

4 November 2015

Monmouth House, 19-23 Featherstone Street

in the London Borough of Islington

planning application no. P2015/3136/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and redevelopment of the site to provide a building of part 10, part 11 storeys fronting City Road and five storeys along Featherstone Street to provide 13,393 sq.m. of office space (B1) including affordable workspace; 404 sq.m. of retail (A1); together with ancillary hard and soft landscaping, revised vehicular access/egress, 302 cycle parking spaces, one disabled vehicular space and refuse/service arrangements.

The applicant

The applicant is **Derwent London** and the architect is **Duggan Morris Architects**.

Strategic issues

Islington Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008. The Mayor may also consider that he agrees with Islington's decision and therefore does not wish to take any further action.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice the development **has a significant impact on the implementation of the London Plan, has a significant affect on more than one** borough, and there are **sound planning reasons for the Mayor to intervene** in this particular case and issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance Islington Council has resolved to **refuse** permission.

Recommendation

That Islington Council be directed that the Mayor will act as the local planning authority for the purposes of determining the above application and any connected application.

Context

1 On 5 August 2015, the Mayor of London received documents from Islington Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the

Order 2008: *“Development which comprises or includes the erection of a building that is more than 30 metres in height”*. “

2 On 4 September 2015, the Mayor considered planning report D&P/3698/01, and subsequently advised Islington Council that while the application was broadly acceptable in strategic planning terms the application did not fully comply with the London Plan, for the reasons set out in paragraph 77 of the above-mentioned report; but that the possible remedies set out in paragraph 78 of the above-mentioned report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 16 October 2015 Islington Council resolved to refuse planning permission for the application and on 22 October 2015 advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 4 November 2015 to notify the Council of his decision and to issue any direction.

4 The Council’s draft decision notice includes the following reasons for refusal:

- The proposed development, with the demolition of two buildings that provide a neutral and not overbearing relationships to the Bunhill Fields Burial Ground, Conservation Area and streetscape, and their replacement with much larger buildings which by virtue of their height, bulk, scale and detailed design would substantially harm the setting of the Grade I Listed Bunhill Fields Burial Ground, the conservation area and the streetscape. There are insufficient public benefits which outweigh this harm. The proposal is therefore contrary to Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012), policy 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2015, Policies CS 7 (Bunhill and Clerkenwell), CS 9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011 and Policies DM2.1 (Design), DM2.3 (Heritage) of Islington's Development Management Policies 2013 and policies BC3 (Old Street) and BC9 (Tall Buildings) of the Finsbury Local Plan, 2013.
- The proposal would result in an unacceptable harm to the amenities of some nearby residential units, and insufficient information has been submitted to assess the impact on other residential units, through the loss of natural daylight and sunlight, contrary to policies 7.6 (Architecture) and 7.7 (location and design of tall and large buildings) of the London Plan 2015, policy DM2.1 (Design) of the Council's Development Management Policies, policy BC9 of the Finsbury Local Plan, 2013 and contrary to The Building Research Establishment (BRE) Guidelines - Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2011.
- In the absence of sufficient information, the proposal would result in an unacceptable wind impacts on the local environment, contrary to policies 7.6 (Architecture) and 7.7 (location and design of tall and large buildings) of the London Plan 2015, Policy DM2.1 (Design) of Islington's Development Management Policies 2013 and policy BC9 (Tall Buildings) of the Finsbury Local Plan, 2013.
- In the absence of an appropriate Section 106 Deed of Planning Obligation the proposed development fails to mitigate its impacts and secure compliance with the Development Plan. The proposal is therefore contrary to policy 8.2 of the London Plan 2015, policy CS 18 of Islington's Core Strategy 2011, policy DM9.2 of Islington's Development Management Policies 2013 and Islington's Planning Obligations SPD (2014).

5 The Mayor’s decision on this case, and the reasons, will be made available on the GLA’s website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

6 The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

7 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) significant impact on the implementation of the London Plan;
- b) significant effects on more than one borough; and
- c) sound planning reasons for his intervention.

8 Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

9 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008.

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

London's economy

10 The application site lies within the Central Activities Zone (CAZ), which area covers London's geographic, economic and administrative core. London Plan policies 2.10 and 2.11 identify, among other policy considerations, that the Mayor will enhance and promote the unique international, national and London-wide roles of the CAZ, supporting the distinct offer of the zone based on a rich mix of local as well as strategic uses, forming the globally iconic core of one of the world's most attractive and competitive business locations. London Plan Policy 2.10 provides that the Mayor, boroughs and other strategic partners should enhance and promote the unique national and international roles of the CAZ, whilst also ensuring that office provision in appropriate areas is not strategically constrained and that provision is made for a range of occupiers. Paragraph 2.46 of the London Plan makes clear that *"It will be important to ensure an adequate supply of office accommodation and other workspaces in the CAZ/Isle of Dogs suitable to meet the needs of a growing and changing economy"*.

11 The site is located within the City Fringe Opportunity Area. London Plan policy 2.13 deals with development in Opportunity Areas and the Draft City Fringe Opportunity Area Planning Framework (OAPF) identifies the potential for economic growth associated with the digital-creative sector in what has become known as Tech City. London Plan policy 4.10 states that the Mayor and boroughs will work with developers and businesses to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space and support the evolution of London's science, technology, media and telecommunications (TMT) sector and promote clusters such as Tech City.

12 Start-up businesses have played a critical role in the establishment of the Tech City cluster and continue to attract inward investment and international corporate relocations to the area. The Draft City Fringe OAPF envisages the continued expansion of employment floorspace of this area to support London's critical mass of financial and business services. Furthermore the OAPF

recognises the important role that affordable workspace plays in facilitating the continued presence of start-ups and small businesses.

13 The scheme includes the demolition of 8,213 sq.m of existing, low-grade office floorspace and replacement with 13,393 sq.m of new office floorspace. This represents an uplift of 5,180 sq.m of office floorspace. Furthermore the new floorspace is specifically designed to be flexible and can be subdivided if necessary. The proposals include provision of affordable workspace suitable for small and micro enterprises.

14 The increase in quantum and quality of office floorspace compared to the existing site, as well as the offer to provide affordable workspace would contribute to the aims of London Plan policies 2.11, 2.10 and 4.10. London's success as a world city is based around its global business location and also its ability to plan for continued growth and changing circumstances. In accordance with policies for the CAZ, this proposal replaces low-grade, inefficient office buildings with an employment-led scheme that includes uplift in office accommodation. Furthermore the scheme provides affordable workspace for small and micro-enterprises as well as retail floor space, thereby catering for a range of occupiers in accordance with London Plan policy 2.10 and contributing significantly towards the aims and objectives of the Draft City Fringe OAPF and the London Plan targets for employment growth.

