



**GERALDEVE**

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**For the attention of John Kaimakamis**

07 February 2019

Dear Sir,

**Town and Country Planning Act 1990 (as amended)  
Section 73 Application for Removal or Variation of a Condition following the Grant of  
Planning Permission  
Cardinal Tower, 2A, 4- 12, Farringdon Road, 48-50 Cowcross Street, London EC1M 3HP**

On behalf of our client, HB Reavis UK Ltd ('the applicant'), we enclose an application for the variation of a condition following the grant of planning permission for the development site at 2A, 4- 12 Farringdon Road and 48-50 Cowcross Street, hereafter referred to as 'Cardinal House'.

### **Background**

Planning permission was granted for development at Cardinal House on 28 August 2014 for:

**“Erection of a seven storey building (incorporating lower ground, mezzanine, six upper floors plus plant enclosure) to provide office (Use Class B1) and ground floor retail uses (Use Class A1 and/or A2 and/or A3) a servicing yard and other associated works” (reference: P121162)**

The planning permission was implemented in January 2019.

This application seeks planning permission for the variation of condition 2 of planning permission P121162 to allow for minor material amendments as follows:

**Application under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (approved plans) of planning permission reference P121162 dated 28 August 2014 to refer to a revised and updated list of approved drawings that reflect amendments to the scheme including:**

- i. Reconfiguration of the ground floor entrance to Farringdon Road/Cowcross Street and creation of a 'winter garden' retail edge to Farringdon Road;**
- ii. Removal of the secondary internal stair core to the south eastern corner of the building and subsequent façade alterations;**
- iii. Re-alignment of the south-eastern corner and façade facing Caxton House;**

- iv. **Minor alterations to the north-eastern corner façade as a result of alterations to the Crossrail structural grid;**
- v. **Minor alterations to the cladding and fenestration systems;**
- vi. **Introduction of additional landscaping and associated structures at terrace level;**
- vii. **Reconfiguration of cycle parking, showers and access arrangements; and**
- viii. **Minor alterations to the approved quantum of uses at ground floor level resulting in a 654 sqm (GIA) increase in office floorspace (Class B1) and a reduction of 255 sqm GIA of flexible retail floorspace (Class A1-A3).**

The enclosed application seeks to replace and substitute all previously approved drawings identified in condition 2. The replacement drawings are included with the S73 application. The proposed amendments which are the subject of this application represent an evolution of the scheme which was granted planning permission by the London Borough of Islington in August 2014. A number of detailed design changes have been made to the proposal as a result of ongoing scheme design, although the scheme remains essentially the same in content and visual terms.

These minor material amendments have been brought forward following detailed pre-application meetings in February, August, October and November 2018 with officers in the Planning and Development Department. The amendments have incorporated feedback received from the officers.

### **The S73 Application**

The S73 application comprises the following material:

- An online payment of £234 being the requisite application fee;
- CIL Additional Information Form prepared by Gerald Eve;
- Design and Access Statement Addendum prepared by John Robertson Architects;
- Approved and Proposed Plans and Drawings, including Site Location Plan prepared by John Robertson Architects;
- Daylight and Sunlight Addendum letter prepared by Point 2 Surveyors;
- Transport Assessment Addendum prepared by Momentum;
- Environmental Statement Addendum prepared by Aecom;
- Energy Strategy Addendum prepared by Aecom; and
- Sustainability Strategy Addendum prepared by Aecom.

### **Planning Policy Assessment**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the Act") the proposals must be assessed against the "Development Plan" and other material considerations. In this case, the development plan comprises the London Plan (consolidated with alterations since 2011) 2016, the Islington Core Strategy 2011 and Development Management Policies 2013.

### **Land use**

The S73 application proposes the change of use of the mezzanine level from Class A retail to Class B1 office floorspace and the change of use of part of the Class B1 office reception at ground

floor to Class A retail. The result is an increase in Class B1 floorspace of 654 sqm GIA and a reduction in Class A floorspace of 255 sqm GIA.

