



Appeal Decision

Inquiry opened on 23 January 2018

Site visit made on 1 February 2018

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2018

Appeal Ref: APP/V5570/W/17/3173346 68-86 Farringdon Road, London EC1

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Endurance Land (Farringdon) Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/1958/FUL, dated 12 May 2015, was refused by notice dated 19 October 2016.
 - The development proposed is demolition of existing building and redevelopment to provide ground plus five storey building, comprising 4242 square metres (sqm) of office floorspace (use class b1), hotel use (use class c1) with up to 171 bedrooms, and 527 sqm retail floorspace (use class a1- a3), with associated facilities, plant, landscaping and servicing.
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Preliminary matters

1. Prior to consideration by the Council, the description of development was revised to read 'Demolition of existing multi-storey car park and redevelopment to provide a part 5 (plus basement)/ part 6-storey building comprising 3647sqm (GEA) office floorspace (Class B1 use), 180 bedroom hotel (Class C1 use) and 407sqm (GEA) retail/restaurant floorspace (Class A1/A3 use) with associated facilities, plant, landscaping and servicing.' I have considered the proposal on this basis.
2. A signed and dated Section 106 Agreement was submitted at the end of the Inquiry. I consider this later in this decision.

Decision

3. The appeal is allowed and planning permission is granted for demolition of existing multi-storey car park and redevelopment to provide a part 5 (plus basement)/ part 6-storey building comprising 3647sqm (GEA) office floorspace (Class B1 use), 180 bedroom hotel (Class C1 use) and 407sqm (GEA) retail/restaurant floorspace (Class A1/A3 use) with associated facilities, plant, landscaping and servicing at 68-86 Farringdon Road, London EC1 in accordance with the terms of the application, Ref P2015/1958/FUL dated 12 May 2015, subject to the conditions in the schedule at the end of this decision.

Main Issues

4. The main issues are as follows:
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- The effect of the proposed development on employment and the economic function and growth of the area;
- The effect on the character and appearance of the area;
- The effect on the settings of nearby designated and undesignated heritage assets; and
- The effect on highway safety and the free flow of traffic.

Reasons

Background

5. The appeal proposal would replace a 294 space 4 storey¹ car park built in the late 1980s. The building is constructed of yellow stock brick with extruded red brick and precast concrete detail features. It is conspicuous on the east side of Farringdon Road as it slopes up towards Rosebery Avenue and Mount Pleasant. Vehicles enter in Bowling Green Lane to the south of the block and exit into Vineyard Walk to the north. The car park is not used to capacity and the site is designated as site BC 46, a potential development opportunity in Islington's Finsbury Local Plan of 2013 (FLP) identified as suitable for business uses, with retail at ground floor and an element of residential.
6. Surrounding buildings reflect the gradual development of Clerkenwell and Farringdon culminating in a period of large scale renewal in the 19th and early 20th centuries. The character of the area mainly derives from 4-6 storey industrial and commercial Victorian buildings in narrow streets behind and along Farringdon Road which itself was developed following the covering in of the Fleet river and the Metropolitan and Kings Cross railway lines between 1860 and 1868. The modernist Grade I listed Finsbury Health Centre of 1938 lies to the east of the site, behind Catherine Griffiths Court (1987-8) a development of 2 and 3 storey housing for people with special needs and the disabled.

The effect of the proposed development on employment and the economic function and growth of the area

7. Strategically, the site lies within the Central Activities Zone (CAZ) designated in the London Plan (LonP) of 2016. Policy 2.10 promotes the CAZ in amongst other things 'supporting the distinct offer of a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations'. The site also lies within the Farringdon/Smithfield Intensification Area (IA)² identified in Annex 1 of the LonP and policy BC 8 of the FLP. The encouragement of a mix of uses is further emphasised in the Annex where the potential for intensification on a number of sites is noted together with broader improvements to the public realm and a mix of uses, supported by new Crossrail and Thameslink transport infrastructure at Farringdon.
8. The objectives of Islington's Core Strategy of February 2011 (CS) include maintaining growth in employment by ensuring a broad range of opportunities exist for all types and sizes of businesses across all parts of the Borough and