Policy test 7(1) (b): Significant effects on more than one Borough

15 London Plan Policy 2.10 makes clear that the distinct offer of the CAZ is based on the rich mix of local as well as strategic uses forming the globally iconic core of one of the world's most attractive and competitive business locations. The implication of this is that the value of the CAZ is worth more than the sum of its constituent parts, and to support London's world city role it must act as unified economic zone.

16 London Plan Table 1A.1 identifies that the Draft City Fringe Opportunity Area provides particular scope to support London's critical mass of financial and business services and clusters of other economic activity. The Draft City Fringe OAPF clearly identifies the 'inner core' areas of the City Fringe, where the continued supply of employment floorspace is most critical to this. In April 2013 DCLG granted this area exemption from changes to permitted development rights in recognition that it is an area of nationally significant economic activity.

17 The site is within the City Fringe Opportunity Area, which straddles three boroughs (Hackney, Islington and Tower Hamlets). The site is also within 400 metres of the City of London. The provision of high quality office floorspace in this constrained City Fringe location complements the existing offer of the CAZ, the City Fringe and the City of London and as such supports an area of national economic significance that is vital to London's status as an international business location. Development at this site, and the jobs and office floorspace it would deliver, has a clear relationship with the wider City Fringe Opportunity Area and CAZ, and contributes towards the strategic employment function of London as a whole.

Policy test 7(1)(c): Sound planning reasons for intervening

18 Notwithstanding parts (a) and (b), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, together with the outstanding issues identified by the Mayor in his original comments which are examined in more detail within paragraphs 26 to 38 of this report, there are sound planning reasons to take over this application.

Development in CAZ

19 London Plan Policy 2.10 sets out the Mayor's policy on the CAZ and states that the Mayor will, and boroughs and other relevant strategic partners should, enhance and promote the unique

international, national and London-wide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations.

20 The proposal could, in line with London Plan Policy 2.10 and associated policies, support the strategic objectives for the CAZ through delivering high quality large-scale office floorspace in an important yet constrained location, and contribute towards meeting London Plan projections for office space demand and employment growth within the CAZ.

Development in the City Fringe Opportunity Area

21 London Plan Policy 2.13 sets out the Mayor's policy on Opportunity Areas. London Plan paragraph 2.58 states that Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. London Plan Table A1.1 sets out the strategic policy direction for the City Fringe Opportunity Area. This states that the City Fringe Opportunity Area contains a number of accessible, relatively central sites with significant development capacity and provides particular scope to support London's critical mass of financial and business services and clusters of other economic activity.

22 The proposal would, in line with London Plan Policy 2.13, support the strategic policy direction for the City Fringe Opportunity Area, deliver development and jobs in line with the aims and objectives of the Draft City Fringe OAPF, and contribute towards meeting the indicative estimates for employment capacity set out for the City Fringe in Table A1.1 of the London Plan.

Promoting jobs and growth

23 The principle of providing a high-quality, office-led mixed use development on this CAZ site, within an Opportunity Area, is strongly supported in strategic planning terms. Due to the constraints to large-scale office development in City Fringe locations, suitable development opportunities, on appropriate sites, must be promoted. The provision of a significant quantum of high quality office accommodation in this location would help to meet the future demands of Tech City and the other expanding business clusters of the CAZ, and would enable London to maintain and expand its world city role, in accordance with national, regional and local policies. The proposal would also contribute towards meeting employment targets within the CAZ and City Fringe Opportunity Area.

24 Failure to promote appropriate development on sites such as this could potentially impact upon the economic health of the City Fringe Opportunity Area, the Central Activities Zone, the City of London and London as a whole.

Matters the Mayor must take account of

25 As the application does not include development falling within Category 1A of the Schedule to the Order, the Mayor is not specifically required by the terms of the Order to take account of the Councils' current and past performance against applicable development plan targets for new housing, including affordable housing. Article 7(3)(b) of the Order states that the Mayor must assess the extent to which the Council is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application. In this instance, targets with respect to **offices** and **employment** are most relevant.

London Plan targets

- London Plan Table 4.1 identifies demand for up to 3,070,000 sq.m of office floorspace in the CAZ and the north of the Isle of Dogs by 2031.

- London Plan Table 1.1 projects a 27.1% growth in employment within Islington by 2036, and provides an adjusted triangulated forecast benchmark of 196,000 jobs by 2016 and 249,000 for 2036. London Plan Table A1.1 indicates the City Fringe Opportunity Area has capacity to provide 70,000 new jobs by 2036.

Islington Council targets

- Islington Core Strategy policy CS13 aims to encourage provision of new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres where access to public transport is the greatest. New business floorspace is required to be flexible to meet future needs and offer a range of types and sizes including those suitable for SMEs.
- Para 3.4.3 of Islington 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. Para 3.4.4 states that *“the CAZ is expected to continue to be the most attractive location for increases in B-use floorspace, accounting for around 75% of total growth. In terms of the Key Areas identified in the Spatial Strategy, Bunhill and Clerkenwell is expected to account for around 70% of the borough’s new B-use floorspace”*. Para 2.8.2 notes that Bunhill and Clerkenwell may need to accommodate an additional 14,000 B-use jobs by 2025.
- Islington Council’s Annual Monitoring Report (AMR) for 2013 states that there was a net decrease of 13,655 sq.m of B use floorspace during the 2012/13 reporting period. This compares to a net decrease of 23,466 sq.m during the 2011/2012 reporting period. Para 6.6 of the AMR puts this into context, stating that *“Although the five year trend indicates an overall net increase in B1 floorspace, the net loss of B1 floorspace in two consecutive years (2011/12 and 2012/13) is a concern, particularly in light of the changes to permitted development rights which now allow change of use from office to residential use.”* It should be noted that Islington Council were supportive of the Mayor’s successful 2013 application for exemption to changes to permitted development rights in the CAZ and Tech City.
- The increase in B-use employment floorspace proposed in the scheme, and the proposal to provide a quantum of space specifically aimed at SMEs would help deliver the aspirations of Islington Core Strategy policy CS13. Furthermore the proposed increase in B1 floorspace could help address concerns surrounding the net loss of B1 floorspace in the most recent two reporting years, and the anticipated impact of changes to permitted development rights across the borough. The proposals could also make a significant contribution to the 14,000 job B-use employment target set out in para 2.8.2 of the Core Strategy and that of the City Fringe OAPF, set out in Table A1.1 of the London Plan.

