

**THE TOWN AND COUNTRY PLANNING ACT 1990, S.2A
GREATER LONDON AUTHORITY ACTS 1999 & 2007
THE TOWN AND COUNTRY PLANNING (MAYOR OF LONDON)
ORDER 2008**

MOUNT PLEASANT

**JOINT REPRESENTATIONS
TO
THE MAYOR OF LONDON
BY
THE LONDON BOROUGHS
ISLINGTON & CAMDEN**

2 OCTOBER 2014

**GLA REFERENCE: D&P/3032a&b
ISLINGTON COUNCIL REFERENCES:
P2013/1423/FUL & P2013/1425
CAMDEN COUNCIL REFERENCE: 2013/3807/P**

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1.0 INTRODUCTION & PROCEDURAL MATTERS

- 1.1 This statement of representations is submitted jointly to the Mayor of London by the London Borough of Islington and the London Borough of Camden to provide comments to and assist the Mayor prior to his determination of the Royal Mail Groups' planning applications and conservation area consent relating to the Mount Pleasant site.
- 1.2 The statement highlights the two borough council's outstanding concerns following the publication of the GLA Representation Hearing Report (the GLA Stage III Report) dated 25 September 2014.
- 1.3 This hearing statement is put forward in the context of the statutory duty set out at Section 2E of the Town and Country Planning Act, that where the Mayor has given direction under section 2A of the Act in relation to a planning application, the Mayor must consult the local planning authority before agreeing any planning obligation by virtue of that section of the Act, and Section 2F of the Act which states that before determining an application to which that Section applies, the Mayor must give the local planning authority to whom the application was made an opportunity to make oral representations at a hearing.
- 1.4 In letters of 16 and 18 September 2014 the councils requested that a joint period of 60 minutes be given, to make oral representations at the hearing. The councils have been informed that their (shared) allocated time has been increased from 10 minutes to 30 minutes. The councils remain of the view that the circumstances of this case and given the number of outstanding in-principal, very important and controversial issues this is insufficient time to make their representations.
- 1.5 Further, the councils do not however consider that they have had a proper opportunity to make informed representations in respect of the application, and to do so in a way that is capable of informing the Mayor's decision making, as a number of aspects of the proposal were unknown to the council as late as 26 September 2014, one week before the Mayor's scheduled Hearing.
- 1.6 The Mayor has a duty to take all reasonable steps to inform himself of the relevant facts and data likely to affect or materially influence his determination of the application. To fulfill this duty, the Mayor needs to have before him the council's views on all the key issues concerning the application
- 1.7 The council therefore requests that the Mayor re schedules the hearing to ensure that the councils are given a proper opportunity to make representations on all aspects of the application
- 1.8 The councils consider that each of the reasons for refusal set out in their Planning Committee reports (Islington: 10 March 2014 and Camden: 27 February 2014) remain outstanding. As such this statement should be read in conjunction the Planning Committee report and with the council's letters to the GLA dated 16 September 2014, which is provided alongside this statement. This Statement incorporates and updates the joint boroughs statement on Affordable Housing, Viability and Linkages sent to the GLA on 16 September 2014.

- 1.9 Many of the issues relevant to the council's reasons for refusal require mitigation through Section 106 Obligations. Whilst regular meetings have taken place to discuss s106 items (without prejudice to the boroughs in principle objections) three key areas have not been progressed in any meaningful way in the 9 months since the GLA called in these applications, namely:
- i) phasing and linkages;
 - ii) pre-commencement viability review mechanism
 - iii) mid-point viability review mechanism.
- 1.10 These issues go to the heart of the acceptability of this scheme and yet are proposed to be determined under delegated powers. Given the applicants un compromising position on these matters for the 14 months they have been in detailed discussion between the boroughs and for 9 months with the GLA in addition the boroughs have very serious concerns in this regard. The boroughs are seriously concerned that a solution that adequately addresses these central planning issues will not be achieved by the route proposed in the hearing report
- 1.11 The Mayors adviser's position in relation to the fundamental issues of viability reviews and linkages remain unclear as such the boroughs have not been adequately consulted on these issues.
- 1.12 Further, the Councils have serious misgivings about the handling of this application, in particular the robustness of scrutiny given by the Mayors adviser and officers in relation to the financial viability aspects of this scheme which is dealt with in the sections below. Significant issues have been raised by the boroughs viability assessors BPS Chartered Surveyors (BPS).
- 1.13 The council has provided comments on the s106 heads of terms, with the exception of the above three items, which your officers have recommended be negotiated and decided under delegated authority should resolution to grant be decided by the Mayor. These are attached at [Appendix 1]
- 1.14 For the reasons set out in this hearing statement the Councils urge the Mayor to defer his decision or to refuse planning permission.

2.0 BACKGROUND

- 2.1 The Mayor of London gave a direction to 'call-in' the determination of this application on 21 January 2014 under the Town and Country Planning (Mayor of London) Order 2008.
- 2.2 The Islington Planning Committee considered the application on 10 March 2014, and determined that had it been allowed to decide whether planning permission should be granted for the application, it would have refused planning consent.
- 2.3 Nine reasons for refusal were given including:
- 1) a failure to provide the maximum amount of affordable housing;
 - 2) harm from the proposed height, mass and position of a number of blocks;
 - 3) excessive residential car parking;
 - 4) the relocation of the Sorting Office giving rise to vehicle-vehicle/ vehicle-pedestrian conflict;
 - 5) failure to justify not achieving SUDS 'greenfield run-off rates';
 - 6) comfort cooling proposed when shown not needed resulting in non-complying total CO2 emissions;
 - 7) lack of provision of 'affordable' B1a workspace units;
 - 8) harm to neighbouring residential properties in relation to daylight and sunlight losses;
 - 9) that the application should be brought forward only as part of the wider site proposals.
- 2.4 The London Borough of Camden Planning Committee also considered the application on the part of the site within Camden, and determined that they would have refused planning permission were they in a position to do so for the following reasons:
1. Failure to demonstrate delivery of maximum reasonable Affordable Housing Level.
 2. Failure to commit to delivery of a single Comprehensive Development
 3. Excessive Residential Car Parking
 4. Loss of Daylight to 55-57 Mount Pleasant and lower Laystall Court flats
 5. Daylight within new units in P1
 6. Inadequate level of open space provided within the Camden scheme
- 2.5 Camden also raised reflective objections to the Islington scheme, including that to the harmful impact on heritage assets
- 2.6 Since the call-in of the application by the Mayor, Islington and Camden councils have been engaged in extensive discussions with the Royal Mail and GLA in relation to the applications. The councils have submitted a number of further documents to the GLA for their consideration, culminating in joint representations to the Mayor on 16 September 2014 relating to affordable housing, viability and site linkages.

- 2.7 These raised a number of outstanding concerns relating to the failure to:
- 1) provide the maximum reasonable amount of affordable housing;
 - 2) unacceptable affordable housing tenure split;
 - 3) inappropriate mix and lack of affordability of affordable rent units;
 - 4) failure to commit to the implementation of a comprehensive development;
 - 5) inadequate viability review mechanisms;
 - 6) significant diversion of approach by the GLA viability advisors;
 - 7) the lack of transparency by the applicant and GLA; and
 - 8) the refusal of the applicant to provide their bespoke viability model to the GLA, the councils or their advisors.
- 2.8 For completeness that document is provided again, alongside this Hearing Statement.
- 2.9 Islington council submitted a further letter and detailed comments on 24 September 2014 in response to the GLA's confirmation that they intended to recommend that the Mayor accept a revised affordable housing offer submitted by the Royal Mail to the GLA on 17 September 2014.
- 2.10 A copy of that letter is also provided alongside this statement for completeness.
- 2.11 The GLA Mayoral Hearing report was published on 26 September 2014 recommending that the Mayor grant permission for the applications.

3.0 COMPREHENSIVE DEVELOPMENT (PHASING AND LINKAGES)

- 3.1 The policy framework for bringing forward development of this site, including, the jointly adopted (Camden and Islington) Mount Pleasant SPD, both Boroughs Site Allocations DPDs and London Plan Policy encourage / require comprehensive development to come forward.
- 3.2 The Islington and Camden developments must be brought forward only as part of the wider site proposals ensuring that adequate linkages, and restrictions on commencement / occupation, are secured between tenures and phases.
- 3.3 The applicant wishes to keep residential development in either borough free from linkages, leaving it to, once commenced, bring later phases (probably the Islington ones) forward when they choose, rather than be forced to hold back % of sales in Camden phases until Islington phases are commenced.
- 3.4 The boroughs joint position was put to the applicant from October 2013 onwards (one year ago). Linkages requested by the boroughs have subsequently been refined and compromises offered, yet there has still not been any agreement from the applicant. In fact, the applicant continues to refuse a link between the borough's residential phases.
- 3.5 The Stage III Report says there must be linkages, so that the 'wider masterplan objectives come forward in a timely manner' (page 9), though use of 'requisite linkages' (para 209).

- 3.6 This appears encouraging, but the Stage III Report does not further elaborate, or address the applicant's outright refusal to have any such linkage. In not declaring a proper position, the GLA is preventing the Mayor from giving an opinion / steer and therefore preventing the boroughs from productively making representations on this vital issue that formed a reason for refusal by both boroughs when they considered the proposals in February and March this year.
- 3.7 This is of particular concern to the Boroughs given the applicants current and longstanding (their position has not changed in over 14 months) intransigent position, does not encourage progress and more importantly raises significant concerns that officers should the Mayor resolve to grant permission, may feel pressured to deliver a decision in the context of the applicants uncompromising position on this vital point.
- 3.8 Specifically, Camden accepted the wider land use (lack of employment floorspace) and site layout principles (lack of on-site open space) on its own site due to the fact that the Islington site offers some 4,200sqm of office floorspace, 238sqm of affordable workspace, some 5000sqm of public open space.
- 3.9 Additionally, Camden is being asked to accept a £418,000 public open space discount as a result of the provision of public open space on the Islington site. However the applicant refuses to agree to a link to deliver the Islington scheme in a timely manner ensuring that the Camden development would not be occupied for long without completed public open space and playspace.
- 3.10 The current entrenched position of the applicant would enable the Camden site to be delivered with these significant deficiencies in place and then leave the Islington site empty for years on end. This would not secure a proper functioning 'place' and is strongly objected to be the boroughs. As is also addressed in the 'Heritage' section of this statement, leaving the Islington site undeveloped for any period of time would also cause harm to the setting of two conservation areas and listed buildings which would be in direct conflict with the aims of the National Planning Policy Framework, adopted London Plan and Islington Development Management and Finsbury Local Plan policies.
- 3.11 The linkages also tie into the 'mid-point Viability review' (prior to the commencement of the last 2 phases) which has been agreed in principle by the applicant (but the details are hotly disputed between the parties). However, this viability review will not be triggered at all if there is no obligation to actually commence the last 2 phases.
- 3.12 Linked to this point is the fact the there is no link between the completion of the enabling works on the Islington side and the continued development of the residential development above. This scenario would be unacceptable in terms of the unsightly 'Enabling Works' structure and the harm it would cause to the character and appearance of the Roseberry Avenue conservation area which this site sites within and the setting of the Bloomsbury conservation area, to which this site adjoins.

