> for plant. The accommodation would be arranged in three connected blocks. Building A would stretch from All Saints Street to the canal and replace Nos.14, 16 and 18. Building B would be the refurbished canalside structures while C (north and south) would be the remaining buildings facing the eastern boundary and fronting All Saints Street.
9. Building A would provide over 8,000m<sup>2</sup> GIA of purpose-built offices<sup>4</sup>; B would contain a ground floor restaurant<sup>5</sup>, to replace the canteen, and retain just over 2,000m<sup>2</sup> GIA of offices plus a mezzanine; and C would house office and flexible space at the ground floor and refurbish the upper floors offices with a fifth-floor extension. The parapet and roof to No.12 would be raised to provide a double height space and taller windows.



*Living conditions*

10. It was common ground that the proposals would reduce daylight reaching the windows to a number of surrounding properties. It was agreed between the main parties, but not necessarily local residents, that the most relevant properties were those facing the site in Ice Wharf South, Ice Wharf North, and All Saints Street. Both the primary daylight methodologies<sup>6</sup> were applied and it was agreed that any property which fails either test merits further analysis. It was accepted that the mirror massing approach<sup>7</sup>, and consideration of windows below balconies, were also relevant. The Appellant acknowledged that daylight would be noticeably reduced in a significant number of flats resulting in low levels of natural daylight within the rooms concerned. I saw inside a number of those flats which would be affected.
  11. I acknowledge that there would be unwelcome impacts on flats in Treaty Street but, given that these are separated by the canal, and that the increase in the heights of the buildings facing the canal would not be considerable, I give limited weight to the reductions in daylight. Similar considerations apply to Ice Wharf North where the footprint of the proposed building would not change and the increased height would not be excessive and would be stepped back.
  12. To All Saints Street, including the corner flat to Killick Street, there would be appreciable reductions in daylight and the north facing rooms to the ground and first floor flats in particular would be left rather gloomy. On the other hand, the plans show<sup>8</sup> that the rooms facing the street are generally bedrooms, kitchens or kitchen/dining rooms while the living rooms predominantly face into the development and away from the street. Although any reduced daylight is regrettable, the expectation of daylight into bedrooms is not the same as for other habitable rooms, and in many kitchens electric lighting is likely to be used anyway. I therefore give only a reduced weight to the harm to living conditions in the All Saints Street flats.
  13. Many of the flats in Ice Wharf South have combined living/kitchen/dining (KLD) rooms with double aspect windows such that they would retain views either to the canal or to All Saints Street. While there would be some undesirable loss of daylight in these KLD rooms, the good outlook from at least one of the windows would mean that the overall effect on living conditions would not be unacceptable. There would be less impact on the flats on higher floors.
  14. One of the flats most affected by reduced daylight would be Ice Wharf South No.313. This flat has a single aspect to all its rooms which currently face towards the appeal site. Similar considerations apply to the flats above this but to a lesser extent. As with many of the flats, it has a combined KLD room and two bedrooms. The bedrooms both face onto another wall in the same development, with one bedroom looking out at a chamfer and the other facing directly onto a blank wall very close to it. The proposals would reduce the daylight a little more, and make a bad situation slightly worse, but as these bedrooms are likely to need electric lighting for most of the time that they are in active use, I find that the reduction in daylight would be of little practical consequence.
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15. The KLD to No.313 is 'L-shaped' with the kitchen part tucked away from the window. Given that kitchens tend to require the brightest light, I judge from my site visit that this area already has electric lights on when in use. At the moment, the large window to the living and dining area is partially shaded by an overhanging balcony but faces out onto the open courtyard with a relatively long view to the far side. The length of this view would be reduced by the new building which would enclose the courtyard and come closer to the KLD window. Although the upper floors to Building A would be set back on this side, there would be an appreciable loss of daylight.
16. On the other hand, there would still be an outlook of over 20m to the opposite building<sup>9</sup>. This compares favourably with other flats facing the site, where the existing separating distances would remain at around 6-10m, albeit often in double aspect rooms. Consequently, I assess that the outlook would remain reasonable and that there would not be an unacceptable sense of enclosure. The KLD window would also look onto a newly built elevation rather than an area used for parking, servicing and deliveries. Subject to conditions, the finished surfaces could be light-coloured or reflective, to maximise the daylight that would bounce off, and provide a more attractive outlook than parked cars and a servicing area. Taken in the round, considering the existing daylight constraints, the outlook and sense of enclosure, I find that the living conditions as a whole in flat No.313 would be within the bounds of acceptability. As the flats above would be affected less, their circumstances would also be at least adequate. Indeed, I found all the flats that I saw in Ice Wharf South to be pleasant, attractive and desirable and I consider that they would remain so.
17. I have noted concerns regarding reductions in sunlight but, for similar reasons, I concur with the Council's evidence that the primary impact would be on daylight. This also applies to the school and the canal towpath. I have studied the effects of mirror massing, and the argument that the Ice Wharf flats are *taking more than their fair share of light*<sup>10</sup>. This provides modest support to my conclusion that loss of daylight alone should not prevent the development proceeding. Nevertheless, harm to living conditions as a result of the loss of daylight is still a matter for the overall planning balance. I have considered the possible mental health implications<sup>11</sup> but find that my conclusions would not amount to discrimination under the Public Sector Equality Duty.
18. Taken in the round, I conclude that the scheme would accord with London Plan Policy 7.6B.d which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It would not conflict with Local Plan Development Management (LDM) Policies, June 2013 which, at Policy DM2.1x(i), requires proposals to not unduly prejudice the satisfactory operation of adjoining land, and refers to the BRE Guide as guidance<sup>12</sup>.