Outstanding strategic planning issues

26 Notwithstanding the above, regard must be had to the strategic planning issues raised at consultation stage. Following the initial consultation to the Mayor, the applicant has responded to comments made by GLA and Council officers and made revisions to the proposals accordingly. An update with respect to each of the strategic issues raised at consultation stage is provided under the respective sections which follow.

Mix of uses

27 At the consultation stage, the applicant was advised that the principle of an office-led scheme that does not include residential development could be supported provided that a contribution to off-site housing be secured. In response to this the applicant has agreed an off-site contribution of £493,600 with Islington Council, as shown in the draft Heads of Terms provided

with the Stage II referral documents. The proposed mix of uses do not conflict with London Plan policies 2.10, 2.13, 4.10 and 7.8 and the off-site contribution means that the application is now fully compliant with London Plan policies 2.11 and 4.3. The principle of use is therefore supported.

Heritage

28 If the Mayor assumes responsibility as planning authority, it will be necessary to assess the scheme's effect on heritage assets, having due regard to the statutory duty referred to in paragraph 30, relevant heritage policies of the development plan including policies 7.8 and 7.9 on the historic environment of the London Plan and relevant provisions of the NPPF.

29 As detailed in the Stage One report the proposals fall within the setting of the nearby Grade I listed Bunhill Fields cemetery and the Grade II monuments within the cemetery. The site is also just outside of the Bunhill Fields/ Finsbury Square Conservation Area and within 90 metres of the Grade II listed Wesleyan Chapel. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *'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'* and with regards to conservation areas, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. This should be given significant or special weight in the balance of making planning decisions. The NPPF identifies that the extent and importance of the significance of the heritage asset is integral to assessing the potential harm, and therefore acceptability. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These aims are detailed in London Plan Policy 7.8 which requires the identification, conservation, restoration and re-use of heritage assets.

30 At the consultation stage, having had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 and in relation to special attention being paid to the desirability of preserving or enhancing the character or appearance of the conservation areas; GLA officers were satisfied that the proposals would not result in any harm to the listed buildings or conservation areas nearby.

31 Whilst accepting that the new buildings would result in an increase of enclosure in north facing views from within the cemetery, thus reducing the perception of openness to a certain degree, it was considered that the proposals would appear recessive in relation to the emerging high-rise development immediately to the north of the site. It is also noted that the applicant has sought to maintain the existing scale of development further along Featherstone Street, with the southern edge of the building setback from the site edge to acknowledge the cemetery's boundary wall. Furthermore the proposed buildings are well-detailed and of a significantly higher quality architectural design than the existing buildings. The tallest element of the scheme lies on the north eastern corner of the burial ground and steps down to the modestly scaled elements immediately adjacent to the cemetery boundary. As such it is not considered that the scheme would be harmful to the setting of Bunhill Fields or the monuments within at the scale currently proposed. Furthermore, as the site is 90 metres from the Wesleyan Chapel and not within any views of the Chapel, it is considered unlikely that the proposals in their current form would lead to any negative impact.

32 The Bunhill Fields and Finsbury Square Conservation Area wraps around the Site but the majority lies to the south. It is considered that the scheme represents significant improvement over the existing buildings. It is therefore considered likely that the special interest of the conservation area will remain unaffected and the proposed development would improve the wider setting.

Climate Change

33 Sufficient information was provided with the application to allow an understanding of the proposals as a whole and to demonstrate that they had broadly followed the energy hierarchy. Whilst broadly acceptable, further revisions and information were requested to demonstrate that the proposals were fully compliant with London Plan climate change policy.

34 The applicant was specifically asked to:

- Make further inquiries regarding connection to nearby heat networks and provide proof of correspondence;
- Commit to allowing potential end users in the retail units the option of future connection to the site heat network, and;
- Consider the inclusion of additional photovoltaic (PV) cells where possible.

35 The applicant has since undertaken an investigation into the opportunity for connecting to an existing district heat network and submitted proof of relevant email correspondence with E.ON UK and Bunhill Heat and Power (via Islington Council's Energy officer). The applicant has identified the existing Bunhill Heat Network, Citigen and the Citigen Cooling network for potential connection. The applicant has provided further information on the Bunhill extension and determined that the closest access point will be approximately 450 metres away. The applicant has provided costs for the necessary extension and contends that connection is not feasible in view of the distances involved in relation to the site heat demand. This is accepted.

36 The closest connection point to the Citigen cooling network is estimated to be 1 kilometer and the applicant is not proposing to connect due to the distances involved. This is also accepted.

37 For the Citigen network the applicant has identified that the closest possible connection point is around 350 metres from the proposals. The applicant has stated that discussions have been held with E.ON Energy, and the applicant understands that E.ON are currently reviewing the expansion of the Citigen network in the Bunhill Row area with plans in the early stages of development.

38 The applicant has also investigated the possibility of connecting to neighbouring developments (White Collar Factory and 1 Oliver's Yard); however the applicant has determined that neither building has spare capacity (heating or cooling) to accommodate the peak load required for Monmouth House.

39 The energy centre has been designed to facilitate future connection to a district heating network and the applicant will continue dialogue with E.ON UK over possible connection as the detailed design progresses, this is supported.

40 Since the consultation stage the applicant has provided a commitment to providing capped pipes to any retail units from the site heat network, so as to allow tenants of these units the option of connection. This is welcomed.

41 The applicant has also investigated the potential for incorporating additional PV panels and is proposing to install a larger PV array of 115 sq.m (17kWp), which is welcomed. An updated roof layout of the new PV array has been provided showing where the larger array will be located. Overall, the energy proposals will now achieve a 43% reduction in carbon dioxide emissions on Building Regulations Part L 2013, which exceeds the 35% target and is therefore supported. The application is now considered compliant with London Plan climate change policy.

Transport

42 At the consultation stage the applicant was asked to consider an increase of short stay cycle parking and explore the opportunity to contribute towards additional Cycle Hire capacity. Further discussions were also encouraged with Transport for London (TfL) in order to co-ordinate and avoid a clash with planned works in the Old Street area. It was also requested that conditions and/or section 106 obligations be used to secure various other mitigation measures and a Crossrail contribution, if appropriate.

43 The applicant and TfL have since been in discussions to resolve these matters. The applicant has agreed to increase cycle parking to 314 spaces to comply with London Plan standards. TfL has requested £200,000 towards the installation of a cycle hire docking station within 300 metres of the subject site. In addition agreement has been reached with TfL on the principles of the Construction Management Plan (CMP) in respect of strategic matters.

