

119 Farringdon Road**in the London Borough of Islington****planning application no. P2015/4143/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 and redevelopment of the existing office building (Class B1) to provide an 8 storey (plus lower ground floor) building with office use (Class B1) at part lower ground, part ground and upper floors, and flexible commercial uses (Class A1, A3, B1, D1) at part lower ground and part ground floor level along with associated landscaping and a new area of public realm.

The applicant

The applicant is **Viridis Properties 5 Ltd.** and the architect is **AHMM**.

Strategic issues

Strategic issues regarding **the principle of development, design, strategic views, trees, transport, energy, flooding and drainage** are relevant to this application.

The Council's decision

In this instance Islington Council has resolved to grant permission subject to planning conditions and the completion of a Section 106 legal agreement.

Recommendation

That Islington Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 8 October 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 ... more than 30 metres high and is outside the City of London".

2 On 24 November 2015 the Mayor considered planning report D&P/2220b/01, and subsequently advised Islington Council that the application was generally acceptable in strategic planning terms however did not comply with the London Plan, for the reasons set out in paragraph 73 of the above-mentioned report; but that the possible remedies set out in the same paragraph of that 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 9 February 2016 Islington Council decided that it was minded to grant planning permission subject to the completion of a Section 106 legal agreement, and on 26 February 2016 it 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, direct Islington Council under Article 6 to refuse the application or issue a direction to Islington Council under Article 7 that he is to act as the local planning authority for the purposes of determining the application and any connected application. The Mayor has until 10 March 2016 to notify the Council of his decision and to issue any direction.

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

Update

5 At consultation stage Islington Council was advised that whilst the application was generally acceptable in strategic planning terms it did not comply with the London Plan, with concerns raised in relation to the principle of development, strategic views, design, trees, transport, energy, flooding and drainage. Taking each of the outstanding matters in turn, the following is noted:

Principle of development

6 At consultation stage it was acknowledged that the demolition and redevelopment of the site is considered essential to providing new office space in the Central Activities Zone (CAZ), a (General) Employment Priority Area and the Farringdon/Smithfield Intensification Area.

7 Even though the proposal does not incorporate any housing on site, being located within the CAZ, a (General) Employment Priority Area and the Farringdon/Smithfield Intensification Area, business intensification, renewal and modernisation was also acknowledged at consultation stage being in line with London Plan Policy 4.3 'Mixed Use Development'.

8 The applicant suggested at consultation stage that given the constraints of the site, any required residential units (including affordable housing) on site, and associated plant, ancillary space, circulation, entrance and core facilities would compromise and limit the net increase in office space. Therefore it would not be considered feasible/viable to provide any residential accommodation on site. Instead of providing residential floorspace, a payment in lieu of the required residential floorspace was considered by the applicant to be appropriate. Furthermore, the applicant noted it had been agreed with the Council's planning officers that in calculating the financial payment in lieu of residential floorspace on-site or off-site, the small and medium-sized enterprises (SME) floorspace should be subtracted from the total employment floorspace provision.

9 At consultation stage the provision of office space on-site and a payment in lieu of the required residential floorspace was supported in principle by the GLA given the proximity of the development to Crossrail and its location within the CAZ, a (General) Employment Priority Area and the Farringdon/Smithfield Intensification Area. Confirmation of the amount to be secured and

further information on the housing to be provided and whether this is in line with local needs was asked to be referred to the GLA.

10 The Council's Planning Committee Report confirms it is not considered feasible to provide more than 6.87 residential units on site given site constraints and the additional circulation, entrance, core, plant room and ancillary space requirements necessitated by residential accommodation. The building is located in the Clerkenwell Green Conversation Area and there are a number of heritage considerations restricting the height and massing of the building. Given policy objectives of providing active non-office business uses at ground floor level, the objective of increasing the amount of office floorspace on site and design considerations, the provision of housing on site has been deemed unfeasible, as outlined in the Council's Planning Committee Report. In this instance, the Council confirm it is more appropriate to require a financial contribution towards the off-site provision of affordable housing. A total contribution of £412,200, towards affordable housing has been secured in the s106 agreement.

11 The Council note, and GLA officers agree, that the land-use element of the proposal is considered to be acceptable through delivering a mixed-use development that would increase and improve the existing office (Class B1) floorspace on the site, increase the amount of retail floorspace, provide for SMEs and contribute to the Borough's housing stock via an off-site contribution.

12 It should also be noted that the amount of affordable SME space has increased since consultation stage from 50 percent of the 461 sq.m. of proposed SME space (i.e. 230.5 sq.m.) to 685 sq.m. gross external area. This equates to 5% of the total proposed employment space, to align with local policy, achieved through a small reduction (224 sq.m.) in retail area.