*Locally listed buildings (or non-designated heritage assets under the NPPF)*

19. Nos.10-12 Regent's Wharf comprise a milling complex dating from the 1890s. They were built for J Thorley Cattle Foods. No.10a faces All Saints Street while 10c and 12 adjoin the canal. There was a dispute of fact as to whether the
-

buildings 10a and b are included in the local list but they were rightly treated as non-designated assets in both parties' evidence.

20. It was common ground that Nos.10 and 12 are examples of industrial archaeology, a feature which overlaps with their architectural and historic interest when assessing their significance. The canalside elevations are characterised by bold brickwork, rising almost directly out of the water, which lends a vertical emphasis of strong character in an imposing form and design. Both buildings have been altered: No.10 once contained grain silos but now has windows above the ground floor where none existed originally; No.12 has lost its original pitched roof to one which is nearly flat. Be that as it may, I saw that despite the extent of changes, the significance of both buildings comes from more than moderate archaeological, architectural, and historic interest. The façade to No.10a, facing All Saints Street also has some interest as this was the public entrance to the buildings and it retains the faint shadow of company lettering which makes sense of the lighter brick of the parapet.
21. There was much disagreement over the age of the dormers to No.10. It was accepted that these were probably replaced like-for-like in the 1980s but not whether the previous dormers were original or rather later. The balance of the evidence suggests to me that even if they were not part of the original design, they may have been part of the original building or inserted relatively soon afterwards<sup>13</sup>. From the evidence at the Inquiry, I consider that they are likely to reflect a design that is at least a century old. While unusually domestic in appearance for an industrial structure, they make sense in the context of a building housing grain silos and with no other upper floor windows, those seen today having been inserted much later.
22. The refurbishment and extension of Nos.10-12 Regent's Wharf would include part one/part two storey roof extensions. For No.10, the lower part of the pitched roof to the canal would remain but the rear would be extended to a further storey to accommodate a mezzanine floor. The existing dormer windows would be replaced with rectilinear, metal-clad dormers of a similar width but much greater height and area of glazing. At No.12, the wall would be extended upwards, to match, with greatly increased height to the top row of windows to provide daylight to a double-height space inside.
23. I acknowledge that, where necessary, both architectural approaches can be valid even if it is unusual to find them side by side. In the case of No.10, the new dormers would be obviously contemporary insertions which would follow the pattern of the present dormers and other windows. If the current dormers were newly inserted in the 1980s, rather than being like-for-like replacements, there would be a greater justification for permitting those proposed. However, as historic features associated with the early use of the building to house silos, both the loss of the existing dormers and the rather bold design of the replacements would detract from the historic significance of the building, even if the quality of the architectural replacements would make the design acceptable in this regard.
24. I have noted the radical alterations I saw to the roof at the Coal Drops Yard development, but also that this was justified by enabling a new use for vacant buildings whereas No.10 is already occupied as an office.