44 The site is located within an area where section 106 contributions for Crossrail will be sought, in accordance with London Plan Policy 6.5 and the associated SPG 'Use of planning obligations in the funding of Crossrail' (April 2013). In these situations, the Mayoral CIL will be treated as a credit towards the section 106 Crossrail liability, and this should be reflected in the wording of any final section 106 agreement.

45 Subject to the above being carried through to any grant of planning permission and to the imposition of suitable conditions and section 106 obligations, including the requirement for Delivery & Servicing; Construction Management Plans (including a Construction and Logistics Plan); the securing, monitoring and review of a Travel Plan; CPZ parking permit exemption; and ensuring the one parking space proposed is only for Blue Badge holders and has electric vehicle charging facilities, the application could be considered London Plan compliant in transport terms.

Response to consultation- local residents and members of the public

46 Islington Council advertised the application through the use of site and press notices and by sending a letter to 486 occupants of nearby properties. 36 responses were received of which 30 were from unique respondents (i.e. different people). A total of 21 objections were received. All representations received in response to the Council's local consultation process are considered within the Council's committee reports, and all representations have been made available to the Mayor. The issues can be summarised as follows:

Height

47 Most of the buildings on Featherstone Street are around five storeys in height and a building of 10/11 storeys would be too tall and out of character. The proposed height would mean that it would become visible from Bunhill Fields cemetery. The height would mean that the Wesleyen Chapel could feel lost in a sea of high rise buildings. The tall building will dominate the streetscape. The building should be considered for refurbishment rather than redevelopment, as this would result in something more simple and less obtrusive.

Impact on heritage assets

48 The 10/11 storey buildings would overshadow the adjacent conservation areas and existing buildings within them that have been built to respect the conservation area. The proposed building, along with the emerging White Collar Factory development would hem in the northern part of the Bunhill Fields/ Finsbury Square conservation area.

Design

49 The design is akin to buildings in Sim City or Dubai and does not relate to the historic fabric of the area. The buildings have little architectural merit and unlike other large buildings on City Road do not mitigate the height by stepping back or curving.

Trees

50 The proposals will endanger the health of the two Sumac trees in the Lexington Apartments garden, whose roots will be constrained.

Wind

51 The prevailing wind blows from Bunhill Fields towards the gardens, and through the pedestrians entrance to City Road. Existing buildings create a funnel effect and the proposals will exacerbate this.

Amenity

52 Upper floors of proposed building would overlook existing flats on the opposite side of Featherstone Street and potentially overshadow flats on Mallow Street/ Featherstone Street and City Road. The proposals would also block light into the Lexington apartments and overlook the gardens of Lexington Apartments. Concerns were also expressed that some of the proposed offices would directly overlook bedrooms in the Lexington Apartments and that noise from late working, parties or office lights left on in the proposed development could disturb residents' sleep. Residents expressed the concern that the non-office commercial units could lead to anti-social behaviour associated with late-night music and alcohol licenses.

Supporting documentation

53 The drawings have been criticised as being unclear and showing the tower of the White Collar Factory that is still under construction and therefore not relevant to existing context, in an attempt to justify a tall building.

Pedestrian and cyclist use of adjacent carriageway

54 Respondents expressed concern that the shape of the new building at ground-level does not address this existing issues associated with pedestrians and cyclists sharing a relatively narrow carriageway on Featherstone Street.

Construction impact

55 The White Collar Factory is currently undergoing construction closeby, and residents object to the potential for more noise, dust and disruption to impact upon their lives during construction of the proposed development.

Response to consultation- statutory bodies, local groups and other organisations

City of London Corporation

56 The City Corporation expressed concern at the potential impact on Bunhill Fields and the heritage assets within. Although comfortable with the 5 storey elements of the scheme, the City Corporation believe that the 11 storey building would introduce a larger built mass into the skyline and outlook of the garden, overshadow the garden, greatly affecting its open and natural aspect, impinging upon its character, amenity and tranquillity. Accordingly the City Corporation has requested that the application be refused.

Historic England

57 HE expressed the view that that the potential impact of the proposals would be to enhance the significance of Bunhill Fields burial ground and this part of the Bunhill Fields/ Finsbury Square conservation area through better designed buildings of appropriate materials, forming a more

consistent urban edge to the open space. Whilst acknowledging the increased height of the corner buildings the view is that this alone, when considered in the context of the wider area, would not cause harm to the significance of the Grade I registered landscape or the conservation area. In that regard Historic England believe that the proposals accord with the policies of the NPPF, which seek to conserve heritage assets in a manner appropriate to their significance.

Historic England (Archaeological advisory service)

58 No objection was raised to the proposal subject to a condition and informative being attached to any permission.

Thames Water

59 Informatives were requested regarding non-return valves; petrol/ oil interceptors; groundwater discharge; flow rates; and building within five metres of water mains. Conditions were also requested regarding a piling method.

Summary

60 The statutory and non-statutory responses to the Council's consultation do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report. The local implications of the consultation responses have been considered by the Council, however, should the Mayor take over and determine this application, in acting as the local planning authority, the Mayor would also need to consider the local implications of the representations.

Legal considerations

61 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

62 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. The Mayor should be aware that determining the application will require a reasonable level of resource within the GLA Planning team and TfL. Should the Mayor decide to act as the local planning authority, officers would seek to sign an appropriate Planning Performance Agreement with the applicant, part of which could be the provision of funds to meet the costs of the Mayor and GLA/TfL to undertake detailed technical assessments and workstreams in order to properly determine the application.

Conclusion

63 Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice the development has a significant impact on the implementation of the London Plan, has a significant effect on more than one borough, and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008.

planning report D&P/3698/01

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The proposal

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The applicant

The applicant is **Derwent London** and the architect is **Duggan Morris Architects**

Strategic issues

The application is in the City Fringe Opportunity Area and the proposals have the potential to contribute strongly towards the objectives of the **Draft City Fringe OAPF**. Although the scheme is broadly acceptable in London Plan terms further work is required in relation to **climate change** and **transport**.

Recommendation

That Islington Council be advised that while the application is broadly acceptable in strategic planning terms the application does not fully comply with the London Plan, for the reasons set out in paragraph 77 of this report; but that the possible remedies set out in paragraph 76 of this report could address these deficiencies.

Context

1 On 5 August 2015 the Mayor of London received documents from Islington Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 15 September 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

The application is referable under Category 1C of the Schedule to the Order 2008: *"Development which comprises or includes the erection of a building that is more than 30 metres in height"*.