4.0 AFFORDABLE HOUSING LEVELS

- 4.1 The Councils have previously set out their profound concerns relating to the level and type of affordable housing proposed by the applicant and the process and approach adopted in assessing the development's viability.
- 4.2 These have been presented a number of previous submissions and evidence provided to the Mayor including:
- BPS Independent Review of Assessment of Viability February 2014
 - BPS Update Viability Review April 2014
 - CEBR Response to Gerald Eve Position Note of March 2014 (April 2014)
 - Joint Borough Phasing and Linkages Note 9th May 2014
 - Joint Borough Draft Proposals for Viability Reviews Note 9th May 2014
 - BPS Response to GVA Independent Review of 23rd May 2014 (5th June 2014)
 - Joint Borough Response to Applicants Affordable Housing Offer of 11th June 2014 (18th June 2014)
 - Letter and Joint Borough Representations to the Mayor on Affordable Housing, viability and site linkages of 16th September 2014.
 - Letter and Note to the GLA on revised affordable housing offer of 17th September, the GLA's intention not to accept the letter despite absence of information and response to councils' substantive representations (24th September 2014).
- 4.3 The councils have set out a significant range of legitimate and reasoned arguments as to why the viability approach adopted by the applicant and now the Mayor's advisors is flawed and the scheme does not provide the maximum reasonable level of affordable housing as required by both the Mayor's policies in the London Plan and the councils' adopted plans. The GLA have not responded to these in detail, other than issuing the Hearing Report last Friday 26th September, one week prior to the Hearing.
- 4.4 The councils are extremely concerned that GLA Officers in their report have failed to address these issues adequately and knowingly seek to dismiss these legitimate concerns without adequate explanation or reasoning.
- 4.5 The issues and concerns that have been consistently raised by the Councils with the GLA and applicant's team since the application was called in and in particular since receipt the applicant's various revised affordable housing 'offers' are referred to below. These representations should be read in conjunction with previous documents submitted to the GLA, particularly the last two referred to above. They do not repeat the arguments made in detail but respond to aspects of the Hearing report as relevant.

Affordable housing 'offer'

- 4.6 The latest affordable housing offer of 17th September, as accepted by the GLA, comprises 23.9% affordable housing at a tenure split of 60% affordable rented housing and 40% intermediate housing. This is significantly lower than the borough targets that 50% of housing should be affordable, however this lower provision has not been justified through a robust and proper viability assessment process. The current revised affordable housing offer does not represent the maximum reasonable level of affordable housing provision and is therefore

contrary to the Statutory Development Plan (comprising both the London Plan, Islington & Camden's adopted policies).

- 4.7 GLA officers have not raised any concerns with the fact that none of the affordable housing offers given by the applicant since release of the Mayor's viability advisor's initial report have reflected the conclusions of that report (GVA May 2014) even though initial offers were not at the time supported by viability appraisals. Based on the conclusions of the GVA report, BPS calculated that between 30% & 42% affordable housing could be provided depending on the land value and profit adopted. It should however be noted that BPS consider that at least 42% affordable housing can be provided based on their consideration of land value and profit levels.

Viability Assessment Process and unexplained changes in approach by the GLA's viability advisors.

- 4.8 The GLA has not explained the reasons for the lack of transparency by the applicant and GLA with the boroughs in relation to the viability assessment process in the period between release of the May GVA Report and the Gerald Eve August Position Note provided to the boroughs on 26th August, which has severely limited the Councils ability to properly scrutinise the conclusions eventually reached by GVA.
- 4.9 The Hearing report also does not adequately reference or explain the significant diversion of approach adopted by GVA in their August Report which now supports the applicant's offer, compared with their May report. This relates to:
- The adoption of an excessive fixed land value at the expense of affordable housing and assumption that land value will be entirely unaffected by CIL, both of which is contrary to National Planning Practice Guidance.
 - The deletion of other important aspects of GVA's May report relating to the timing of land payments and review mechanisms without justification.
- 4.10 There remains little evidence that the GLA have themselves properly interrogated or questioned the basis of Gerald Eve's viability assessment or the reasons for the change in approach adopted by GVA, or explored the reasons for the significantly different and evidenced conclusions of BPS.
- 4.11 These issues have been swept aside in the GLA report with merely a reference that some issues have 'fallen away'. This is clearly inadequate, does not give confidence that a robust viability assessment process has taken place and confirms the Councils' suspicions that the GLA are themselves satisfied with a scheme that does not maximise affordable housing provision.

Excessive land value to the Royal Mail at the expense of affordable housing

- 4.12 The GLA Report indicates that the councils object to the land value used due to them having a preference towards the existing use value plus a premium approach to determining a benchmark. The councils agree with the Mayor as set out in his Housing SPG that this approach provides a more effective basis for delivering sustainable development through the planning system. However the GLA have misunderstood the councils concerns relating to the approach of both Gerald Eve and now GLA and the Mayor adopted relating to land value.
- 4.13 It is the councils' view and that of their advisors that the applicant and GVA have misapplied the approach adopted in the RICS Guidance which is based on market value. Most significantly they have failed to have regard to the Development Plan and ignore that which is contrary to the Development Plan.
- 4.14 GVA and now GLA officers have accepted the position of Gerald Eve that the site value is entirely related to market sentiment. In doing so they have disregarded National Planning Policy Guidance that in all cases site value should reflect planning policy and planning obligations. Of course this includes the Mayor's and Boroughs' policies that the maximum reasonable affordable housing should be provided taking account of target that 50% of housing is affordable.
- 4.15 No mention of or regard has been given to the councils guidance on this issue set out in Supplementary Planning Documents which were put in place just to address these specific issues. Along with NPPG, this guidance is a material consideration to determination of the application.
- 4.16 In this case with Royal Mail is insisting on a high fixed land value far in excess of what would normally be deemed to be acceptable it is entirely inevitable that policy requirements cannot be provided. Such an approach undermines the UK Planning System which Statute and National Planning Policy Framework establish is **plan led**. This has a direct impact of lowering the level of affordable housing that can be provided.
- 4.17 Your reference to GVA advising that a lowering of the Royal Mail land value of by 11% (from £[redacted] to [redacted]) fails to acknowledge that the reason for this is that Gerald Eve had failed to reduce the land value when the density and number of units within the scheme was reduced. In their original report GVA had indicated that a figure that is 'materially lower' than £[redacted] would be appropriate. Their change in position on this issue remains to be adequately explained and justified.
- 4.18 Further details on this are set out in the councils' previous representations and in particular the reports by BPS

Timing of Land payments

- 4.19 As GLA officer's well know the timing of land payments adopted by Gerald Eve in their appraisal are not only highly unlikely to occur, the use of their IRR based model means that this has a significant impact on viability. GVA had previously advised that 'we consider that it would be reasonable to assume a deferment of the majority of the land payment until possession can be given' was entirely deleted in their later report without any explanation.

BPS have indicated that this change to the appraisal alone would generate an additional 7% affordable housing.

- 4.20 However GLA officers have consciously failed to address this in their report by not giving any explanation as to why the assumption that land payments are made years before vacant possession is achieved is appropriate. Instead they refer to delivery rate and the possibility of a delay to the enabling works, purporting to address the issue but in fact neatly side stepping it.

Islington CIL used to reduce affordable housing contrary to government guidance

- 4.21 The transfer of the additional costs associated with the Islington CIL in their entirety into a downgraded affordable housing offer is contrary to National Planning Practice Guidance. There is also lack of transparency in relation to the way that this has been calculated, and it has not been demonstrated that account has been taken of the Mayoral and borough installment policies.
- 4.22 The GLA's viability advisors confirmed that they did not have regard to this government guidance because it is 'guidance not policy'. It is extremely alarming that the GLA feel that they are able to take the same approach.
- 4.23 The reasoning given in the Hearing Report that the market has not had time to take into account the Islington CIL is simply not credible. The council first consulted on its CIL charging rates in 2012 and undertook two further consultations in 2013, followed by a public examination in which the Royal Mail took part (represented by their planning agent DP9 and Gerald Eve). The residential rate for this location has remained the same throughout this process.
- 4.24 The Islington CIL Charging Schedule was approved by an examiner from the Planning Inspectorate in March 2014. The Full Council committee made the decision to adopt the Charging Schedule in June 2014 and indicated the intention to do so on 1st September 2014. There was a rush of planning applications and decisions made prior to adoption at the request of applicants wishing to avoid scheme. The date of adoption is therefore significant.
- 4.25 With no developer on board and the payment of CIL an inescapable fact for any future purchaser of the site, it is beyond comprehension that a developer would not have regard to this fixed cost when purchasing the site. This is fully consistent with NPPG which states that in all cases land value should reflect Development Plan policies, planning obligations and CIL. It is also consistent with RICS Guidance on Viability in Planning and the Mayor of London's Examiners Report which stated that 'a reduction in land value is an inherent part of the CIL concept'.
- 4.26 The councils question the appropriateness of expression of the view in the Hearing Report that the Islington CIL residential rate is 'too high'. As referred to above it has been tested and found to be sound through the Examination process. The Mayors viability advisors GVA have indicated that their agreement to the approach that CIL should be reflected in a lower affordable housing offer has been influenced by their role undertaking viability work for Camden for their CIL Charging Schedule and their recommendation that the borough should adopt a lower rate. It is clear that as a result GVA have not been able to independently

assess this aspect of the Mount Pleasant scheme on its own merits whilst having proper regard to government guidance, RICS guidance and the Development Plan. Again this is evidence that the conclusions that they have reached and the GLA's recommendation that the maximum reasonable affordable housing is being provided is without foundation.

Profit level determined by the GLA and not adequately assessed

- 4.27 The Hearing report confirms that the GLA instructed their viability advisors that it would be appropriate to accept Gerald Eve's proposed target profit of 20% IRR. This is despite this representing a far greater level of profit than would normally be acceptable.
- 4.28 The rate of return determined by GLA officers has not been examined in detail or evidenced to judge what level of return is appropriate having regard to ensure that this is risk adjusted to reflect the specific characteristics of the scheme. This approach is contrary to NPPG. Only one other scheme to support this approach is referred to in the Hearing report which is the Shell Centre, however that is a much bigger scheme (including some 1000,000 sq ft of office floorspace) and is subject to a legal challenge. The council notes that an IRR of 17.5% was accepted on Westfield Hammersmith, which again is a much bigger scheme than the proposals at Mount Pleasant.

Refusal by applicant to provide viability Model to the GLA or the councils or their advisors.

- 4.29 The councils remain concerned with the lack of transparency by the applicant prior to and after call-in of the application and in particular the refusal to provide the applicant's bespoke viability model to the councils, its advisors or the GLA or its advisors, despite having previously provided written agreement to provide such access to the Council's advisors. Neither the GLA nor GVA have had access to the model and so have not been able to fully scrutinise the basis of the model and have had to rely on summary appraisals undertaken by Gerald Eve. The councils therefore question how the GLA can possibly reach the conclusion in the Hearing Report that they are satisfied that an appropriate viability toolkit has been used.