Development Management Policy DM4.1 states that the Council views the retention of small and independent shops as a baseline and places great weight on the need to retain any shops which currently or potentially could be utilised by small and independent retailers.

The reconfiguration and increase in B1 floorspace allows for the creation of a central 'hub' space at ground and mezzanine floors which will be conducive to a flexible, multi-tenanted co-working environment.

The proposed amendments to the scheme will retain retail floorspace at ground floor level, ensuring that frontages will remain activated with retail uses which cater to local needs as well as those of the building's tenants. The proposal is not considered to have an adverse impact on the vitality of the local environment.

### **Design and Townscape**

The proposals are considered to represent minor alterations to the scheme permitted under application P121162. The amended building would maintain a positive relationship with the adjacent buildings, create attractive street façades and deliver a significant development which will enhance the character and appearance of this part of the Borough.

The proposed amendments will not harm the setting of adjacent heritage assets, including the Charterhouse Square, Hatton Garden and Smithfield Conservation Areas, the Grade II listed Farringdon Station and 25-27 Farringdon Road. Nor would the amendments adversely impact on strategic LVMF or local townscape views.

The amendments to the scheme will result in the provision of high quality B1 floorspace and improved amenity for tenants, including additional landscaping and associated structures at terrace level.

### **Daylight and Sunlight**

Whilst changes to the proposed building envelope are de-minimis, limited to the façade line and proposed garden room at third floor level, a Daylight and Sunlight Addendum has been submitted by Point Surveyors, assessing the proposed scheme. In order to understand the likely impacts and effects of the proposed amendments, Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessments were undertaken on surrounding properties previously identified, including:

- 17-23 Farringdon Road;
- 25-27 Farringdon Road; and
- 29-35 Farringdon Road.

As set out within BRE guidelines, it is widely acknowledged that a reduction of less than 20% is unlikely to be noticeable by any occupant. The results of the VSC assessment reveal a maximum additional percentage reduction of 0.38% between the consented and proposed amendments. There will be no additional reduction of sunlight.

The results therefore demonstrate that any additional reduction as a result of the proposed amendments is below the threshold of what is considered a notable effect. The proposal therefore

would not change the conclusions set out in the May 2012 ES and is considered to be acceptable in daylight and sunlight terms.

### **Transport and Servicing**

It is not anticipated that the proposed use will have a material impact on the surrounding transport network. A Transport Assessment Addendum has been submitted by Momentum and details the transport, servicing and waste management changes associated with the MMA scheme affecting the original Transport Assessment. Key changes include revised area schedule impacting visitor trip generation, waste storage delivery and delivery trips, and revised arrangements for cycle storage and associated facilities.

Overall, the proposed development will generate a negligible uplift in peak hour trips, representing an increase of just 6.4%. A total of 149 cycle parking spaces, in addition to the 81 spaces consented are proposed in order to comply with London Plan (2016) standards, resulting in a total of 230 spaces, exceeding the London Plan requirement of 210 long-stay cycle parking spaces. A reduction of four deliveries per day is forecast, totalling 38 per day, with 4 during the site's peak hour. An additional 343L of waste is expected to be generated. The consented storage provision and removal arrangements remain unchanged and sufficient to accommodate the small increase in capacity.

It is therefore considered that in transport and servicing terms, the proposed MMA will have a negligible effect on the local highway and public transport network.

### **Energy**

An Energy Strategy Addendum has been submitted by Aecom, examining whether the design changes to the consented scheme affect the building's energy performance. The building has been remodelled and its energy performance recalculated. By including proposed measures set out within the Addendum, the total overall carbon emission savings against the baseline are 128.1 tCO<sub>2</sub>/year. This represents a saving of 31.1% against the baseline for regulated emissions and 22.2% when both regulated and unregulated emissions are considered.