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25. I accept that, with exceptional care controlled by conditions, the extension in height to No.12 could closely match such that it would almost blend seamlessly with the original. Although rare, historic buildings do occasionally depart from the usual pattern of reducing window heights and this of itself should not prevent the extension. However, the increased height and extended windows would alter the historic elevation and so harm the integrity of the locally listed building in a way that would not be immediately apparent. In conservation parlance, it is hard to accept that this should be construed as an honest modern intervention as it would blur its historical development. Again, as the building is in use as an office, the extension would not be necessary to prevent it lying vacant.
  26. Whether locally listed or otherwise, the loss of the light-coloured brick parapet to No.10a, with its shadow letters, would add marginally to the harm to the other non-designated heritage assets.
  27. On this issue I find that the proposals would harm the significance of these non-designated heritage assets. The extent of harm would be significant and, to accord with policy in paragraph 197 of the National Planning Policy Framework (NPPF§197), it should be taken into account in determining the weight to be given to this and to reaching a balanced judgement. A similar approach is required by LDM Policy DM2.3E, which does not generally permit proposals that unjustifiably harm the significance of a non-designated heritage asset. Overall, I give moderate weight to this harm.

#### *Conservation Area*

##### EXISTING CHARACTER AND SIGNIFICANCE

28. It was common ground that the Regent's Canal was the first industrial transport network constructed to serve wide areas of the country. It is of considerable historic interest through its association with John Nash, and as a remarkable early 19th century engineering and infrastructure undertaking.
29. The Regent's Canal West Conservation Area is characterised primarily by the canal itself which accounts for a large proportion of its area and provides much of its historic interest. As industrial buildings associated with the use of the canal, Nos.10c and 12 add to this historic interest. The architectural interest derives mainly from the bridges and canalside features with very few buildings. These include a short stretch alongside the canal featuring Nos.10 (including a, b and c) and 12 but not the 1980s offices or the Ice Wharf blocks.
30. I found that the way that the Conservation Area is experienced includes the water but also the boats on it and the historic structures and buildings surrounding it. As the Conservation Area only includes those buildings immediately abutting the water, and not all of those, I find that these are of particular importance to its architectural interest.

##### EFFECT OF PROPOSALS

31. While the extent of harm to the locally listed buildings should only attract moderate weight, on account of the policy framework for such assets, the buildings are also major contributors to the character and appearance of the Conservation Area. The physical harm to the buildings themselves would be the same but the perception within the context of the few buildings in the

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Conservation Area, and the weight to be given it as a designated heritage asset, with its legal and policy protections, are quite different.

32. In particular, the changes to the canalside elevations, to which I give some weight as harm to non-designated heritage assets, would affect key aspects of the archaeological, architectural, and historic character of the Conservation Area and harm its significance. Although the elevations would still be imposing, and make a powerful architectural statement rising up from the canal, this feature is not the buildings' only contribution to heritage interest. These façades have already been eroded by previous changes and would be further diminished. While I assess this harm as less than substantial under NPPF§196, to accord with NPPF§193, great weight should still be given to the asset's conservation particularly as the buildings are important contributors to its special interest.
33. I have noted the developments within the Regent Quarter and how, in general, its historic buildings have been retained, refurbished and extended. However, while these do show what can be achieved, they were also the result of a forcibly argued public campaign against more egregious proposals<sup>34</sup> and each planning balance must be made on its own merits. Moreover, to my mind one of merits of the Regent Quarter is the degree of permeability which would be unimproved in the appeal site proposals before me.

#### CONCLUSIONS ON THE CONSERVATION AREA

34. The scheme would harm the character and appearance of the Conservation Area and its significance as a designated heritage asset. It is therefore necessary, under NPPF§196, to balance this harm against the public benefits of the proposal.
35. The proposals would in any event be contrary to London Plan Policy 7.8D which expects development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. They would conflict with Policy CS9 of the Islington Core Strategy which requires, amongst other things, that the borough's unique character will be protected by preserving the historic urban fabric; and that the historic significance of Islington's unique heritage assets and historic environment should be conserved and enhanced whether designated or not.
36. The scheme would fail to accord with LDM Policy DM2.3Bi which requires alterations to existing buildings in conservation areas to conserve or enhance their significance. In addition, Policy DM2.3Bi does not permit harm to the significance of a conservation area unless there is a clear and convincing justification. This is another matter which requires a balanced judgement.