Royal Mail/ Gerald Eve's position that the scheme cannot viably support the proposed level of affordable housing

- 4.30 The Hearing Report makes no reference to Gerald Eve's position that the scheme cannot viably support the affordable housing offer. This lacks credibility given the findings of the independent assessors (acting for the councils and the GLA) that Gerald Eve has, (at the very least) underestimated current residential sales values, residential values growth, and having overestimated site value.
- 4.31 As can be seen, a considerable number of substantive issues remain unresolved. The GLA and Councils have not been provided with important information from the applicant team to enable it to properly understand and evaluate the applicant's various revised affordable housing offers and to comment meaningfully on the applicant's revised viability appraisals made available to the Councils on 26th August 2014. The GLA are not yet in a position to fully evaluate these issues. The Councils therefore remain surprised that GLA officers feel that they are in a position to be able to bring a positive recommendation before the Mayor.

Affordability of Affordable Rented and Intermediate Housing

Revised offer as set out in GLA Report:

30 th Sept Revision	1bed	2bed	3bed	4bed	UNITS	%	TARGET
Affordable Rent	1	43	37	17	98	60%	65%
% of tenure	1%	44%	38%	17%	-	-	-
Intermediate	47	16	2	0	65	40%	35%
% of tenure	72%	25%	3%	0	-	-	-
Total Units	48	59	39	17	163	100%	100%

Calthorpe Street affordable housing offer – size mix by tenure:

	Affordable Rent			Intermediate		
	UNITS	%	TARGET	UNITS	%	TARGET
1bed	1	3%	0%	28	88%	65%
2bed	28	57%	20%	4	12%	35%
3bed	4	8%	30%	0	0%	0%
4bed	16	32%	50%	0	0%	0%
TOTAL	49	100%	100%	32	100%	100%

Affordable Rented Housing

4.32 Within the affordable rent tenure, the increase in the overall number of units has not had regard to the borough's targets in relation to size mix for this tenure. For example, 50% of the AR units are 2-bed against an identified need of 20%. Under normal circumstances we would expect the applicant to have provided justification for such a large departure from our size mix targets, and also would have sought feedback from housing colleagues regarding the potential acceptability of this mix. However as this has been provided at such short notice before the decision date this has not been possible. While the unit mix over the scheme as a whole does provide 55% family units, it must be borne in mind that boroughs each have their own allocations policies.

Affordable Rent levels – average across all units of 44% market rent; maximum 60% market rent:

	Market Rent	44% Market Rent	Central London LHA Rate (April 2014)	Formula Rent Cap 2014-15 (excluding service charge)	Formula Rent + £150/month service charge
1bed	[redacted]	[redacted]	£258.06	£137.71	£175.21
2bed	[redacted]	[redacted]	£299.34	£145.80	£183.30
3bed	[redacted]	[redacted]	£350.95	£153.90	£191.40
4bed	[redacted]	[redacted]	£412.89	£162.00	£199.50

Affordable Rent levels –maximum 60% market rent:

	Market Rent	20% Market Rent	30% Market Rent	40% Market Rent	50% Market Rent	60% Market Rent	Central London LHA Rate (April 2014)
1bed	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	£258.06
2bed	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	£299.34
3bed	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	£350.95
4bed	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	£412.89

4.33 Although the overall number of family affordable rented units have been reduced from the previous offer (from 64% to the current 55%), larger units still compose over half of provision. As can be seen from the tables above, the previously stated concerns about the possibility of achieving a blended average of 44% market rent across the units remains.

Intermediate Housing

4.34 We welcome the removal of the 4 large intermediate units, and the reduction in the number of 2-bed intermediate units as we have consistently expressed concerns about the affordability of these units. However we remain concerned even about the affordability of the two-bed units. Purchase of a 30% share of a two-bed unit (OMV £[redacted]) with a £50,000 deposit would still result in total housing costs (including estimated service charge of £150 per month) of over £2000 a month. This is equivalent to over half of the net pay (where net is 70% gross) of households earning at the very top of the £66,000 income threshold. In view of this, we do not consider that a departure from the borough's target tenure mix of 70% affordable rented/30% intermediate can be justified.

Share to Purchase (%)	25	30*
Share Value (£)	£[redacted]	£[redacted]
Minimum 10% Deposit	£[redacted]	£[redacted]
Mortgage Required	£[redacted]	£[redacted]
Monthly Repayment	£[redacted]	£[redacted]
Monthly Rent	£[redacted]	£ [redacted]
Total Monthly Cost	£[redacted]	£[redacted]
Total Monthly Cost with £50,000 deposit	£[redacted]	£[redacted]

*According to available information, a 30% initial equity share and 2.75% rent on the retained equity was assumed by Gerald Eve in their initial appraisal.

5.0 FINANCIAL VIABILITY REVIEW MECHANISMS

Deferment of detailed terms of reviews

- 5.1 As set out in Karen Sullivan's letter to the GLA dated 24th September, the council is concerned with the intention to defer consideration of the terms of viability review mechanisms to be dealt with at a later date. This issue is a consideration when determining the application. Due to the inadequacies of the viability assessment process to date identified in the 16th September and previous representations, the terms of the viability review mechanism are all the more important. In particular they are fundamental to determining whether the scheme provides the maximum reasonable level of affordable housing as required by the Development Plan. The councils have highlighted significant concerns with the review proposals put forward by the Royal Mail (see Section 5 of the 16 September 2014 Joint Borough Representations). After nine months of deliberation by the Mayor's officers these issues the GLA have not been able to set out a position on this issue which demonstrates lack of common ground between the parties. The terms of the review are as important as their existence as a weakly worded review would render this ineffective. The councils are therefore concerned that these issues will not be addressed satisfactorily if dealt with under delegated authority after the hearing.
- 5.2 This is a key issue that requires consideration and scrutiny by the Mayor. The councils must understand the GLA's position on this and be given the opportunity to present their case before him in order for the Mayor's statutory duties to be fulfilled.

'Three year' Pre-implementation review

- 5.3 The councils strongly object to the proposal that the pre-implementation review would not take place if substantial implementation has taken place before within three years of grant of the planning consent. Under these terms it is highly likely that the review mechanism would fall away, resulting in a review mechanism that only engages on second phase of the scheme.
- 5.4 In this case half of the residential units (either all of Phoenix Place or Calthorpe Street depending on which is implemented first), would not be subject to a viability review. Values and build costs will be subject to significant change over a three year period in light of the scale and pace of change in Central London property markets and in particular the opening of the proposed Crossrail Station at Farringdon.
- 5.5 This will provide no means of verifying the growth assumptions applied in the viability assessment, which, given historic and recent trends and evidence from CEBR, the councils consider are highly likely to underestimate actual growth. Furthermore Royal Mail's development programme indicates that the first phase will not complete for another 6 years and so this approach potentially gives no basis for reviewing viability of half of the development over a six year period. The S106 agreements for the Heygate Estate and Eileen House which were both considered by the Mayor, acknowledge that a viability assessment effectively expires after a period of 12 months.
- 5.6 A range of further issues and uncertainties have also been raised by BPS relating to the timing of land payments, not least the inconsistencies between the timings assumed by Gerald Eve and GVA in the viability assessment and those indicated by

Royal Mail Project Managers M3. The absence of a pre-implementation review would potentially give scope to Royal Mail to gain the benefit of a land sale/s at a much later stage without the viability implications of this and the level of affordable housing being reconsidered.

- 5.7 Furthermore, given the complexity of the site in relation to enabling works, and that the site falls within two boroughs, it is vital that the viability of the scheme is addressed as a whole through an initial as well as mid-point review.
- 5.8 No reasoning or justification has been given as to why a full three year period is required for substantial implementation to take place and why the review should fall away if this has been reached. The approach put forward in the Officer's recommendation is therefore not consistent with the Development Plan requirement to secure the maximum reasonable level of affordable housing.
- 5.9 If the GLA feel that further incentives are required to encourage delivery of the site the restriction of the planning permission to 2 years would be an appropriate mechanism to achieve this without limiting the effectiveness of the viability assessment process and the level of affordable housing that can be provided.
- 5.10 The GLA Officers' Report indicates that in accepting this approach, the GLA has had regard to advice from GVA that, subject to detailed wording, the imposition of a review mechanism if the enabling works have not been implemented within 3 years of the grant of planning permission is acceptable (emphasis added).
- 5.11 Firstly, it should be noted that the consultant's initial report included the following paragraph that was subsequently deleted without reasoning in the later version of the report:
- "7.4 We consider it necessary that the S106 Agreement includes a review mechanism regardless of whether the modelling is done on a growth or no growth basis. As illustrated by our comments, there are still a large number of unknown factors that will have material implications for the viability and delivery of the scheme. Most importantly, it has yet to be established which developer(s) will deliver the housing and whether the proposed scheme optimises value, both for the developer and for the landowner; we have reservations as to whether the existing proposals do this. We also note that it may be more than 4 years before Phases 4 and 5 commence."*
- 5.12 Secondly, the consultant gave no reasoning as to why they considered this to be acceptable. Thirdly, those comments with the clear caveat that this form would only be acceptable subject to the detailed wording. As referred to above, the detailed wording is not available and the GLA is recommending that this matter be deferred. The reason for this is that no agreement has been reached. This is yet another reason why it is appropriate that the details of the review are considered alongside the substantial viability issues and principles of the review before the Mayor.
- 5.13 The London Plan does not envisage using review mechanisms to encourage the delivery of development on large phased schemes. Rather, it states at paragraph 3.75 that:

"To take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, these (review) provisions may be used to ensure that maximum public benefit is secured over the period of the development." (emphasis added).

- 5.14 Significantly, the Mayor of London's Housing SPG which provides guidance on the implementation of Policy 3.12 makes the distinction between the use of review mechanisms on large phased schemes and those with a shorter development timescale. Only for schemes with a shorter development term is it envisaged that a viability review would be conditional on the timing of delivery, and even then with a trigger of substantial completion, not substantial implementation¹.
- 5.15 Mount Pleasant is a phased development which will be delivered over a longer timeframe. As such the first review mechanism should not fall away if substantial implementation is reached within three years, but this should take place as a matter of course as it is needed to ensure that the viability of the scheme is accurately assessed. This would ensure that the review mechanism is used to genuinely maximise affordable housing output as is the intention of the London Plan, the Mayor's Housing SPG and the Local Plan.
- 5.16 This is entirely consistent with the majority of review mechanisms that have been agreed across London and have been supported by the Mayor which are not linked to substantial completion or commencement date.
- 5.17 For instance, there were no provisions that viability reviews would fall away if implementation was achieved in a certain timeframe for the major applications at the Heygate Estate, the BBC Television Centre, Westfield Shepherds Bush and Embassy Gardens. This approach provides the distinct advantage that viability is re-assessed regardless of delivery timescales, which is even more vital where the development programme is susceptible to significant change, such as at Mount Pleasant.
- 5.18 On other schemes where the initial review is conditional on the timing of delivery, the timeframe has been much shorter.
- 5.19 As such, the councils strongly urge the Mayor to reconsider this unnecessary limitation of the viability assessment process and delivery of affordable housing. The review mechanism as currently proposed has not been justified and would be contrary to policy requirements to ensure that the maximum reasonable level of affordable housing is provided.