2 Once Islington Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

3 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

4 The site lies 80 metres to the south of Old Street roundabout, on the junction of City Road and Featherstone Street, at the south-eastern corner of the borough of Islington. The site is approximately 0.22 hectares and is bound by City Road to the east, Bunhill Fields to the south and Featherstone Street to the North. A modern, six-storey mixed-use building is adjacent to the west on Featherstone Street and the mixed-use Lexington building (which rises to 39 metres) is adjacent to the south on City Road. The site is directly across Featherstone Street from the emerging White Collar Factory development, which is due for completion in summer 2016. The site currently consists of two adjoining five-storey 1960's office buildings.

5 The site is within the City Fringe Opportunity Area and the Central Activities Zone (CAZ) as identified in the London Plan and a locally designated Primary Employment Location as set out in the Finsbury Local Plan. The proposals are located immediately to the north east of the Grade I listed Bunhill Fields, which contains several Grade II listed monuments, and 90 metres to the north-west of the Grade I listed Wesley's Chapel. The site is adjacent to the Bunhill Fields and Finsbury Square Conservation Area.

6 City Road forms part of the Strategic Road Network (SRN) and joins the Transport for London Road Network (TLRN) at Old Street roundabout, 100 metres to the north. Old Street station, located on the roundabout, provides Northern line London Underground services and National rail services between Moorgate and Hertfordshire also stop here. Circle, Hammersmith and City and Metropolitan line London Underground services are available at Moorgate, 700 metres to the south of the site. Numerous bus services are also available from Old Street station and as such the site records the highest possible public transport access level (PTAL) of 6b. The nearest cycle hire docking station is also located at Old Street station.

Details of the proposal

7 The proposed development seeks to redevelop the Site to provide a new building comprising 11,963 sq.m. (GIA) of market office space at upper floors and 1,430 sq.m. (GIA) of flexible, affordable workspace at ground floor level designed to meet the needs to small and medium sized enterprises. 404 sq.m. (GIA) of cafe and retail uses are also proposed at ground floor (class A1) which includes a “breakout” area in conjunction with the cafe that will serve as communal space.

8 The affordable workspace, combined with the retail uses as ground floor level are intended to activate the street frontage and complement the uses within the emerging White Collar Factory, Oliver’s Yard and surrounding commercial developments.

9 The proposed building fronting City Road is 11 storeys with a maximum height of 42 metres, and steps down on the Featherstone Street frontage to 10 storeys with a maximum height of 36 metres. Further along Featherstone Street the building is five storeys with a maximum height of 19 metres.

10 The footprint of the building represents a stepped pattern which breaks down the mass of the structure into four blocks modulated in height and position. The tallest element meets the site boundaries at the junction of City Road and Featherstone Street, with the taller element along Featherstone Street stepped back from the northern boundary by 1.5 metres, with a greater setback from the boundary wall with the Lexington Apartments. Along Featherstone Street the building extent to the south-west corner is aligned with the rear of 15-18 Featherstone Street, with a modulated element meeting the site boundary between the western-most block and taller element on Featherstone Street. The proposed development will include a lower ground level which will extend beneath the footprint of the entire building.

11 The main entrance to the building is located at the north-east corner of the new building facing City Road, and access to the affordable workspace will be off Featherstone Street. Entrances to the retail unit and cafe will be from City Road. The accessible parking and loading bay is accessed from Featherstone Street at ground level, and space for 292 cycles will be provided at lower ground floor level with stepped and rail access direct from Featherstone Street. 10 additional secure cycle spaces will be provide outside of the affordable office entrance along Featherstone Street.

Case history

12 On 13 July 2015 a pre-planning application meeting was held at City Hall. This included attendees from Islington Council as well as those representing the applicant. On 21 July 2015 an advice report was issued to the applicant, detailing what strategic issues were necessary to be addressed in advance of formally applying for planning permission.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Mix of uses *London Plan; Draft City Fringe Opportunity Area Planning Framework*
- Employment *London Plan; Draft City Fringe Opportunity Area Planning Framework*

- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Tall buildings *London Plan, London View Management Framework SPG*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Islington's Core Strategy (Adopted February 2011), Islington's Local Plan: Development Management DPD (Adopted June 2013), The Finsbury Local Plan: Area Action Plan for Bunhill and Clerkenwell (Adopted June 2013) and the London Plan (Consolidated with Alterations since 2011).

15 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.
- The Minor Alterations to the London Plan (public consultation ended 22 June 2015).
- The Draft City Fringe Opportunity Area Planning Framework (public consultation ended 13 February 2015).

Principle of development

Development in CAZ and the City Fringe Opportunity Area

16 London Plan policy 2.13 deals with development in Opportunity Areas and the draft City Fringe Opportunity Area Planning Framework (OAPF) identifies the potential for economic growth associated with the digital-creative sector in what has become known as Tech City. Start-up businesses have played a critical role in the establishment of this cluster and continue to attract inward investment and corporate relocations to the area. The site is located within the "inner core" of the City Fringe, where demand for office space has been increasing. This is as a result of growth in digital-creative businesses but also high growth in financial and business services now competing for limited space in the area. Rents have been rising and many smaller businesses and start-ups have been displaced as a consequence of high demand and a constrained office market. The draft City Fringe OAPF envisages the continued expansion of employment floorspace in the inner core area to support London's critical mass of financial and business services and the growth of the digital-creative sector in Tech City. Furthermore the OAPF recognises the important role that affordable workspace plays in facilitating the continued presence of start-ups and small businesses.

17 The site is within the Central Activities zone as well as the City Fringe Opportunity area. London Plan Policy 2.10 provides that the Mayor, boroughs and other strategic partners should enhance and promote the unique national and international roles of the CAZ, whilst also ensuring that office provision in appropriate areas is not strategically constrained and that provision is made for a range of occupiers. Furthermore London Plan policy 4.10 states that the Mayor and boroughs will work with developers and businesses to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space and support the evolution of London's

science, technology, media and telecommunications (TMT) sector and promote clusters such as Tech City.

18 The applicant has provided market information confirming that the site is within an area that continues to be attractive for tech start-ups and new overseas entrants looking to set up European headquarters. The applicant seeks to provide large-floorplate office space specifically aimed this sector, as well as a significant proportion of affordable workspace aimed at start-ups and supporting facilities such as “break-out” space and niche retail/ café space. The proposals will also link to the emerging White Collar Factory to the north of the site, further strengthening the role of the area as the “hub” of Tech City. As such the proposals are strongly supported in line with London Plan Policies 2.10, 2.13, 4.10 and the objectives of the draft City Fringe OAPF.