¹ A 5th roof storey is also used for parking and is open to the elements

² The Council conceded that the exclusion of the site from the IA shown on Islington's Proposals Map carried little weight

encouraging new hotels/visitor accommodation where it benefits Islington's economy and enhances the local area. The site lies within Bunhill and Clerkenwell which policy CS 7³ indicates has a diversity of assets related to leisure, culture and the arts, which will be encouraged and supported. The policy further states that tourism-related development, including hotels, will be encouraged where consistent with policy CS 14, to support the visitor economy. I note that the glossary and paragraph 3.4.7 include hotel use in a more general definition of employment space within which business use (offices) is to be protected. Policy CS 14 advises that hotels and visitor accommodation will help to support the retail and service economy: the appropriate location for hotels and other visitor accommodation is within town centres. The reason for refusal refers to CS13 which encourages new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres. Having said that, the CS is now of some age and needs to be considered in the light of the subsequent National Planning Policy Framework (NPPF) together with the later Development Management, FLP and LonP strategic objectives.

9. The Council's Development Management Policies were adopted in June 2013. Policy DM4.11 sets out a hierarchy for the location of hotels where they would be generally appropriate. Town centres are preferred followed by areas within the CAZ that are within the designated City Fringe Opportunity Area (CFOA) or are in close proximity to a national railway hub. There is no dispute that Farringdon is a station of great importance, even before Crossrail and the improved Thameslink are fully functional. Within a short period these new links will make it the only London interchange with important routes to all points of the compass.
10. The site does not lie in a town centre or the CFOA, but the word 'generally' in policy DM4.11 indicates that a degree of flexibility can be applied. Moreover, the explanatory text at paragraph 4.56 says that consistent with LonP policy 4.5, areas of the CAZ in close proximity to major rail hubs such as Farringdon, King's Cross, Moorgate and Old Street are also considered as having potential for hotels. The Council considers 'close proximity' to mean 300 metres (m) or less⁴, but this figure needs to be considered with respect to the particular circumstances. The actual distance between the door of the proposed hotel and Farringdon Station at its closest entrance in Turnmill Street would be 473m and the distance to the main entrance in Cowcross Street would be 639m.
11. Farringdon Road is a major thoroughfare. Although the distances involved would be well above the 300m distance considered to be the maximum by the Council, the origin of that distance relates to connectivity between central and 'edge of centre' shopping retail areas. These are not necessarily comparable to the distance people would find comfortable to walk to and from a hotel. Moreover, as PPS4 says, 'local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route....' In this case, the hotel would be on the same side of Farringdon Road as Farringdon station with only one major road crossing at Clerkenwell Road to be negotiated. Both of the possible walking routes across

³ Not referred to in the reasons for refusal

⁴ Derived from Planning Policy Statement 4 *Planning and Economic Development* (Doc 5) now superseded by the NPPF

Clerkenwell Road are controlled by lights at pedestrian crossings. The hotel itself would be within sight from Farringdon Road north of the station and the route is essentially straight. It would take no longer than 6-8 minutes to walk to the hotel. Even pulling or carrying bags on starting and ending their stay, the hotel would be within reasonably close proximity. I do not consider that the proposed distance would seriously deter visitors. This matter does not weigh heavily against the chosen location.