¹[1] Mayor of London, Housing SPD, paragraph 4.4.40

6.0 AFFORDABLE WORKSPACE

- 6.1 The GLA Representation Hearing Report concludes in the ‘Officer recommendation – reasons for approval’ (page 7, point I.) that the land use principles are strongly supported by local and strategic policies, which is agreed in principle. The key land use objection the borough’s held with this scheme related to securing affordable workspace (Islington).
- 6.2 The Islington Committee report included a reason that the Council would have refused the scheme on stating:
- “The applicant has refused to offer any reduction on rental levels for the allocated ‘affordable’ workspace units to ensure these small units would be affordable to small start up businesses. The proposal is therefore contrary to Islington’s Core Strategy (2011) policy CS13, Finsbury Local Plan (2013) policies BC6 and BC8”.*
- 6.3 The GLA Stage III report states on page 11 under the Calthorpe Street (Other Contributions) heading that ‘two units of affordable workspace to be secured for B1 use for 10 years’ (with rent and service charges to be set out and management regime). Paragraphs 197, 557 and 558 of the GLA report provides greater detail on this, however it is the view of Islington Council that further progress has been made on this since the report was published, and that the following has now been agreed with the applicant:
- i) Two units (243sqm) secured at peppercorn rent for a period of 10 years;
 - ii) The units are located on the corner of Calthorpe Street and Farringdon Road; and
 - iii) The unit(s) shall be fitted out to the specification provided by LBI BEST Team to facilitate immediate use, with no capped amount for the fit out.
- 6.4 It is noted that the GLA consider that the service charge (paragraph 197) should be charged as per the applicant’s offer being: *that the service charge reflect that of other retail units within the development.* The GLA go on to state that ‘...having considered the size of the units, the fact that they would have differential rates to office and residential units (largely due to lack of access to lifts and basements), the applicant’s proposal is considered to be reasonable and appropriate...’
- 6.5 It is Islington Council’s position that all parties should be given an indication of the likely service charge prior to agreeing this point. In general, Islington seeks to secure a 50% reduction in service charges over the life of the affordable workspace being secured to ensure proper affordability, and it is considered this should be known prior to agreeing to this point.
- 6.6 Islington welcomes the GLA view (paragraph 198 of the Stage III report) that a planning condition may be imposed to secure these units as B1a, despite being applied for as flexible A1/A3/D1/D2 uses. Comments on those draft conditions have been sent previously and are appended to this document (Appendix 1).

7.0 HARM TO HERITAGE ASSETS

7.1 The GLA Hearing Report rightly sets out that The Mayor is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Buildings Act”) to have special regard to the desirability of preserving the setting of listed buildings. Pursuant to section 72 of the Listed Buildings Act, the Mayor must also give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development.

7.2 The GLA Representation Hearing Report concludes in the ‘Officer recommendation – reasons for approval’ (page 7) that...

“Overall the masterplanning principles are well-considered, the design and appearance is of a high quality, with strategic views and the designated and non-designated heritage assets, and their significance remaining unharmed...”

7.3 Islington Council when it considered the scheme on 10 March 2014 concluded:

“The proposed height, mass and position of blocks E and F would result in harm to the setting of statutory listed terraces within Calthorpe Street & Wren Street and to the wider setting of the Bloomsbury Conservation Area. The proposed development could be contrary to Islington’s Finsbury Local Plan (2013) policy BC9, Islington’s Core Strategy (2011) policy CS9, Development Management Policies (2013) policy DM2.3 and policies 7.4 and 7.7 of the London Plan 2011”.

7.4 Islington Council came to this view with the support of English Heritage (as quoted at paragraph 106 and 107 of the GLA Hearing report) and Camden Council. All three bodies objected to the proposals on the grounds of the impacts the heights of Block E and F would have on the setting of designated heritage assets within Camden, namely the grade II Listed Buildings on Calthorpe Street and Wren Street and the Bloomsbury Conservation Area. The GLA Hearing Report says at paragraph 325 that the impact of blocks E & F upon Listed Buildings in Calthorpe Street ‘*did not form a reason for refusal in their report*’. This is obviously not the case, as the Camden Committee Report, Minutes and subsequent referral letter to the GLA all note that, as their first objection to the Islington development:

“..the height, mass, position of blocks E & F would result in harm to listed terraces on Calthorpe Street & Wren Street, and to the Bloomsbury Conservation Area, and should be revised accordingly”

7.5 The conclusions of EH were that ‘significant harm’ would be caused to the setting of the Bloomsbury Conservation Area and to the listed terraces, and that this harm needs to be carefully weighed against any public benefits, in accordance with the NPPF (paragraphs 133 and 134). This view is shared by Islington and Camden Councils.

7.6 It is clear from the GLA Hearing statement that the GLA disagree with the assessment made by the English Heritage and the Councils with respect of the degree of harm

caused by the proposals to the setting of listed buildings and conservation areas. However the final requirement remains that the public benefits of the scheme must still outweigh the harm that is caused.

- 7.7 At paragraph 303, the GLA's view of the harm that these proposals would cause to the setting of listed buildings is that '*...it is acknowledged that some harm would result to the setting of the listed buildings in Calthorpe Street but it is considered this harm is outweighed by the wider public benefits of the scheme, not least the improvements to permeability through the site and the provision of new public open space.*'
- 7.8 In relation to harm to conservation areas, the GLA case officer at paragraph 324 considers "*The site is located within a Conservation Area, and there are several in the surrounding area, some of which include Listed Buildings... it is conclude that none of these would be harmed by the proposed development, and indeed the scheme improves the setting noting the existing operations that are currently in-situ.*"
- 7.9 However at paragraph 329, the GLA officer notes that '*some slight harm caused to the setting of the Bloomsbury Conservation Area in views of Calthorpe Street from Guildford Street (a harm which is considered to be outweighed by wider public benefits)*'.
- 7.10 So in summary, the view of the GLA is that some slight harm is caused to the setting of the Bloomsbury Conservation Area and some harm is caused to the setting of Listed Buildings in Calthorpe Street, which must be weighed in the balance against the public benefits of the scheme. Paragraph 326 references the public benefits that the GLA consider outweigh the harm caused to heritage assets.
- 7.11 In Islington Council's Committee report (paragraph 9.69) it stated:
- "Whilst there are some benefits that would be brought forward by this scheme, the extremely low affordable housing offer, in the context of independent viability consultants advice that significantly more affordable housing could be delivered, means that the benefits within the scheme are not of such a degree that would outweigh the substantial harm that would be caused to the setting of the designated heritage assets."*
- 7.12 In this regard, the both Councils' position remains the same as it was at the time of 10 March 2014, the Mayor needs to be entirely confident that the affordable housing offer really is the maximum reasonable that this scheme could deliver not only for its own sake, but in order to genuinely provide a convincing form of balancing public benefit. It is the view of the Councils that the harm is not sufficiently outweighed as public benefits must include the maximisation of affordable housing delivery which this scheme still fails to deliver.

Additional Heritage Concerns:

- 7.13 Since release of the GLA draft decision notice for the conservation area consent (25 September 2014) a condition is suggested that is welcomed in principle as it secures a contract for the commencement of the development prior to any demolition commencing on the site. However the details of the condition are unacceptable as the current wording would enable the construction of the enabling works structure (concrete and unsightly) and not require the full build out of the permission.
- 7.14 This is simply unacceptable in a conservation area due to the impacts that this unacceptable resulting building appearance would have on the character and appearance of the Rosebery Avenue conservation area, to its significant harm.
- 7.15 Details of an amended condition wording have been sent to the GLA (2 October 2014) however the officer confirmed that as the detailed wording of conditions has been delegated to officers, it would not be further pursued or commented on in the GLA addendum report. This is particularly worrying as it forms a type of site linkage of the sort that the applicant has fought against vociferously for the last 14 months, and therefore taking a decision to grant such consents in the absence of the resolution of these issues is considered wholly unacceptable.
- 7.16 The context for this position is set out here. The National Planning Policy Framework (Chapter 12 – conserving the historic environment) states at paragraph 131:

“In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness”.*

- 7.17 The Mount Pleasant Royal Mail site is a very significant site (3.6ha) that is located for the majority within Islington’s Rosebery Avenue conservation area. Leaving this site incomplete with a concrete shell (enabling works) for a lengthy period of time is considered, due to the significant size of the site and therefore the scale and bleakness of the resulting enabling structure to result in a significant and harmful impact on the character and appearance of the conservation area, the setting of listed buildings and on the setting of the adjacent Bloomsbury Conservation Area in Camden.
- 7.18 Paragraph 134 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 7.19 In this regard there would be no public benefit in leaving the site undeveloped above for a significant period of time. In reality public benefit would only be secured by the timely and continued development of the site to enable the delivery of:
- housing (including affordable);
 - public open space
 - publicly accessible play space
 - employment floorspace
- 7.20 Wording the condition in the way proposed (in draft) by the GLA would only provide a **private benefit** to the Royal Mail by providing them with an unrestricted planning permission enabling them to maximise the potential that could be paid for the site.
- 7.21 This wording is therefore considered is strongly disputed and considered to justify and permit potential for significant and long ranging harm to the character and appearance of the conservation areas. The Environmental Statement did not assess a scenario where the enabling structure is left exposed for any period of time. In this regard the planning contract for the development of the Islington site (to be secured prior to demolition works commencing), must secure a contract for the full delivery of the Islington planning permission and should not be separated out into phases.

8.0 CAR PARKING

- 8.1 The GLA Hearing Report concludes in the 'Officer recommendation – reasons for approval' (page 8, point VII.) that...
- “...the quantum of proposed car parking is acceptable subject to a suitable framework of controls including a car parking management plan, permit free agreement, electric vehicle charging point, travel plan and car club spaces. The proposal strikes an appropriate balance between promoting new development and encouraging cycling, walking and public transport use.”*
- 8.2 This paragraph goes on to state that the proposals comply with Islington Council policies: Core Strategy (2011) CS10; chapter 8 of the Development Management Plan (2013) and policy BC6 of the Finsbury Local Plan (2013). It also states that Camden Council policies: Core Strategy CS11 and Development Policy DP16 are met. This is simply not the case as both borough's policies are very clear and seek all new developments in such areas to be car free, though with flexibility only in regarded to parking for wheelchair accessible housing.
- 8.3 The proposals as a whole seek to deliver 119 residential car parking spaces, including 65 car parking spaces in the Islington (Calthorpe Site) of those, 17 would be accessible parking bays; and in the Camden (Phoenix Place Site) 54 spaces (40 in P1 and 14 in P2) of which 11 would be accessible parking bays.
- 8.4 This differs from the quoted numbers at paragraph 384 of the GLA Hearing report which refers to 117 car parking spaces, though does not impact on the ratio of 0.17 spaces per unit.