13 Whilst the updated plan now demonstrates that 685 sq.m. of affordable workspace can be achieved, the detailed design requires finalisation which may result in some minor changes to the final plans and elevations. Therefore a planning condition is attached requiring final plans and elevations of the lower ground and ground floor levels (and elevations) to be submitted and approved prior to superstructure works. This will pick up any slight movement of louvres and doors to accommodate the shift from retail to workspace use and internal change to facilitate this.

14 On this basis, the scheme will include a total of 685 sq.m. of affordable workspace which equates to 37.4 sq.m. of affordable workspace floor area above the policy requirement for 5% of the total employment floorspace. This is to be secured in an amended Heads of Terms for the s106 legal agreement.

Urban design and historic environment

Strategic views

15 At consultation stage the applicant was asked to confirm the height of the proposed building and whether it falls below the threshold plane as set out in the London View Management Framework SPG, and protects the London Panorama views of Central London and St Paul's Cathedral from Parliament Hill (2A.1) and Kenwood House (3A.1) prior to the application being referred back to the Mayor at Stage II. The applicant confirmed prior to Stage II that the proposed development is +46.67 metres AOD at its highest point. It is therefore below the protected vista datum of +52.1 metres AOD of St Paul's Cathedral from assessment point 2A.1 Parliament Hill and 3A.1 Kenwood House (+61.0 and +62.0 metres AOD at 119 Farringdon Road, from each assessment point, respectively). The Council's Planning Committee Report also notes that at its highest point the proposed building would not encroach on any of the strategic and local viewing corridors.

16 It was also noted at consultation stage that if the proposed building does exceed the threshold plane, the applicant would be required to produce a visual impact assessment, including a verified view of the proposal from this position. The GLA acknowledge this is not required given the proposed building does not encroach on any of the strategic and local viewing corridors.

Inclusive design

17 The applicant provided an access strategy within its design and access statement at consultation stage and GLA officers supported the intention to deliver a high quality workplace environment with an emphasis on occupier well-being. It was noted that despite the changing levels around the site, the entrances onto the public realm from Farringdon Road and Crawford Passage will ensure that level access can be provided to the building. It was also suggested by GLA officers that care will be needed at tenant fit out in relation to the unit on the corner of Farringdon Road and Ray Street, to ensure that the sloped pavement and internal arrangements provide an inclusive solution. Furthermore, the GLA's consultation report acknowledged the main building entrances are legible and uncluttered, and power-assisted swing doors will ensure an accessible solution for wheelchair users and other disabled people. The internal floorplans were noted as being spacious and well laid out, and it is clear that the proposed office will enhance the accessibility of employment space at this site in line with London Plan Policy 4.12 'Improving opportunities for all'. The opportunity to enhance the public realm adjacent to the site is also a key benefit of the scheme in accessibility terms, and the stated commitment to contribute towards upgrades to Farringdon Road, Ray Street and Crawford Passage was also welcomed by the GLA at consultation stage.

Urban Design

18 The overall urban design approach of the scheme was generally supported at consultation stage. However, there were some issues to be addressed. No access is being provided along the Ray Street frontage, aside from at the corners of the building. GLA officers asked for this to be amended and additional entrances added to the retail/cafe space along Ray Street to further activate this frontage.

19 The applicant team responded to the GLA citing the changes in level, narrow footway, busy roadway, limited potential for planting, and overshadowing of buildings from the south have meant entrances to Ray Street are not considered appropriate. However they acknowledged that glazing along this frontage will create a transparent active interface between the street/footway and uses within in the retail/cafe space. The applicant also notes that the potential for enhanced visual and spatial interest along the Ray Street facade has been allowed through the provision of soft spots in the ground floor slab, which will allow for double-height volumes to the lower ground floor and views in from the footway and out from the space (dependent upon the final tenants in these spaces).

20 The GLA also asked for further information from the applicant prior to Stage II, at consultation stage, clarifying the length and details of the facade of the building at the location of the plant facilities and how this is being addressed in terms of active frontages at street level.

21 The applicant has provided further information regarding the facade of the buildings at the plant facilities i.e. details of its elevations, access, windows, widths, materials and ventilation louvres. Furthermore, the applicant has noted that to maximise active frontages along Farringdon Road, and the new public space and Crawford Passage, and given the inability to provide access from the steeper parts of the site the key servicing and plant areas of the proposed building are generally located towards the northern extent of Crawford Passage. Additionally they have informed the GLA that a number of alternative servicing strategies and plant layouts to the current

proposal had been reviewed during the schematic design period. Included as part of these was a study for servicing via Ray Street, allowing more of the Crawford Passage facade to be activated and dual aspect provided to a greater extent of the SME/retail space. However, due to the previously mentioned levels at Ray Street it was determined service access was not practical, and the relationship to the adjacent listed buildings considered problematic.