#### Benefits

37. Under the current development plan, the site is within a designated Employment Growth Area, where LDM Policy DM5.1A is to *encourage the intensification, renewal and modernisation of existing business floorspace*. Policy DM5.1A(i) goes on to require *the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations*.

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38. The scheme would provide a substantial increase in office floorspace (over 2,000m<sup>2</sup> GIA) and, for the new Building A in particular, this would be more flexible and efficient, and meet higher standards with greater floor to ceiling heights. It would gain support from LDM Policy DM5.1A. For Buildings B and C, there would be relatively modest increases in floor areas, a new mezzanine and a double height space.
39. There would be a mix of uses along all Saints Street and around the two new publicly accessible courtyards and a restaurant. The glass and metal infills within the courtyard area would be removed. Amenity space would be provided for office occupiers and there would be affordable workspace as required by LDM Policy DM5.4. The redevelopment would be at a highly accessible location, it would be more energy-efficient than the existing buildings, and car-free. These factors merit some weight in its favour.
40. The Appellant argued that the new buildings would be more pleasing to the eye than the existing 1980s buildings, and improve the quality of the townscape generally. However, noting that the modern buildings were deemed worthy of positive comment in Pevsner's *Buildings of England* in 1998, I find that the existing buildings are not without some merit. Consequently, any benefit here to the character and appearance of the area, or to the setting of the Conservation Area, from the replacement offices would be modest.
41. Broadly speaking, the scheme demonstrates significant design skill in attempting to maximise additional floorspace, as required by policy, while limiting the harm to neighbouring residents and to the Conservation Area. The Mayor of London expressed his *strong support for this well-designed scheme*. On the other hand, the bulk of the additional floor areas, and the improvements in floor to ceiling heights, would be within the redeveloped offices rather than the older buildings. The benefits associated with the extensions and alterations to the historic canalside buildings would be rather limited, compared with the benefits of the scheme as a whole, and quite minor set against the harm to the Conservation Area through the replacement dormers and the canalside wall extension. This reduces the weight I give to the design qualities of the scheme as a whole.

#### *Planning obligation and conditions*

42. The various financial contributions and other s106 obligations were supported by a CIL Compliance Statement and would be repaid in the event that they were not spent. For these reasons, I find that these would meet the relevant tests in the CIL Regulations and NPPF§56. The suggested conditions would accord with NPPF§55 but, while they would mitigate against a number of potential harms, they would not alter the overall balance.

#### *Overall planning balance*

43. For the above reasons, the extensions and alterations to Nos.10 and 12, alongside the canal, would cause significant harm to the character and appearance of the Conservation Area. On this point, I find that the public benefits of the scheme would not outweigh the harm under NPPF§196. On balance, the scheme would be contrary to Policy DM2.3Bi.
44. Further harm would be caused to the locally listed buildings. While the harm would be significant, as undesignated heritage assets without statutory

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support, the weight to this harm should be reduced. Again, the balances under NPPF§197 and LDM Policy DM2.3E go against the appeal.

45. There would be harm to the living conditions of some local residents, especially through loss of daylight. While these concerns add to overall harm, they would not amount to unacceptable or undue prejudice and so there would be no breach of London Plan Policy 7.6B.d or LDM Policy DM2.1xi). Taken in isolation, neither the harm to living conditions, nor that to the locally listed buildings in themselves, would be sufficient to outweigh the benefits.
46. Even if considered on its own, and without the harm through the loss of the dormer windows, the harm to the Conservation Area would outweigh the benefits and for this reason alone the appeal should fail.
47. Taken as a whole, I find that the benefits, including all those listed above, would not outweigh the harm to the Conservation Area and other harm. On the balance of the relevant policies, the proposals would conflict with the development plan as a whole.

#### *Conclusions*

48. For the reasons given above, and having regard to all other matters raised, including overshadowing, privacy, overlooking, noise, light pollution, road safety, parking, servicing, deliveries and refuse collection, I conclude that the appeal should be dismissed.

*David Nicholson*

INSPECTOR