- 8.5 Both Islington and Camden Councils adopted reasons for refusal due to both boroughs adopted policies seeking car-free developments. The reason for resisting private car parking each read similarly (noting that no objections to the accessible car parking spaces was raised):
- “The proposed quantum of private residential car parking... provides for unsustainable forms of transport and promotes reliance on the private motor vehicle contributing towards congestion and adding to poor air quality within the Air Quality Management Area (AQMA). Whilst the applicant contends that the removal of residential car parking would unacceptably impact on the scheme’s financial viability it is not considered that a robust viability case has been made.”*
- 8.6 London Plan policy 6.13 refers to *maximum* car parking standards, and notes at part b that, ‘*in locations with high public transport accessibility, car-free developments should be promoted (while still providing for disabled people)*’. There is no conflict between London Plan policy 6.13 and Core Strategy policy CS10 (and Development Management Policy DM8.5), part H of which confirms that new developments in Islington must be car-free (except for parking to meet the needs of disabled people) – the strategic policy allows for a car-free policy to be adopted at borough level where appropriate. Whilst recent Government statements have sought to undermine maximum standards, this element of Policy 6.13 remains entirely appropriate and is unmodified in the Further Alterations.
- 8.7 Mount Pleasant, with its high PTAL score, is one such site where car-free development is entirely appropriate. Furthermore, given congestion levels in the surrounding area (including along the TfL-controlled Farringdon Road), together with poor air quality issues (the site is within a designated an Air Quality Management Area for both boroughs and the Mayor should not need to be reminded of the impact threatened due to the failure of levels across London to meet EU requirements), and the promotion of healthier, active lifestyles, the Councils consider that it is in fact *necessary* for the proposed development to be car-free for non-wheelchair accessible properties.
- 8.8 Whilst the applicant contends that the removal of residential car parking would unacceptably impact on the scheme’s financial viability, it is not considered that a robust viability case has been made.
- 8.9 In the GLA Stage 1 response, the Calthorpe Site car parking ratio is described as 0.19 spaces per dwelling and the response states: *“Given the highly accessible location and an already congested highway network, the restraint based approach to parking provision is welcomed”*.
- 8.10 A policy compliant level of accessible parking spaces for this scheme would amount to 68 accessible spaces. However, just 28 accessible spaces are proposed, amounting to some 4% provision. Within the Islington scheme, the 17 spaces proposed equate to 5% provision. With this in mind, the Council welcomes the applicant and the GLAs agreement that the 16 wheelchair accessible parking spaces necessary to facilitate the affordable wheelchair units be secured at NIL cost and transferred to the eventual

Registered Provider for allocation to blue badge holders also at Nil cost. This must also be carried across to the affordable wheelchair accessible units on the Camden site, following the redistribution of those spaces to where the actual greatest needs will exist.

S106 (Car Parking):

8.11 Notwithstanding the objections in principle to the provision of car parking, the Councils have been negotiating s106 clauses in the event the scheme is supported by the Mayor. The Boroughs understand that the following has been agreed with the developer and the GLA:

- i. A total of 16 accessible car parking bays (Calthorpe Site) to be transferred to the Registered Provider at no charge, for allocation (without charge) to blue badge holders of the affordable residential accommodation at the site;
- ii. Car Parking Management Plan
 - a. to ensure that no (non-accessible) car parking space is allocated to any unit with fewer than 3 bedrooms;
 - b. Identifying additional off-site capacity for blue badge holder spaces in the event additional spaces become necessary
 - c. To secure provision of 20% electric charging points for spaces and 20% passive provision

8.12 It is also welcomed that the GLA report (paragraph 386) includes the following to be addressed by Parking Management Plan:

- i) allocation of mobility scooter storage;
- ii) taxi drop-off; and
- iii) community transport points.

8.13 It is considered that the following is not yet agreed but sought by Islington: the remaining (single) accessible car parking bay should be assigned to a wheelchair accessible unit that is occupied by a blue badge holder without charge. This is to ensure that appropriate accessible parking bays are provided to ensure the development functions appropriately and does not have an unacceptable impact on the surrounding road network in the event a number of disabled residents move into this scheme and to better accord with policy given the significant below 10% provision secured within these proposals. Further details on Camden's requirements have recently been conveyed, and await progressing by the GLA.

9.0 HIGHWAY SAFETY

9.1 Islington Council, when considering the proposals at the 10 March Planning Committee, agreed to an officer recommendation that a reason for refusal be included relating to highway safety, this is acknowledged at paragraph 520 (and 521 and 522) of the GLA Stage III report. That reason read as follows:

The proposed relocated the Sorting Office entrance (around 15 metres south of the current location) will pass through the proposed Block G. Access diagrams and

vehicle tracking show that vehicles are likely to overrun the kerb, cross the Farringdon Road centre line and may come into conflict with the proposed pedestrian refuge. The proposed development would therefore give rise to vehicle–vehicle and vehicle–pedestrian conflicts.

- 9.2 Both Councils sought to secure a pedestrian refuge directly opposite ‘The Garden’ where it meets with the widened Farringdon Road footway. This would have provided a meaningful east-west direct link to the opposite side of Farringdon Road, leading through to Wilmington Square. This would also have reinforced a ‘Green corridor’ towards open spaces to the east of the application site. Islington Council is not convinced it has yet seen drawings that demonstrate that two articulated vehicles could simultaneously enter and exit the site, even with the pedestrian refuge removed.
- 9.3 However given that Transport for London is the Highway Authority for Farringdon Road, if TfL are satisfied that these movements can be accommodated safely, then no further comment on that respect is made. It is acknowledged that egress to Phoenix Place would be removed, improving the situation for the planned strategic cycle route for Phoenix Place and also for the more civic nature of Phoenix Place given that the British Postal Museum and Archive and ‘Square C’ would directly front that street.
- 9.4 It is noted that a number of other amendments to Farringdon Road are difficult to accommodate within the short stretch available and whilst extremely regrettable, the loss of the pedestrian refuge is accepted on the grounds of the constraints present on Farringdon Road and in terms of securing a design that would maintain highway safety. However, it is considered that the loss of the pedestrian refuge from this newly created desire line reduces the overall public benefits within the scheme.

10.0 SUSTAINABLE URBAN DRAINAGE (SUDS)

- 10.1 The GLA Representation Hearing Report concludes in the ‘Officer recommendation – reasons for approval’ (page 8, point V.) that...

The proposed development would be of a high standard of sustainable design and construction, minimizing carbon dioxide emissions, using energy efficiently and including renewable energy in accordance with the energy hierarchy. The development would deliver urban Strategy greening, biodiversity and sustainable urban drainage benefits over the existing situation at the site. As such the scheme complies with the policies contained within Chapter 5 of the London Plan, Policy CS10 of the Islington Councils Core Strategy, chapter 7 of the Islington Council’s Development Management DPD...

- 10.2 The submitted sustainable urban drainage strategy does not comply with the adopted Islington policies. This is an important point and must be corrected in an addendum report as it should not influence the Mayors final determination. Whilst it may comply with GLA policies, it is not local plan compliant and no improvement has been secured by the GLA in relation to this point.

- 10.3 Islington Council, in its consideration of this scheme on 10 March 2014 adopted a reason for refusal on the grounds of insufficient sustainable urban drainage attenuation and inappropriate run-off rates in this local 'Critical Drainage Area'. The reason for refusal read:

The proposal fails to justify not achieving the SUDS 'greenfield run-off rates' that is required. The provision of car parking at the expense of a policy compliant level of sustainable urban drainage within this 'Critical Drainage Area' is not supported by evidence, including a lack of viability evidence. It is considered that based on the current information and scheme design, the proposals fail to adequately address London Plan (2011) policies: 5.3 and 5.13, Core Strategy (2011) policy CS10E, Development Management Policies (2013) Policy DM6.6 'Flood Prevention', Finsbury Local Plan (2013) policy BC6Aii and the Environmental Design SPD 2013).

- 10.4 The GLA Stage III report sets out the Islington Development Management Policies (2013) policy DM6.6 requirement at paragraph 497 which seeks a runoff rate of 8 litres/second / hectare, with a minimum requirement to achieve a 50 litre / second / hectare (which reflects a 1:100 year flood plus 30% allowance for climate change). This goes further than the London Plan policy requirement (which seeks 50% attenuation).
- 10.5 The applicant has advised that to meet the requirement, a doubling of the storage capacity would be required which would necessitate the removal of the basement car parking spaces having an impact on viability. The boroughs remain of the opinion that no robust viability case has been put forward with regard to the impact on viability that the removal of reduction of car parking spaces would have on the scheme. The boroughs do not consider that viability should be used as a basis for justifying car parking spaces as a general rule, given its track record at resisting schemes with any car parking since the adoption of the Core Strategy in 2011 and the high levels of affordable housing still negotiated from most schemes.
- 10.6 The proposal meets the London Plan requirement, but fails to achieve the local policy standard, which is reflective of the site being within a 'Critical Drainage Area'.
- 10.7 Islington Council continues to hold the same objections to this failure to meet sustainable drainage requirements in this Critical Drainage Area as a result of prioritising further policy non-compliance, in the provision of car parking that has subsequent impacts on relation to promoting unsustainable forms of travel and adds to poor air quality in this particularly accessible location.
- 10.8 Notwithstanding the above in principle objections, it is considered that a condition could secure further examination of increased substrate depth to green roofs, maximisation of rainwater and greywater recycling and further details of attenuation to ensure the storage capacity is maximised as much as possible.

11.0 CARBON REDUCTIONS

- 11.1 The GLA Representation Hearing Report concludes in the 'Officer recommendation – reasons for approval' (page 8, point V.) that...

The proposed development would be of a high standard of sustainable design and construction, minimizing carbon dioxide emissions, using energy efficiently and including renewable energy in accordance with the energy hierarchy. The development would deliver urban Strategy greening, biodiversity and sustainable urban drainage benefits over the existing situation at the site. As such the scheme complies with the policies contained within Chapter 5 of the London Plan, Policy CS10 of the Islington Councils Core Strategy, chapter 7 of the Islington Council's Development Management DPD...

- 11.2 The submitted energy strategy and subsequent carbon reductions do not comply with the adopted Islington policies. This is an important point and must be corrected. Whilst they may comply with GLA policies, it is not local plan compliant and no improvement has been secured in relation to this point.

- 11.3 Islington Council, in its consideration of the scheme on 10 March 2014 adopted a reason for refusal on the grounds of inadequate carbon emissions reductions and in particular objected to the inclusion of comfort cooling and sought greater work in relation to efficient lighting strategy. The reason for refusal read:

The scheme proposes comfort cooling that amounts to 15% of the schemes total CO2 emissions, without sufficient justification and therefore fails to accord with policies 5.3Ca and 5.9B of the London Plan 2011, and policies CS10 of the Core Strategy and policy DM7.5 of the Development Management Policies (2013). Additionally, the scheme has a very high lighting demand, with lighting amounting to 22% of the schemes CO2 emissions. The applicant has failed to engage fully in discussing lower energy options to address this, therefore contributing towards the schemes failure to achieve the (proxy) 30% (total) CO2 emissions reduction target against Part L, 2010 Building Regulations.

- 11.4 The Stage III report (paragraph 482) comments on the Islington objection to comfort cooling (air conditioning). The applicant could not demonstrate this was needed to avoid overheating (as the applicant has agreed to passive design measures to prevent overheating. The applicants only justification remains a viability argument and a statement that it would aid the marketability of flats.
- 11.5 The Stage III report assesses the acceptability of comfort cooling on the basis of the London Plan policies, not local policies (DM7.5). The report states that 3% of the regulated CO2 emissions would be attributed to the cooling (which could be met through GSHP), there is a viability case to allow it and similar strategic schemes have been granted by the GLA with cooling and the level is in line with those.
- 11.6 Islington continues to object to this provision given that there is no stated need to avoid overheating.