Trees and woodland

22 In regard to the proposal for the retention of three and removal of seven of the existing London plane trees, and their replacement with new and companion planting, the GLA requested, at consultation stage, that the applicant clearly set out the development constraints to justify the removal of the seven London plane trees. A detailed assessment of whether tree T2 can be retained instead of T3, as recommended by the Council, was also asked to be provided before the application was referred back to the Mayor at Stage II.

23 The applicant has submitted a detailed justification for the removal of the seven London plane trees. The applicant has also informed the GLA that T3 has been selected for retention over T2 for both practical and technical arboricultural reasons. As T3 is positioned further from the building than T2, and no T3 roots were exposed during the initial trial root investigations however there were several associated with T2. Therefore, there is no significant root loss likely for T3, however some root loss associated with T2 as part of the proposed development, which is potentially harmful or destabilising if T2 were to be retained as part of the proposed development.

24 The Council notes in their Planning Committee Report that whilst the proposal to remove seven of the 10 plane trees from the Farringdon Road frontage would be unfortunate, there are wider benefits of the scheme. The Council's Planning Committee Report also states that the redevelopment of the existing building would not be feasible without the replacement of seven of the existing plane trees, proposed for removal. As such, the existing, unattractive, not fit for purpose, building would remain. None of the substantial public benefits of the proposal development, including the enhancement to the character and appearance of the Conservation Area, would be realised with the retention of the seven trees. The Council's Planning Committee Report also suggests that although the proposal involves the loss of a number of London plane trees, bringing forward of the building line and the consequent reduction in the width of the space at the front, the proposal is considered to include overall improvements to Farringdon Road. The high quality paving and improved tree planting proposed with new entrances to the ground floor commercial uses will provide active frontages and a more attractive space along Farringdon Road. Existing and new trees will complement each other to provide a pleasant and visually attractive space in an otherwise busy and somewhat hostile section of Farringdon Road. Furthermore, the replanting and species diversity is considered to achieve a net improvement in terms of biodiversity, and deliver sustainable and successional planting.

25 The new tree planting proposed has also been secured by condition (condition 6) by the Council to ensure their chance of survival and success of reaching maturity. The future maintenance of the trees within the application site has also been secured by condition (conditions 5 and 6) as well as within the s106 agreement to ensure their survival and future potential. The s106 agreement also ensures the satisfactory planting of the off-site trees, proposed as part of the scheme, in response to the proposed removal of trees from the subject site. The GLA is supportive of these conditions and has no outstanding issues regarding the proposed removal of seven London plane trees at the site.

Sustainability

Energy

26 All further information requested by the GLA at consultation stage has been provided by the applicant team and compliance with London Plan energy policy has been verified.

27 The applicant team have confirmed that the entire heat demand (i.e. heating and domestic hot water) will be served by the proposed connection to the CHP system.

28 The applicant has provided further details on how the operation of the CHP will be managed, including developing an operation & management manual and providing training to facility managers. The applicant has also stated that a service contract will be signed with the CHP manufacturer. No further information is required.

29 The applicant has confirmed that PV will be installed to reach the target set within the London Plan Policy 5.2 'Minimising carbon dioxide emissions'. The applicant has stated that a range of 8,000 –15,000 kWh was quoted to allow flexibility and opportunity to further enhance efficiencies of the energy efficiency measures as the design progresses. The roof layout drawing suggests a roof area of 185 sq.m. could be available for PV, which with the high efficiency PV proposed could likely accommodate an array with an output of the upper range of 15,000 kWh and therefore this approach is accepted in this instance. The applicant should, however, ensure that the required area of PV to meet the planning target is determined at the earliest opportunity in order to ensure that the roof is designed to accommodate the required PV array. No further information is required.

Flood risk and drainage

30 At consultation stage the applicant was asked to provide further information regarding the nature of flood risk at the site, details of the extent to which it requires mitigation measures, and the proposed approach to sustainable drainage.

31 Since this stage the applicant has confirmed with the GLA that they have considered the surface water flood risk at the site and designed the lower ground floor to reduce that risk. Therefore the proposals can be considered to comply with London Plan Policy 5:12 'Flood Risk'.

32 The applicant has confirmed that the proposals will include attenuation tanks to attenuate 50% of the existing surface water discharge. In addition the scheme includes brown roof, planted areas and tree pits which will also contribute to reducing surface water discharges. Therefore the application can be considered to comply with London Plan Policy 5:13 'Sustainable Drainage'.