12. Whilst business employment use is preferred, a hotel is recognised in the supporting text to DM4.11 to create jobs in its role in supporting the visitor economy. Policy BC 6 of the FLP promotes a range of residential, employment and complementary uses and the explanatory text at 9.0.3 states that providing a range of economic uses is particularly important in terms of protecting local access to employment, creating a diverse local economy and supporting the central London economy. Figure 14 identifies the appeal site as a commercial frontage. There is no suggestion that hotel use on this site would displace business employment in the area. In any case, a significant amount of new business space and ground floor retail is included in the scheme.
13. The explanatory text to FLP policy BC 8 clarifies that appropriate locations for hotels and other visitor accommodation in this part of CAZ are in proximity to Farringdon, Old Street and Moorgate stations, but that hotels will have to meet the criteria set out in the relevant DM policies, in order to mitigate potential adverse impacts, ensure that hotels are complementary to other uses in the vicinity and do not compete with business growth. The hotel would contribute to a balanced mix of uses in the area. There would be no net loss of business floor space, but a substantial gain. In this connection, the policy requirement in BC 8 A(ii) that 'proposals should incorporate the maximum amount of business floorspace reasonably possible on the site' would militate against the stated purpose of the policy which is achieving a balanced mix of uses in the Employment Priority Areas (both General and Offices) shown on Figure 16. That is supported by the text of the policy at 'B' which notes that within the Employment Priority Area (General), the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside other activities including retail or leisure uses at ground floor and a proportion of non-B1 business floorspace.
14. Importantly, the site has physical constraints that indicate that entirely office floorspace would not make the best use of the available building envelope. The Victorian Kings Cross railway tunnel now used by Thameslink, constructed of arched brick using a 'cut and fill' method, runs down the centre of the site parallel to Farringdon Road about 10m below the surface. Evidence from the appellant's structural engineers Watermans indicates that this places restraints on the loading that can be safely imposed without replacing the existing piled foundations at great expense and concomitant risk. Significantly, the potential building envelope is also restrained in height and profile by the daylight, sunlight and outlook enjoyed by the occupants of Catherine Griffiths Court, many of whom have restricted mobility. In this context, hotel use involves a significantly lower floor to floor height than office use and represents a more efficient use of the majority northern part of the site which is on rising ground. It is also evident that the proximity of Catherine Griffiths Court would preclude the larger windows that more extensive office use would normally require.

15. Furthermore, viability studies were prepared for various combinations of hotel and business space, the parameters for which were specified by the Council. At the Inquiry, the essential difference between the parties on viability boiled down to the Benchmark Land Value (BLV) taking as its starting point the Existing Use Value (EUV). A viable development will support a residual land value at a level sufficiently above the site's BLV, or an alternative use value, to support a land acquisition price acceptable to the landowner. Otherwise, sites would not come forward for development. The NPPF at paragraph 173 notes the need for a competitive return to a willing land owner together with a willing developer if development is to be deliverable.
16. In this case, the picture is complicated by a number of Deeds of Variation made since the original lease was signed. Most significantly the car park operator (the lessor) negotiated in 2012 a large reduction in rent, the consideration for which was the insertion of a break clause, exercisable until 2020, allowing the site to potentially come forward for development. The purpose was to enable the restructuring of the car park operator's debt, but the circumstances of that related to more widespread problems within the company. One factor was that car park occupancy in central London had declined since 2000 due to the Mayor's congestion charge.
17. The Council's estimate of BLV falls well below that of the appellant because in assessing the EUV, the likely current rent for the premises is considered to be of prime relevance. The approach takes no account of the appellant's case that on redevelopment, the landowner would endeavour to recover capital which had been lost in renegotiating the lease to allow the car park operator to continue in business. It is reasonable that the landowner would wish to achieve a price which took account of the loss which was suffered in order to achieve vacant possession, but the original developer may not have foreseen the congestion charge or the future decline in business. That was a commercial risk. For that reason, although the landowner might well wish to recover lost capital value in a sale, the seriously reduced rent cannot be irrelevant in looking at the market rents going forward. By the same token, assessing the EUV on the basis of applying a yield figure to a rent payable per car parking space in another location ignores the particular circumstances of the appeal site. All the examples quoted have significant differences to the appeal site and I do not give a great deal of weight to any of the comparator car parks referred to by the parties to support their cases.
18. A different premium is added to the EUV by the parties, of between 20 and 25%. Guidance from the Greater London Authority is that a premium depends on the profitability of the existing use that would be displaced, but the local circumstances here suggest that the landowner of the appeal site, recognising that the policy preference includes offices, would be unlikely to accept an offer to purchase the site for less than the price achieved on neighbouring office schemes such as that opposite at 119 Farringdon Road.
19. Taking all the evidence into account and having regard to the BPS Report carried out for the Council when it considered the proposal, with which the appellant agrees, I consider the BLV is likely to fall somewhere between the 2 figures assessed by the parties. What is beyond doubt is that a hotel and office development would be viable. Even if I am wrong on the BLV, the up to date policy position is that hotel uses are supported as part of a mixed local