- 11.7 Notwithstanding the in principle objections, Islington negotiated s106 matters in relation to a revised energy strategy, future proofing connections to the related energy centre within the scheme and also sought the GLAs agreement that a condition be imposed to prevent the installation of comfort cooling.

12.0 SUNLIGHT AND DAYLIGHT IMPACTS

- 12.1 The GLA Representation Hearing Report concludes in the 'Officer recommendation – reasons for approval' (page 8, point VI.) that...

VI. With respect to the impact on residential amenity: the proposed development would not result in a significant loss of sunlight to neighbouring residential properties, however, in a number of cases there would be noticeable and material impacts on daylight – having considered these impacts GLA officers are of the view that they would be acceptable within a central London urban context of this kind; the overshadowing impacts associated with the proposal are acceptable; issues of privacy and overlooking have been mitigated through design; issues of noise and disturbance would be adequately mitigated through planning conditions. As such the proposed development complies with London Plan policies 7.6, 7.14 and 7.15, policy CD7 of the Core Strategy, policies DM2.1 and DM6.1 of Islington Council's Development Management Plan, policy BC2 of the Finsbury Local Plan, and in relation to Camden, Policy CS5 of the Core Strategy and Camden Planning Guidance 6.

- 12.2 Some corrections must be made to this statement. The above should reference policy **CS7** of the Islington Core Strategy. Policy BC2 of the Finsbury Local Plan is not relevant to this site as it relates to Old Street. The relevant area based policy would be BC6 'North Clerkenwell and Mount Pleasant'.
- 12.3 Islington Council, in its consideration of the scheme on 10 March 2014 adopted a reason for refusal on the grounds of harmful impacts upon the daylight receipt of neighbouring residential properties, in particular those of Farringdon Road.
- 12.4 Firstly, it is welcomed that the GLA appointed an external consultant to advise on the impacts in relation to sunlight and daylight. It is also welcomed that further site visits were made by the applicant to adjoining and impacted properties to ascertain details of room usage, room sizes and layouts (refer to paragraphs 430, 432 of the GLA Stage III report – in relation to 124-140 and 142-146 Farringdon Rd) to better inform the Daylight Distribution / No Sky Line assessments previously considered by the Councils.
- 12.5 Additionally, it is also accepted that the BRE Guidelines should be applied flexibly and that the application site is relatively undeveloped and void of buildings compared to its surroundings (paragraph 405 of GLA Stage III report). Moving to the key conclusions, the consultant advises that a number of rooms could be considered to remain adequately lit, retaining 50% of NSL to each main habitable room. The rooms that fall below this include:

- i) First floor flat to 160 Farringdon Road; and

ii) Basement rooms to 124 to 132 Farringdon Road.

- 12.6 The conclusions of paragraph 450 in the Stage III report are accepted, in that the basement rooms affected are bedrooms, with a lesser requirement for natural light. The rooms in the flat at 160 Farringdon Road, no real explanation is given except to comment that reductions in the scale of the development would result in compromised design in townscape terms, reduce noise attenuation possibilities and impact on office floorspace layouts.
- 12.7 In the context of this conclusion it is noted that the GLA are flexibly applying the BRE criteria and this is a matter of judgment that has been informed by consultant advice. Given the GLA are accepting such '*noticeable and serious*' impacts (paragraph 436) to the above mentioned rooms, in an '*on balance*' (paragraph 452) consideration, then the credibility of the schemes financial viability assessment and affordable housing quantum that it is delivering is all the more critical to get right. Getting this wrong seriously undermines the public benefit brought forward by these proposals and would render the impacts to these properties in terms of daylight loss all the more unjustified.
- 12.8 Camden's position remains that significant reductions to daylight levels within the identified neighbouring properties on Mount Pleasant occur, and that new development should inherently seek to balance harms in this area through meaningful public benefits in the form of place making, improved urban permeability and of course affordable housing. The scheme does not as currently proposed, come close to maximizing those balancing benefits.

13.0 CONCLUSION

- 13.1 Islington and Camden Council's urge you again to refuse this application and ask the Royal Mail to work with the two Councils and the local community to build the homes that Londoners really need and can afford.
- 13.2 The Mayor must determine these planning applications in accordance with the Development Plan (the London Plan and Islington and Camden's Local Plans as appropriate) unless material considerations indicate otherwise. In order to properly determine the applications you must have sufficient information and evidence before you to adequately assess the extent to which the applications accord with the Development Plan and whether material considerations indicate otherwise. It is Islington's and Camden's view that this is clearly not the case.
- 13.3 The Mayor should also take steps to enable the Councils to understand the details of what is proposed and the evidential basis for it. As set out in this letter and previous representations Islington and Camden do not consider that they have had adequate information to be in a position to fairly and properly make its representations to the Mayor.
- 13.4 As stated above, this scheme fails to accord with the local policies adopted to reflect local circumstances in Islington and Camden in relation to policies on car parking provision, energy efficiency and CO2 emissions reduction targets, sustainable urban drainage. Worse still than this, it has been accepted to cause harm to the residential

amenity of adjoining occupiers and harm to the setting of heritage assets located in Camden. In this regard, when considering this harm as a balancing act against the 'public benefits' of this scheme, the Mayor should ensure that the affordable housing targets for this scheme are afforded the appropriate weight. Moving on from this then, the Mayor must also be entirely satisfied that the affordable housing offer, as evidenced via the financial viability assessment, has been properly scrutinised, and planning policy requirements applied properly as required by the Act.

- 13.5 In conclusion, with no developer on board, the application for the development of this prime site is purely a cynical exercise by Royal Mail Group to maximise the value of their land asset at the expense of delivering homes for ordinary Londoners.
- 13.6 The 24% 'offer' in no way represents the *maximum reasonable affordable housing* that can be provided taking into account the boroughs' 50% Local Plan targets as required by your London Plan. Should you accept this derisory offer you will be handing over a huge windfall payment to the Royal Mail at the expense of homes for hundreds of ordinary Londoners.

APPENDIX 1 – SECTION 106 COMMENTS SENT ON 1 OCTOBER 2014 TO GLA CASE OFFICER (BY EMAIL)

SECTION 106 HEADS OF TERMS

The GLA Stage III report makes reference to s106 items to be secured throughout. Additionally, it lists heads of terms (headings) at pages 9 through to 11 and has a final section from page 114 that covers key topic headings as specific mitigation for the development.

Fundamental to the acceptability of this scheme are s106 requirements for affordable housing provision, viability review mechanisms and linkages between the two sites on the basis of place shaping and securing the proper functioning of the development but also in relation to ensuring that the schemes are considered holistically in financial viability terms, particularly in the event the sites are sold on and negotiations for amended scheme designs on the approvals are sought in the future. The two sites must be linked to ensure that the lesser affordable housing, the absence of office floorspace and the minimal publicly accessible open space and financial contributions towards open space are secured by Camden in the future.

These formed reasons for refusal from both Camden and Islington Planning Committees and will be addressed further in the Hearing Statements.

Additionally fundamental to the consideration and acceptability of this scheme are the details of financial viability review mechanisms that are necessary to make this development acceptable. Whilst the confirmation that two reviews will be secured is welcomed, the details quoted within the GLA Stage III report referring to the pre-implementation review being linked to a requirement that 3 years from the grant of planning permission, the enabling works reaching 'substantial implementation'. This will be further addressed in the Hearing Statement to follow.

Of equal and particular concern is the fact that the Mayor will not be privy to these integral details to the overall acceptability of this scheme in terms of it maximising affordable housing delivery. The boroughs have jointly discussed these issues with the applicant for well over 14 months and no movement has been made by them on any of the substantive inputs to these reviews. In the 9 months that the GLA has been considering this scheme, no movement has been made. Further details on this point will be made in the Hearing / Statements.

The following specific and detailed points are made with the request of them being included in an addendum report for this scheme as a result of it / them being agreed (or insertion where possibly left out in error).

1. Affordable Workspace: the GLA Stage III report states on page 11 under the Calthorpe Street (Other Contributions) heading that 'two units of affordable workspace to be secured for B1 use for 10 years' (with rent and service charges to be set out and management regime). Paragraphs 197, 557 and 558 of the GLA report provides greater detail on this, however it is the view of Islington Council that further progress has been made on this since the report was published, and that the following has been agreed with the applicant:

- iv) Two units (243sqm) secured at peppercorn rent for a period of 10 years;
- v) The units are located on the corner of Calthorpe Street and Farringdon Road; and
- vi) The unit(s) shall be fitted out to the specification provided by LBI BEST Team to facilitate immediate use, with no capped amount for the fit out.
- vii) Management regime considered to be agreed also see:

Management of the affordable workspace - Prior to completion of the affordable workspace LBI will invite organisations on its Affordable Workspace Provider (AWP) list to tender for the space. The preferred provider will be selected by LBI's Business and Employment Support Team (BEST) in dialogue with the developer. Once the provider is selected a head lease will be secured between the developer and LBI. LBI will then grant a sublease to the AWP, ensuring the selection criteria are met in legal terms.

Only affordable workspace item considered not agreed is the service charges for the units.

It is noted that the GLA consider that the service charge (paragraph 197) should be charged as per the applicant's offer being: *that the service charge reflect that of other retail units within the development.* The GLA go on to state that *'...having considered the size of the units, the fact that they would have differential rates to office and residential units (largely due to lack of access to lifts and basements), the applicant's proposal is considered to be reasonable and appropriate...*

It is Islington Council's position that the parties should have an indication of the likely service charge prior to agreeing this point. In general, the borough seeks to secure a 50% reduction in service charges over the life of the affordable workspace being secured to ensure proper affordability, and it is considered this should be known prior to agreeing to this point.

2. Public Realm and Highways Works: Islington agrees with the mechanism of securing these works through a s278 agreement, but requires that the scope of what that s278 shall entail is set out clearly in the s106 agreement. Camden has provided an approximate sum in regard to the works within their jurisdiction, but this must continue to be regarded very much as approximate, as it was reached without the cooperation of the applicant at that point. Islington Council does not consider plan LL435-000-0005 to be an adequate basis for the council to assess the public realm and highway works, nor to provide costings from. For example, Islington would like specified, and the same detail would be necessary to firm up the previous estimate provided by Camden:

- i) detailed design by qualified highway engineer to include: proposed lighting and tree planting (including tree pits) and resulting footway widths;
- ii) safety audits of proposed highways realignment;
- iii) detailed specifications;
- iv) improvements programme;
- v) timetable for payment and completion set out; and

vi) confirmation that the applicant pays for the works to be carried out and any consequential traffic management orders.

3. For the Islington site, Work placements (23) to be provided at London Living Wage at the developer's cost. The Stage III report (paragraph 559) states that 'the obligation would be flexible in order to respond to the detailed build out / construction programme once it is known.'

It is understood that for Islington, 23 x 13 week placements paid at the London Living Wage is agreed. Note: that in relation to the flexibility sought by the applicant, this is only acceptable to the council if it is "subject to approval by the council" to ensure that the length of the placements remains meaningful.

Additionally, there needs to be provision for a payment of £5,000 per 13 week placement that is not provided to ensure appropriate enforcement of the obligation. Additionally, there should be a requirement to work with council's BEST team.