Mixed use development

19 London Plan policy 2.11 states that development within the CAZ should increase office floorspace and include a mix of uses that includes housing, unless there are exceptional circumstances where such a mix demonstrably conflicts with other policies of the London Plan. Furthermore, the policy states that development should complement and support the clusters of other strategically important, specialised CAZ uses. London Plan policy 4.3 specifically deals with mixed-use development and office development and states that where development results in an increase in office floorspace or those above a local threshold, the mix of uses should include housing, unless such a mix demonstrably conflicts with other policies of the London Plan.

20 Within this part of the CAZ and throughout the City Fringe there is a strategic concern over the loss of office space to other uses, particularly residential use. This concern is particularly high on sites such as this, in the inner core areas of the City Fringe. As already discussed, without sufficient ongoing levels of office provision, particularly small and affordable offices, the competitiveness of this strategically important office location is threatened and future economic growth jeopardised. The inclusion of residential units would either necessitate a reduction in office floorspace or an increase in height and bulk across the development, neither of which is desirable in view of the need for additional employment floorspace or the potential impact on the setting of Bunhill Fields (discussed below).

21 The inclusion of residential uses therefore potentially conflicts with London Plan policies 2.10, 2.13, 4.10 and 7.8. As such an office scheme that does not include residential development is supported in this location in line with London Plan policies 2.11 and 4.3. As housing remains a high strategic priority, the applicant is expected to make an appropriate contribution to the delivery of housing off-site. The applicant has provided a Planning Statement in support of the application which states that a contribution towards affordable housing is anticipated within any s106 agreement. This approach is supported and GLA officers welcome further discussions with the applicant and Islington Council Officers with regards to the level of contribution secured and how any affordable housing would be delivered.

22 The proposed cafe/ break-out spaces and the small scale retail uses are recognised as being important in supporting the continued role of Tech City as a vibrant business quarter, with abundant informal networking opportunities and “third space” provision for start-ups. As such these uses are supported in line with the draft City Fringe OAPF.

Employment

23 London Plan policies 4.2 and 2.10 encourage the renewal and modernisation of existing office stock in viable locations to improve its quality and flexibility, seeking increases in current stock where there is evidence of sustained demand for office based activities. The applicant's proposal to renew office stock in this important location is therefore welcomed. As stated above, the ongoing supply of employment floorspace within the City Fringe Opportunity Area is a strategic concern. The quantum and type of employment floorspace proposed is therefore of critical importance with any development proposals. Any scheme which proposes the demolition of existing employment floorspace in the City Fringe inner core area is expected to re-provide at least the same amount, and applicants are strongly urged to consider an employment-led scheme which provides uplift where possible.

24 The current buildings have a total of 8,213 sq.m (GIA) of B1 floorspace, whereas the proposals include a total of 13,393 sq.m (GIA) of B1 office floorspace and that this will be capable of being subdivided if necessary, so that it can be used flexibly as demand dictates. This approach is strongly supported as is the significant uplift in office floorspace and increased efficiency of the building, giving a substantial increase in the number of jobs that can be supported on this site.

25 It is proposed that 1,430 sq.m. (GIA) of the office floorspace will be made available as affordable workspace and will be offered at a rate no more than 75% of market rent. The applicant has also provided a detailed Design and Access Statement in support of the application showing how the affordable workspace will be designed and integrated within the scheme. This accommodation will be finished to a functional standard but will otherwise have the same building performance and accessibility standards as the market accommodation. The space will be broken down as six separate 90 sq.m. units plus shared facilities and a "breakout space" so as to allow separate or collaborative working. The space also abuts the cafe facilities, further supporting the ability of affordable office users to meet informally and collaborate. The quantum of affordable provision equates to 9% of the overall office floorspace and this is welcomed, as is the general approach to design and integration within the wider scheme. Furthermore it is recognised that the applicant is already a significant provider of workspace in London with extensive experience of successfully designing and managing similar facilities to those proposed in the nearby area.

26 Detail of the quantum, location and rental arrangements relating to the affordable workspace should be secured by s106 legal agreement. GLA officers welcome the opportunity to be involved in ongoing discussions with the applicant and Islington Council where necessary.

Urban design

Layout

27 The proposals are generally well thought out and provide an opportunity to introduce a significant increase in active frontage along Featherstone Street and City Road, with the double height articulation of the corner providing a legible entrance area, aligned to respond to pedestrian footfall from Old Street underground station and along City Road. This is welcomed and it is noted that the applicant has sought to utilise the existing servicing access at the western end of the site to consolidate and minimise servicing frontage as far as is feasible. The applicant has indicated how the proposed ground floor entrances and uses are designed to align with the emerging White Collar Factory scheme immediately to the north of the site which is welcomed.

28 The scheme is designed to respond to the established plot widths and urban grain further to the west along Featherstone Street and implements a staggered building line along this edge, made up of 20 metre frontages of varying setbacks. This provides an opportunity to increase pavement widths to denote entrance areas while enhancing the pedestrian environment and enabling the building to be broken down into four simple massing elements that relate to the predominant scale along Featherstone Street, stepping up in scale to mark the prominent City Road corner.

29 The proposals provide the opportunity to improve on and contribute towards activating Featherstone Street as a key pedestrian link between Shoreditch/ St Leonard Street to the east and Whitecross Street/Clerkenwell to the west. The applicant has highlighted this opportunity in the Design and Access Statement provided in support of the application, which shows that setbacks to the building line at ground floor will increase pavement width and accommodate entrance areas away from the main pedestrian flow. This is supported.

Tall buildings

30 London Plan (2011) policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, are of relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor.

31 The site is on City Road, a major route in central London, within the City Fringe Opportunity Area and immediately south of the emerging cluster of taller buildings around Old Street roundabout. The proposed building rises to 44 metres at its tallest point, along City Road, and although this would be visible from Bunhill Fields (see next section in relation to impact on heritage assets) it is considered appropriate for this site, does not impact any strategic views and is unlikely to have a harmful impact on its immediate surroundings. The applicant has provided a detailed Design and Access Statement showing how the new building would relate to tall buildings in the immediate area including the emerging 70 metre White Collar Factory, 35 metres to the north, and the existing 39 metre Lexington Apartments building, 37 metres to the south. There are also several other buildings of between eight and ten storeys in the wider area, interspersed with lower buildings. The proposed building relates well to the form, scale and character of the surrounding area and provides an opportunity to mediate between the emerging cluster to the north and the lower buildings to the south. Significant effort has been made to ensure that the building works well at ground level, providing active frontage and passive surveillance onto City Road and Featherstone Street, with entrances that interface positively with the public realm in line with London Plan policy 7.7.