Transport for London's comments

33 At consultation stage, Transport for London (TfL) asked that various London Plan policy matters be addressed in addition to requesting a financial contribution for cycle hire. The agreed conditions secure, as requested, a Travel Plan, Construction Management Plan (including Construction and Logistics), a Delivery and Service Plan and public realm enhancements (including the Transport for London Road Network (TLRN) footway). Whilst the level of long stay cycle parking is policy compliant, there is a short fall in short stay cycle parking which is disappointing. The Council has adopted the view that policy compliant short stay cycle parking is not necessary on the basis that there is sufficient existing capacity in the area. It is welcomed that the development

is car free except for on street policy compliant blue badge spaces. Residents will also be eligible for parking permits.

34 The s106 agreement Heads of Terms provides funding of £443,360 towards Crossrail and £82,992 towards the provision of cycle hire docking infrastructure in the vicinity of the development. Whilst TfL did not support tree removal from the frontage of the TLRN, it was identified that these trees are outside TfL's boundary. TfL therefore encouraged the loss to be mitigated in the form of new tree planting and a funding contribution of £256,000 (payable to Council) is secured towards the planting of additional street trees in the ward.

35 Whilst it is disappointing that there is a shortfall in short stay cycle parking, it is not considered that this is sufficient reason to recommend to the mayor that he refuses the application. TfL is satisfied that the application scheme could be considered to be in general accordance with the transport policies of the London Plan.

Public consultation

36 Since being submitted the current application has been subject to extensive public consultation, comprising 323 letters sent to occupants of adjoining and nearby properties on 8 October 2015, a site notice and press advert displayed on 15 October 2015. The public consultation of the application expired on 5 November 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

Responses to neighbourhood consultation

37 As a result of the consultation process 14 responses had been received from public, including the Mount Pleasant Association, at the time the Council's Planning Committee Report was written. In summary the issues raised are as follows:

- All 10 London Plane trees at the front of the site should be retained;
- The loss of the existing trees would be a detriment to air quality;
- The design of the front elevation is uninspiring;
- The proposal should include housing;
- The proposed development would lead to an unacceptable impact in terms of sunlight/daylight;
- The proximity of the proposed building would lead to increased overlooking and a loss of privacy;
- Proposed servicing/delivery arrangements would lead to unacceptable noise and traffic safety impacts;
- The position of the various entrances is ill-conceived and would lead to a loss in neighbouring amenity.

38 A further response was received from the Mount Pleasant Association after the first Planning Committee meeting regarding this scheme, on 19 January 2016. The issues raised in this response include:

- Lack of housing component in the proposal and inadequate monetary compensation for this;
- Proposed removal of most of the protected plane trees fronting the proposed building (and loss of trees in Crawford Passage);
- Local residents in Crawford Passage will suffer nuisance and inconvenience from both the proposed relocation of the goods access point, and from proposed commercial usage of public space by retail customers;
- Better architectural design should be required in light of the impending commercial importance of the Farringdon Road area following the completion of the Crossrail development.

39 A number of other objections were raised that are not considered planning matters. They are the following:

- That the company making the planning application is registered off-shore;
- The development would lead to impacts on the local amenity during the construction process.

40 The issues raised that are not in this instance strategic planning matters have been assessed by the Council in the Planning Committee Report, with appropriately worded conditions and planning obligations secured. In relation to the objections raised in relation to land use principles, design, trees, local infrastructure and transport, these matters have been dealt with in this and the previous report, with the scheme found to be acceptable and in accordance with the London Plan.

Responses from statutory bodies

Design Council

41 Provided no comment on the proposal.

Lead Local Flood Authority

42 Raised no objection to the proposal subject to relevant conditions.

Metropolitan Police (Crime Prevention)

43 Raised no objection to the proposal.

Thames Water

44 Raised no objection to the proposal subject to relevant conditions and informatives.

London Fire and Emergency Planning Authority

45 Raised no in principle objections subject to the installation of a sprinkler system.

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

46 In this instance the Council has resolved to grant permission with conditions and a planning obligation, and subject to the completion of a s106 legal agreement, which satisfactorily addresses

the matters raised at Stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

47 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also 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. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. 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

48 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

49 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

50 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

51 The proposed demolition of the existing office building and redevelopment of the site to provide a building with a mix of office and flexible commercial uses, with associated landscaping and a new area of public realm is supported in strategic planning terms. Further information has been provided, which together with conditions and s106 obligations imposed by the Council largely address strategic issues that were raised at Stage I. On this basis, the proposed development is supported in strategic planning terms.

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