4. Resident's Parking Bays restrictions (with exemption for blue badge holders, or for those holding a Resident's Parking Permit **issued by LBI** for at least one year prior to occupation of a dwelling). Note the text in bold should be added. An equivalent provision within Camden is also appropriate.
5. Wheelchair Accessible Parking spaces: It is understood that the following obligation has been agreed by the applicant in regard to the Islington site: '**16 wheelchair parking spaces to be transferred to the Registered Provider at nil cost who will make the spaces available exclusively to blue badge holder at nil cost**'. It is requested this be included in the addendum report. Further comments in relation to this are provided under the car parking section of the hearing statement. Please refer to earlier comments raised in regard to the Camden wheelchair accessible parking provision.
6. Submission of a Car Parking Management Plan – including EVCP charging points to be provided (**20% provision + 20% passive provision**); details of car park operation; provisions relating to blue badge parking. Comment: above bold text requested to be added into HOT (agreed with applicant). The same London Plan derived standards also should be delivered on the Camden site.

No parking space to be allocated to a unit, on either Borough site, of less than 3 bedrooms (with the exception of the wheelchair accessible parking spaces transferred to the Registered Provider) as per paragraph 510 of the Stage 3 report. It is requested this be added to the heads of terms, being agreed.

Additionally, the GLA report (paragraph 386) states that the following to be secured within the Car Parking Management Plan:

- iv) allocation of mobility scooter storage;
- v) taxi drop-off; and
- vi) community transport points.

It would be helpful if this detail could be added into an addendum as well for completeness.

7. Submission of Travel Plan (including monitoring and review, excluding RMG operations); (**further details on this is on a section by section basis and to be reviewed after 3 years**). It is requested that the text in bold be added to the addendum report / updated heads of terms as it is considered to be agreed.
8. Safeguarded Area to be kept free from permanent structures for 1 x 25 cycle docking stations and access given to TfL for installation as and when required; **installation to be at no cost to TFL/LBI / LBC** . Comment : HOT to be amended to have text in **bold** added.
9. Submission of Estate Management Plan **informed by security management plan** (refer para 341 of Stage 3 report) and Open Space Delivery Plan. Please insert the bold text.
10. Publicly Accessible Areas to remain open to public;
11. Energy: future proofing district heating and cooling connection **and linking the two sites and the two sites to satellite sites...** (refer to full text at paragraph 569 of Stage 3 report). Request that full report text / paragraph text be added as an agreed detail into the heads of terms addendum.
12. **Compliance with Procurement Code** appears to have been omitted we believe in error – please add this to the addendum HoTs list.
13. The ongoing involvement of the current architects (**or in certain circumstances of similar calibre**) for detailed design and build stage. Comment: we wish this HOT to be amended as shown in **bold**.

APPENDIX 2 – COMMENTS REGARDING GLA PUBLISHED DRAFT PLANNING CONDITIONS AND INFORMATIVES (SENT 1 OCTOBER 2014 BY EMAIL)

Conditions – comments on the GLA Draft decision notice for Islington

(NOTE: Camden will provide further comments if required following the Hearing).

Please note, that where the short description of the condition is not displayed in bold, this means that the condition wording is agreed.

Could you remove reference to the 'Enabling Works' being section 5 – they should just be described as the 'enabling works'. Refer also to suggested updated informatives at the end of this document.

1. Commencement – agreed
2. **Approved plans list** – missing Environmental Statement documents
3. **Affordable Section Plan** – I would suggest that this condition can be deleted.
4. Archaeology- agreed
5. **Site contamination** – agreed – however you might want to add (as per paragraph 550 of your report) reference to **submission of further details in relation to unexploded ordinances and any mitigation measures that may be necessary, in accordance with the recommendations of the Environmental Statement.**
6. **London Underground Infrastructure** – happy if London underground accept this can be discharged on a section by section basis.
7. **Piling Method Statement** – again, happy if Thames Water are happy for it to be discharged on a section by section basis
8. **Water supply** – request that 'should' be replaced with 'shall'
9. **Construction Environmental Management Plan** – not agreed this should be able to be discharged on a section by section basis. Happy for enabling works to be discharged as one submission, but it is considered that sections 3 and 4 should be dealt with together, given the significant difficulties in separating these phases.

Additionally, it is requested that the following text be added:

'The report shall include details of any other construction occurring elsewhere within the wider site at the same time, such as earlier sections 1 and/or 2 on the Camden site.'

Also to add the following policy references: Development Management Policies (2013) policy DM8.3.

10. **Acoustic Treatment to Enabling Structure and Block G (Royal Mail Vehicle Entrance):** request deletion of 'Section 5' in first line as no reference is now made to the Enabling Works as section 5.

Please add to this condition (perhaps as part c): **'details of the treatment of the lightweight acoustic roof deck to secure appropriate sound insulation and noise control**

11. **Temporary arrangements** – it is the preference that this condition be discharged on the basis of Enabling Works and Sections 3 and 4 together.
12. Groundborne noise – agreed
13. Sound Insulation – agreed but please add the following policy to the reason **DM3.7**
14. **Sound insulation and anti-vibration between different uses** – please add under part c) the bold text: 'c) blocks G (office), **E** and **F** (residential) buildings.
15. **Air quality – residents' exposure** – agreed
16. **Mail Centre – Fixed Plant** – please delete the words 'Section 5' and replace with **'the'**. The enabling works are not considered / described as a 'section' anymore.

Can you also copy across the 'Reason' for condition 14 to this condition.

17. **Materials – Further details and samples required** please can you add the following **bold** text to the relevant part of the condition:

d) '1:20 scale sectional details of window treatment (including sections and reveals)

e) roofing materials **and detailed drawings of the roof forms and parapets**

h) balustrading treatment (including sections **1:20 scale**);

Please add blocks **'J and K'** to the comment regarding an elevational mock-up requirement.

Additionally, your report (paragraph 372) refers to courtyard noise in particular for Blocks J and H. Can you therefore add into the following into the materials details condition:

[noise dampening details / materials to be put in place to protect the amenity of residents within Blocks J and H due to courtyard noise potential]

18. Privacy Screen – agreed
19. **Energy / Carbon dioxide reduction** – please add the following text (as per paragraph 483 of your report):

This revised Energy strategy shall include details of the recommended ‘passive design measures’ from the Overheating Report approved as part of this application. Those details shall include:

- a) retractable shading;**
- b) mechanical heat recovery (in instances where openable windows are not recommended due to noise or air quality reasons)**

20. **Connection to Future District Network** – not agreed. Please delete the words **‘subject to an appraisal of technical feasibility, commercial and financial viability for the developer and site users (including residents), and carbon saving potential’**

This wording is being discussed and is largely agreed, in relation to the s106 and ‘requirement’ to connect. This condition is simply securing details to ensure that the design of the development is such that in the event that the above technical and other feasibility is proven to be acceptable, the scheme has been designed and constructed to enable the connection to be made. The above wording has never been agreed to be included in any condition wording and in the view of Islington officers is the wrong place for its inclusion.

In addition, paragraph 480 of your report refers to further items to be secured via planning conditions. I would suggest therefore they be secured as part of this condition, adding the following:

[Those details shall also include: insulation levels targeted for distribution pipework, valves and flanges to protect against overheating and information of the secondary design side and also under floor heating or oversized radiators to enable optimum efficiency for the CHP.]

Please also delete under ‘REASON’ the following (**bold**) words [**and subject to a detailed appraisal**] and add the following policy references:

5.2, 5.5 and 5.6 of the London Plan 2011, policy CS10 of the Islington Core Strategy 2011, policy DM7.3 of Islington’s Development Management Policies 2013 and policy BC9 of the Finsbury Local Plan the Mount Pleasant SPD (2012) and the Environmental Design SPD.

21. Comfort Cooling Details – agreed. However as you know, the Council’s position is that the provision of comfort cooling is directly contrary to the adopted Development Plan for Islington and that insufficient justification has been provided, particularly in the context of an overheating assessment that concludes that such cooling is not necessary to prevent overheating, even with predicted rise in temperatures.
22. Air Quality Objectives – agreed.
23. **Air quality – residents exposure** – delete (repeated condition – already condition 15)

24. **BREEAM** – please add [D2] into the list of use classes required to meet the condition. ‘Very Good’ is not agreed. Your GLA report paragraph 490 states that Very good would be achieved up to shell and core stage, and that Excellent could be achieved, but that would then be the requirement of the fit out stage. In this regard, the condition should be amended accordingly, and the affordable workspace should be fitted out to an ‘Excellent’ BREEAM standard. Please can the following amendments be made to that condition:

CONDITION: All office, affordable workspace and commercial (A1, A2, A3 and D1 uses) units within the development hereby approved shall achieve a BREEAM (2011) rating of no less than “Very Good” **to the shell and core stage**’.

It is also requested that a further provision be made to secure the provision of the: **affordable workspace to ‘Excellent’ standard, as the fit out is being provided by the applicant.**

25. **Waste management strategy** – delete text at bottom of the condition box – left in error. Please also add (perhaps as point c): [**details of the management strategy for moving the waste from its storage locations in the basement, up to ground floor for collection**] This reflects the text in your report, paragraph 548
26. **Roof-level structures:** please delete the words in the top of the condition [**on a phase-by-phase basis.**]
27. **Disabled Parking Spaces:** request the deletion of the words: [**(unless temporary arrangements are made for the duration of construction on the site)**]. This is not considered acceptable. These parking spaces are in the basement and the energy centre, SUDS, parking spaces etc are required to be completed and operational prior to first occupation of the development. Therefore this caveat is not considered to be necessary. Additionally temporary arrangements during construction are considered to pose significant safety and amenity concerns for wheelchair / blue badge holders in the event the spaces aren’t available at time of their first occupation.
28. **Cycle Parking provision** - your report (paragraph 39) refers to a total of 84 visitor cycle parking spaces to be provided within the public realm. Paragraph 516 refers to 50 cycle spaces for the commercial units to be located in the public realm. I have suggested securing 50 visitor spaces in the public realm – but if you think it should be 84 – please amend. This is due to the potential impact on the public realm of having so many cycle storage spaces.

Paragraph 515 of your report refers to 670 cycle parking spaces being sought via details of stackers.

Suggest the following wording to replace the details in the condition:

- a. **The storage shall provide for no less than 438 spaces, with details submitted to demonstrate how the policy requirement for 670 spaces may be accommodated through use of some double height / stacked cycle storage.**

- b. **provide details of mobility scooter charging locations in addition to standard cycles.**
- c. **Visitor cycle parking shall be provided with a total of 50 cycles.**
- d. **Details of end of trip facilities (showers and lockers) for staff associated with the office development (Block G) shall be submitted for approval**

29. **Landscaping** needs to reference approved drawing Rev P2 to 1. correspond with approved drawing list.

Also – a significant degree of tree planting is proposed above the enabling structure, for ‘The Garden’, and ‘The Laneway’. In this regard, details of tree pit locations and designing in the substrate depths will need to be designed into the Enabling Works detailed design. As such – this condition cannot (to succeed) exclude the Enabling Works – as it is fundamental to delivery.