Scale and massing

32 The form and massing strategy is broadly supported. As described above, given the potential for Featherstone Street to form an important east-west pedestrian link in the context of emerging development in the wider area, an increase in scale at the site's City Road corner is beneficial in townscape and way-finding terms, while mediating between the scale of development further to the south along City Road and that of the Old Street cluster.

33 The architectural response to the site is strongly supported and introduces a refined and high quality appearance based on the proportions and character of industrial buildings in the wider

area, extended to all four edges of individual massing elements. This ensures the building responds to both the sensitive character setting of the cemetery while also providing a recognisable human scale to the street edges.

34 The simple articulation of each of the four massing elements is carried through successfully to their detailing and material treatment. It is also noted that the regular spacing of windows on each floor and the containment of structural elements to the edges of each block enables future adaptability which is strongly supported.

Historic environment- designated and non-designated heritage assets

35 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"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"* and in relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"*.

36 The NPPF states that when considering the impact of a proposal 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. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

37 London Plan Policy 7.8 also applies to non-designated heritage assets. The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

38 It is recognised that the proposals fall within the setting of the nearby Grade I-listed Bunhill Fields cemetery and the Grade II monuments within the cemetery. The site is also just outside of the Bunhill Fields/ Finsbury Square Conservation Area. The applicant has provided a detailed Design and Access Statement, Archeological Assessment and Historic Environment Assessment and Townscape, Heritage and Visual Impact Statement in support of the application.

39 The current proposals would result in an increase of enclosure in north facing views from within the cemetery. While this will alter the perception of openness to a certain degree, it is considered that the proposals will appear recessive in relation to the emerging high-rise development immediately to the north of the site. It is also noted that the applicant has sought to maintain the existing scale of development further along Featherstone Street, with the southern edge of the building setback from the site edge to acknowledge the cemetery's boundary wall.

40 The proposals are well-detailed and of a significantly higher quality architectural design than the existing buildings. The tallest element of the scheme lies on the north eastern corner of

the burial ground and steps down to the modestly scaled elements immediately adjacent to the cemetery boundary. As such it is not considered that the scheme would be harmful to the setting of Bunhill Fields or the monuments within at the scale currently proposed. Furthermore, as the site is 90 metres from the Wesleyan Chapel and not within any views of the Chapel, it is considered unlikely that the proposals in their current form would lead to any negative impact.

41 The Bunhill Fields and Finsbury Square Conservation Area wraps around the Site but the majority lies to the south. As already discussed the scheme represents significant improvement over the existing buildings. It is therefore considered likely that the special interest of the conservation area will remain unaffected and the proposed development would improve the wider setting.

42 The development would also have the potential to impact the setting other nearby Conservation Areas. The information provided in support of the application demonstrates that the scheme would have a neutral or negligible impact on St. Lukes and South Shoreditch Conservation Areas and potentially enhance the southern setting of the Moorsfields Conservation Area. The proposals generally accord with London Plan policy 7.8 and the relevant paragraphs of the NPPF.

Climate change

43 The London Plan climate change policies as set out in Chapter 5 collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy. The policies set out ways in which developers must address mitigation of, and adaptation to, the effects of climate change.

44 London Plan policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

BE LEAN

Energy efficiency standards

45 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting.

46 The demand for cooling will be minimised through solar control glazing and exposed concrete ceiling. The applicant has assessed the solar gains and currently expects all occupied spaces to meet the Part L criterion 3 for solar gains. BRUKLs showing the solar gain limit analysis have been provided to support this.

47 The development is estimated to achieve a reduction of 121 tonnes per annum (32%) in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development. BRUKL output sheets have been provide to support this.

BE CLEAN

District heating

48 The applicant has carried out an investigation into existing networks in the area and has identified the Citigen network as being 0.25 miles away from the site. However, the applicant has stated that the network is too great a distance from the development site. As the development is situated in a district heating opportunity area the applicant should contact Citigen to determine whether there are any plans for a network extension towards the site. The applicant should also contact the local energy officer to see if there are any connection opportunities currently being developed in the area (e.g. nearby developments). Evidence of correspondence should be provided.

49 The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

50 The applicant is proposing to install a site heat network. The applicant is however, proposing that the retail units (developed to shell and core only) will be provided with individual VRF heating. The applicant should commit to providing capped pipes from the site heat network to allow the end user the option of connection.

51 The site heat network will be supplied from a single energy centre located at lower ground floor at the City Road end of the building. The applicant has provided information showing the floor area, layout and location of the energy centre.

Combined Heat and Power

52 The applicant is proposing to install a 60-80 kWth gas fired combined heat and power unit as the lead heat source for the site heat network. The combined heat and power unit is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated carbon dioxide emissions of 31 tonnes per annum (8%) will be achieved through this second part of the energy hierarchy.

53 The applicant should provide information on the management arrangements proposed for the system, including anticipated costs, given that the management and operation of small combined heat and power systems can significantly impact their long term financial viability.

54 As outlined above the applicant should first investigate the opportunity for connecting to an existing heat network before considering a standalone solution. Connection to a heat network should be prioritised.

BE GREEN

Renewable energy technologies

55 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 50 sq.m. Photovoltaic (PV) panels on the roof of the development. A roof layout plan has been provided showing how these panels will be arranged along the southern edge of the tallest element. The applicant contends that this is considered the maximum size of array which can be accommodated on the site while accommodating rooftop plant space, terrace space for the offices and green roofs. The plans provided, however, suggest that room exists for additional PV panels to be installed along the southern edges of the remainder of the scheme

without compromising on the ability to provide sufficient space for plant, terraces and green roofs. In view of Islington Council's 20% target the applicant is encouraged to consider the inclusion of additional PV cells or demonstrate robustly why this cannot be achieved.

56 A reduction in regulated carbon dioxide emissions of 3 tonnes per annum (1%) will be achieved through this third element of the energy hierarchy, as currently proposed.

Summary

57 The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. The proposals are broadly acceptable; however, further revisions are required before the proposals can be considered fully compliant with London Plan climate change policy.

Transport

Parking

58 A single car parking space will be provided for disabled drivers, and this low level of parking is supported. This parking space should be provided with an electric vehicle charging point.