The results demonstrate that the building's overall energy performance is not materially affected by the changes proposed as part of this MMA. Specifically, the regulated CO<sub>2</sub> emissions savings have been calculated to be within approximately 1.9% from those calculated in the 2013 Energy Strategy; and the combination of regulated and unregulated CO<sub>2</sub> emissions savings is within approximately 1.8% from those calculated in the 2013 Energy Strategy

The amendments are therefore considered to be acceptable.

### **Sustainability**

An Addendum to the sustainability chapter of the Environment Statement and BREEAM pre-assessment has been submitted in support of the MMA application. Conclusions reported within the Sustainability ES Chapter remain largely valid in the context of the proposed design changes largely remain valid in the context of the proposed changes.

In respect of BREEAM, the 2014 pre-assessment demonstrates the proposals continuous commitment to sustainability. The MMA submission proposes to achieve at least the same level of sustainability performance as the consented scheme, taking into account updates to relevant standards and sustainability best practice.

Overall, the scheme is proposing to achieve at least the same level of sustainability performance as the consented scheme. The amendments are therefore considered to be acceptable in sustainability terms.

### **Environmental Statement**

An Environmental Statement (ES) Addendum has been submitted by Aecom considering the impacts of the proposed amendments on identified environmental effects. It is found that the conclusions and effects reported within the ES for the consented scheme remain valid.

The building footprint and massing remain for the most part unchanged. Therefore the effects presented in the ES relating to wind microclimate; water resources and flood risk; and townscape and visual impacts remain valid. The creation of a winter garden retail edge to Farringdon Road; re-alignment of the south-eastern corner and façade facing Caxton House; minor alterations to the north-eastern corner façade and the cladding and fenestration systems; and introduction of additional landscaping and associated structures at terrace level do not result in any changes to the townscape and visual impacts identified in the ES.

In addition, the increase in office space and the decrease in retail space are minor and overall represent a small change in floor area compared to the Consented Scheme. Therefore the effects presented in the ES relating to waste; sustainability; socio-economics; transport and access; noise and vibration; air quality; and water resources and flood risk remain valid.

The 2017 EIA Regulations introduced a number of changes from the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), most notably the inclusion of new topics for consideration in the form of climate change (consideration of greenhouse gas emissions), population and human health and vulnerability of the project to the risk of major accidents and / or disasters. It is considered that the proposed design changes when considered separately or in combination will not give rise to any significant new or changed environmental effects in relation to the additional topics introduced by the 2017 EIA Regulations. Further detail is provided within the accompanying ES Addendum.

Overall, a review of the environmental effects in light of the proposed design changes concludes that the findings of the consented ES remain valid, and the amendments are therefore considered to be acceptable.

### **Conclusion**

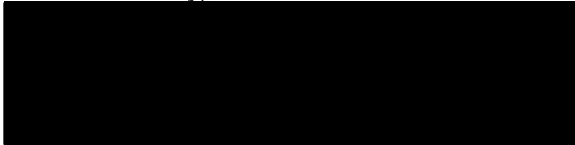
The amendments proposed represent detailed design development to deliver a high quality and efficient building. The revised design has been assessed and the impacts do not alter conclusions reached with respect to the effects of the approved scheme. The amendments stem from measures to improve the office layout and its efficiency and input from commercial agents to reflect current market demands.

The amendments reflect the development of the scheme design and are typical of the type of modifications made to a development of such scale and complexity during this stage in the design process, particularly given the time that has elapsed since the scheme was designed in 2012. It is considered that the amendments offer an improvement against the approved development.

The scale and nature of the amendments to the proposed development do not raise any new strategic considerations and are not considered to alter scheme's compliance with national, regional or local policy guidance.

We look forward to receiving confirmation of the registration and validation of the application. Should you have any queries please contact James Wickham or Susie Taylor of this office.

Yours sincerely,



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Enc.