Also, corrections to numbering needed as well as:

- 1) second a. location should read **located**
- 2) after ‘Blocks E and F insert **[as per Crime Impact Assessment recommendations]**
- 3) first bullet below – replace **floor** with ‘**ground**’
- 4) fourth bullet delete: **[should be installed]** and replace with **[such as sculpture / art]**
- 5) part d. delete **[with 40-50cm girth to Mount Pleasant and Calthorpe Street]** as this dealt with in the s278 agreement in terms of highway design
- 6) part o. SUDS – As noted this is an issue of in principle objection by the borough. However given the disagreement, this being secured via the landscaping condition is accepted only in this instance given the unusual circumstances of this case.

30. Green / Brown Roofs (General) and walls – agreed. But possibly you might want to reference those details being submitted in ‘**accordance with approved drawing: 00_07_051 P3**’ (as per your report at paragraph 492).

31. **Window cleaning apparatus** please add the following blocks **[H, J and K]**

32. **Inclusive design – residential units** – agreed – but there is a typo in first bullet point – ‘endeavours’

33. Inclusive design – communal residential areas – agreed.

34. **Inclusive design – wheelchair accessible units** – it is noted that the 2014 SPD for wheelchair units came in during the course of considering this application, and that the GLA are taking a reasonable approach in this. However it is requested that the condition be **reworded to secure compliance with the 2009 SPD standards**, but maintaining the current ‘reasonable endeavours to achieve 2014 compliance’. This is considered fair and reasonable and to provide greater degree of certainty of the acceptability of the resulting units.

35. **Inclusive design – commercial units** please add **[D2]** into the list of use classes.

36. **Security and general lighting – delete this – it is covered by condition 41.**

37. **Emergency or Standby Plant Noise** - delete [This condition can be discharged on a Section by Section basis.] This relates to the Royal Mail emergency plant – therefore relates to only that section.

Also – can you copy the ‘Reason’ for approval for condition 14.

38. **Playspaces** – please delete ‘**other than those in relation to Section 5 (Enabling Works)**]. Play equipment may need to be designed into the structure of the enabling structure, as it would partly be located within ‘The Garden’ and equipment attaching to that structure.

Also – paragraph 366 of your report refers to provision of ping pong tables for older children – it is suggested this detail be added into the condition wording to improve ability to secure this provision. This is supported by paragraph 367 of your report which refers to robust conditions to secure details – and I would suggest this condition is not yet robust enough. Perhaps you could quote from your report in the condition reason to give direction for future officers dealing with this condition discharge application?

39. **Flues and Extraction** please delete [**The approved scheme shall be installed prior to first occupation of the unit for A3 purposes and maintained as such thereafter.**] This is repetitive of the above parts of the condition. Please also add the following policies under the ‘REASON’ [**Development Management Policies: DM2.1 and DM2.3 and Finsbury Local Plan policies BC6 and BC45**].

40. Electrical Substation – agreed.

41. **CCTV, Lighting and Security Lighting** agreed – but can you use the planning policies to be copied from condition 36 ‘REASON’ and put as the policy reasons for this condition?

42. **Temporary Marketing suite** – can you reduce the length of time to 3 years rather than 5? Also – could you **replace [BC2] with [BC6]**

43. **Boundary treatment (including lightwell railings and low walls)** can you please amend [**prior to practical completion of the development**] to [**prior to practical completion of the relevant section**]?

Can you add in the following policy references: **Core Strategy policies CS8 and CS9, Development Management Policies DM2.1 and DM2.3, Finsbury Local Plan policies BC6 and BC45, the Mount Pleasant SPD and the Conservation Area Design Guidelines.**

44. **Fixed Plant – normal plant associated with non mail centre development** can you please add in the text: (**excluding the Mail Centre Plant**).

45. **Code for Sustainable Homes** - not sure why the words [**and commenced**] are included here? Can they be deleted?
46. **No commercial unit amalgamation / subdivision** can you please add block [K] into this condition?
47. **Rainwater / Greywater Recycling** suggest this condition be combined with condition 57 for water consumption (as they are related). Suggested combined condition wording:

Rainwater / Recycling and Water Use Targets

CONDITION: Notwithstanding the details approved, updated details of the rainwater and greywater recycling systems shall be submitted to and approved in writing by the Local Planning Authority prior to super structure works commencing on Section 3 and Section 4.

The details shall also identify how the water use target of 90 litres/ per person per day, for the residential uses of the site (all tenures) including by incorporating water efficient fixtures and fittings shall be achieved. The approved details shall be installed and operational prior to the first occupation of the relevant Section and shall be maintained as such thereafter.

REASON: To ensure the sustainable use of water in accordance with policies: 5.13 and 5.15 of the London Plan 2011, policy CS7 and CS10C and G of the Islington Core Strategy 2011 and Development Management Policies DM6.6 and DM7.4

Note – your report at paragraph 493 refers to a 90 litre target offered by the applicant, which is why this is conditioned in the above.

48. Community use floorspace secured - agreed
49. Restriction of uses permitted within D1 and D2 use classes - agreed
50. **Changing the use of flexible commercial units** can you please insert [10] as the number of years this is secured for. Sam – can you clarify where those unit name / references come from?
51. **Hours of operations – Flexible commercial use** – are you comfortable with a late time of 11pm on any day? I am just wondering if you could add into this condition: [**Should any use include outdoor seating associated with its use, those outdoor seating and patrons will be required to move inside the premises prior to 10pm Monday to Saturday and prior to 8pm on any Sunday or Public Holiday**].
52. **Unobstructed Vehicle Entrance and Circulation** – agreed – but maybe can you add the following reason for the condition:

REASON: In the interest of vehicular, cyclists and pedestrian safety in compliance with policies 6.9, 6.10 and 6.14 of the London Plan (2011), policy DM8.1, DM8.2, DM8.4 and DM8.6 of the Development Management Policies

(2013), policy BC6 and Site Allocation BC45 of the Finsbury Local Plan (2013) and the Mount Pleasant SPD (2012).

53. **Servicing arrangements** – paragraph 382 of your report refers to the servicing plan including details of how safety for pedestrians will be assured in shared surfaces also used for servicing. **Can this be added?** Additionally, there is a reference to remote controlled bollards being controlled as part of the servicing plan – can details for the approval of the installation and management / use of those bollards (located where ‘The Lane’ meets ‘The Garden’) to prevent misuse of the service lane. **Can this be added.**
54. **Glazing to ground floor elevations** – can you please delete the words **[Above a height of 1.4 metres above the finished floor levels]** sorry this wording was provided in error – we want the full height of the glazing to be clear to enable proper visual connection between the street and the active frontages.
55. **External pipes and cables** – Please can the whole second sentence deleted please. This is about ensuring a high quality resulting design – we don’t want external pipes or cables – so should be designed integral (and internal) to the buildings.
56. Boundary treatments – permitted development rights removed - agreed
57. **Water consumption** – suggest delete (combined condition with rainwater / greywater recycling).

New Conditions suggested:

58. **Removal of PD Rights – Class J (possible Government changes)** – your Stage III report (paragraph 193) refers to removing PD rights for Prior approval (Class J) for change of use from B1a to residential. This is strongly supported. **Please can such a condition be added?**

Informatives:

Note that all informatives are agreed with the exception of those identified below:

- (2) **Phases – Definitions** – not agreed. Request the definitions be replaced with the following:

Calthorpe Enabling Works: CS (Islington): the capping over of the Royal Mail service yard including the construction of the acoustic roof / meadow

Phoenix Place Section 1: southern part of the PP (Camden) site including Block A.

Phoenix Place Section 2: northern part of the PP (Camden) site including Blocks B, C and D.

Calthorpe Section 3: southern part of the CS site (Islington) including Blocks E, F, G and K and to include (if this section comes before Section 4): all of the energy centre, SUDS, refuse facilities, wheelchair accessible car parking spaces, cycle parking spaces, service vehicle route and 'The Garden' including the playspace proposed within it.

Calthorpe Section 4: northern part of the CS site (Islington) including Blocks H, J and K, the Laneway, the Service Lane, Square C and 'the Garden' and to include (if this section comes before Section 3): all of the energy centre, SUDS, refuse facilities, wheelchair accessible car parking spaces, cycle parking spaces, service vehicle route and 'The Garden' including the playspace proposed within it.

- (3) **But should be number 4) Community Infrastructure Levy** – please replace the previous text with the following:

INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

APPENDIX 3 – COMMENTS IN RELATION TO GLA PUBLISHED DRAFT CONSERVATION AREA CONSENT CONDITIONS (SENT 2 OCTOBER 2014 AT 1.17PM)

CAC Conditions – comments on the GLA Draft decision notice for Islington dated 2 October 2014

Please note, that where the short description of the condition is not displayed in bold, this means that the condition wording is agreed.

Additionally, it is queried if the definition of ‘development’ on the front of the notice was included in error as it is not referenced in any of the recommended conservation area consent conditions.

1. Commencement – agreed
2. Approved Demolition Drawings – agreed.
3. Demolition Management Plan – agreed
4. (Although numbered 5) **Contract for redevelopment** – not agreed

Comments:

Whilst the principle of this condition is supported, the detailed wording is not. Suggested tracked changes are set out below:

- A) Demolition hereby consented must be carried out in accordance with, either:
 - i) A construction contract with the builder(s) (to be submitted to and approved by the local planning authority) to complete the Calthorpe Street development (in a timely manner) works associated with the redevelopment work which has been granted planning permission on the same date as this consent; or,
 - ii) An alternative means of ensuring that the local planning authority can be satisfied that demolition on the site will only occur immediately prior to the development of the planning permission in its entirety.
- B) The demolition hereby approved, and the comprehensive redevelopment associated with the planning permission granted on the same date must be carried out without interruption and according to the approved plans, unless otherwise agreed in writing with the local planning authority.

Reason: To prevent premature demolition in order to preserve the character and appearance of the Conservation Area.

The reason for this amended wording being sought is to safeguard the character and appearance of the Rosebery Avenue Conservation Area which this site is located within and also to safeguard the setting of the Bloomsbury conservation area located in Camden.

The National Planning Policy Framework (Chapter 12 – conserving the historic environment) states at paragraph 131:

In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

The Mount Pleasant Royal Mail site is a very significant site (3.6ha) that is located for the majority within Islington's Roseberry Avenue conservation area. Leaving this site incomplete with a concrete shell (enabling works) for any period of time is considered, due to the significant size of the site to result in a significant and harmful impact on the character and appearance of the conservation area, the setting of listed buildings and on the setting of the adjacent Bloomsbury Conservation Area in Camden.

Paragraph 134 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this regard there would be no public benefit in leaving the site undeveloped above for a significant period of time. In reality public benefit would only be secured by the timely and continued development of the site to enable the delivery of:

- housing (including affordable);
- public open space
- publicly accessible play space
- employment floorspace

Wording the condition in this way provides a **private benefit** to the Royal Mail by providing them with an unrestricted planning permission enabling them to maximise the potential that could be paid for the site.

This is strongly disputed and considered to justify and permit potential for significant and long ranging harm to the character and appearance of the conservation area. The Environmental Statement did not assess a scenario where the enabling structure is left exposed for any period of time. In this regard the above amendments to the final CAC condition are requested.