59 The Draft City Fringe OAPF recognises that cycle parking is a major, and growing, challenge within the City Fringe but there is an opportunity to have a step change in the provision of cycle parking within the many new developments coming forward. Long stay cycle parking has been provided in accordance with London Plan standards along with washing facilities and lockers, which is welcomed. It should be noted, however, that although ten spaces short stay spaces are proposed on Featherstone Street, London Plan standards would require a minimum of 22 spaces. The drawings provided in support of the application suggest that there could be space in front of Block 2 to provide more spaces. The applicant is urged to consider ways in which this provision can be increased, particularly given the high levels of demand for such spaces in this part of the City Fringe and the site's position on the London Cycle Network.

Walking and Cycling

60 Walking and cycling are particularly important within the City Fringe as there is already low car ownership and regular face to face meetings continue to be important for businesses within Tech City. A good walking and cycling environment and vibrant and active streets make the area an attractive place to live and work. The Draft City Fringe OAPF recognises this and sets out how development can best respond.

61 Proposals to set back the building line along Featherstone Street to allow for additional pedestrian space and an extension of the existing westbound contraflow cycle lane, are supported. This could be incorporated into the Cycle Grid proposals and further discussions around this between the applicant and TfL officers would be welcomed.

62 The high levels of cycling, high usage of Cycle Hire and the constraint on cycle parking in the immediate vicinity of the site mean that additional cycle docking stations should be brought forward with major new development. This is particularly important given the rise in demand that will be generated by the additional employment floorspace. In line with the City Fringe Opportunity Area Planning Framework the applicant is urged to discuss this further with the applicant and Islington Council with a view to contributing towards additional cycle hire capacity in the area.

London Underground

63 Further details are to be provided relating to the construction and structures associated with the proposals in regard to the potential to impact London Underground operations. Provision of these details should be secured through appropriate planning conditions.

Crossrail

64 The site is within the area where section 106 contributions for Crossrail will be sought in accordance with London Plan policy 6.5 and the associated Supplementary Planning Guidance (SPG) 'Use of planning obligations in the funding of Crossrail and Mayoral Community Infrastructure Levy' (April 2013). A financial contribution of £900,160 towards Crossrail is therefore to be secured within the Section 106 agreement.

65 In these situations, the Mayor's CIL charge (but not the borough's) will be treated as a credit towards the s106 liability. The practical effect of this will be that only the larger of the two amounts will normally be sought. As the CIL charge will not be confirmed until development is about to commence, the s106 agreement will need to be worded so that if the s106 contribution based on the assumed CIL proves incorrect the contribution is adjusted accordingly (assuming it is still more than the CIL). Other contributions towards the mitigation of transport impacts may also be sought in accordance with London Plan policy and with relevant legislation.

Travel Plan, Delivery and Servicing Plan and Construction Logistics Plan

66 A Framework Travel Plan has been provided and measures within it seem well considered. However the more recent 2011 census data could be used. The plan should be secured, monitored and enforced through the Section 106 agreement for the site.

67 The applicant has also accepted the need for a Delivery and Servicing Plan to be secured by condition on the site, and has outlined the targets for this within the Transport Assessment which is welcomed.

68 A Construction Management Plan has been submitted with the application, showing the eastern end of Featherstone Street being closed for the duration of the works to allow provision of a lorry area. This is unlikely to be acceptable to TfL as the programme within the Construction Management Plan shows works happening at the same time as TfL's Old Street scheme. The applicant should hold further discussions with TfL officers in order to ensure that the two sets of works are co-ordinated and necessary changes made to the Construction Management Plan. In addition to the Construction Management Plan, a Construction Logistics Plan will also need to be provided.

Summary

There are no objections to this proposal in principle based on the transport related impacts, however, the following improvements are sought, in line with London Plan transport policy:

- A financial contribution of £900,160 towards Crossrail, to be secured within the Section 106 as the site falls within the area covered by the Crossrail SPG.
- An increase of short stay cycle parking from 10 to 22 spaces.

- To explore and discuss the opportunity to contribute towards Cycle Hire capacity.
- Further discussions to be held with Transport for London in order to co-ordinate and avoid a clash with planned Old Street works. A CLP to be provided, as well as a CMP.
- Conditions/s106 obligations should also be imposed to secure the cycle and Blue Badge parking and EVCP, the Travel Plan (and associated measures), the Construction Plans and the DSP.

Community Infrastructure Levy

69 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail

70 The Mayor has arranged boroughs into three charging bands. The rate for Islington is £50/sq.m. The required CIL should be confirmed by the applicant and Islington Council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations: <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents> as amended by the 2011 regulations: <http://www.legislation.gov.uk/ukdsi/2011/987/made>

71 London borough councils are also able to introduce CIL charges which are payable in addition to the Mayor's CIL. Islington Council has adopted a CIL charging schedule. See the Council's website for more details.

Local planning authority's position

72 It is understood that Islington Council does not support the proposals, on the basis of their potential impact on heritage assets (primarily Bunhill Fields) and the absence of any housing.

Legal considerations

73 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application (the next bit is optional) and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

74 There are no financial considerations at this stage.

Conclusion

75 The proposals respond positively to the strategic objectives of the draft City Fringe OAPF and as such the principle of an office-led mixed-use scheme including affordable workspace and with supporting retail uses is strongly supported. In urban design terms this is a well resolved scheme, the quality of the architecture is high and represents a significant improvement over the existing buildings. It is not considered that the scheme would have a negative impact on the setting of any nearby heritage assets

76 Whilst the application is broadly supported, it does not yet fully comply with the London Plan. There are still areas that need addressing specifically in relation to mixed-use policy, climate change and transport as outlined in this report.

77 The following changes might, however, remedy the above-mentioned deficiencies and lead to the application becoming compliant with the London Plan:

- Exception to the mixed-use policy: Securing of a satisfactory off-site affordable housing contribution by section 106 agreement.
- Climate change: The applicant should make further inquiries regarding connection to nearby heat networks, commit to allowing potential end users in the retail units the option of future connection to the site heat network as well and consider the inclusion of additional PV cells, as set out in paragraphs 43-57.
- Transport: The applicant should consider an increase of short stay cycle parking from 10 to 22 spaces and explore the opportunity to contribute towards Cycle Hire capacity. Further discussions should also be held with Transport for London in order to co-ordinate and avoid a clash with planned Old Street works. This is to be detailed in a revised Construction Logistics Plan, as well as a Construction Management Plan. Conditions and/or section 106 obligations should also be used to secure the cycle and Blue Badge parking and EVCP, the Travel Plan (and associated measures), the Construction Plans, DSP and a Crossrail contribution if appropriate.

for further information, contact GLA Planning Unit (Development & Projects Team):

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