economy with business use at its heart. The proposed scheme includes a substantial additional office component.

20. Having regard to the constraints of the site and the information on viability, I conclude that the proposal incorporates the maximum amount of business floorspace reasonably possible on the site in accordance with FLP policy BC 8. There is a substantial flow of new and refurbished office space being developed locally and the proposal would not negatively impact the availability of local employment and commercial floorspace in the area. Unchallenged evidence indicates that there are unlikely to be any sites available in the foreseeable future for a comparable hotel development within 300m of Farringdon Station. Existing hotels within an 800m radius of Farringdon Station operate at an average occupancy rate of 85%, which is higher than the occupancy rate in London generally. This demonstrates significant demand, which is unlikely to go down following the opening of Crossrail. The Mayor, in his strategic response to the scheme, supports a mixed-use scheme on the site. In view of its early stage of consultation, I give it limited weight, but the emerging LonP of 2018 lifts substantially the requirement for hotel and visitor accommodation in London to 2041.
21. I conclude that the proposed hotel would go towards meeting an established strategic need and would be in close proximity to a major transport hub as well as close to visitor attractions as well as to the City and business activity in Clerkenwell and Farringdon. It would make only a small addition to Islington's stock of hotels which are considered to meet demand. The whole development would not undermine, but make a strong contribution to the economic priorities of the area. Viewed in the round, on this site, the provision of a hotel alongside new business use and retail would not conflict with strategic policy set out in LonP 4.5 or Islington's policies CS13, DM4.11 and BC 6, BC 8 and BC 46 of the FLP.

The effect on character and appearance

22. Clerkenwell and Bunhill are associated with innovation, industriousness, political movements and social reform, which overlaid with significant war damage⁵ has led to great variety and interest in the current Farringdon Road street scene. The Farringdon Urban Design Study of 2015 notes that 'fundamental to the area's character, is a dense juxtaposition of elements dating from the medieval period to the present, including narrow lanes, eighteenth-century houses, and major Victorian infrastructure'. Facing materials vary, but the predominant and traditional material is brick with stone or stucco dressings. Many older buildings also reflect the independent preferences of their owners or occupiers in terms of design and these can be quite esoteric. Overall the area reflects a process of piecemeal development and incremental change. As background, 6/7 storey tenements were erected on the site in 1872, the coherence, articulation and rhythm of which the Council had advised the appellant might inform the appeal development. These were demolished in the 1970s.
23. Economic decline in the later years of the 20th century has reversed more recently. There is much new commercial development, some of great size and prominence. Particularly noticeable is Kamen House at 62-66 Farringdon Road, on the opposite side of Bowling Green Lane facing the appeal site. This 2000

⁵ Taken from the FLP section 2

- building has 7 storeys with a top 8th floor recessed penthouse. It is prominent as it lies on a slight bend, but is also a landmark in the street by reason of its bulky and top-heavy architectural style. The upper 3 storeys project well over the footway with an unusual contrasting arched facade.
24. Some more recent contemporary development is acknowledged to be of a high level of quality. 119 Farringdon Road is a new 7 storey office building under construction with an extensive frontage to Farringdon Road. Another notable office scheme is the Turnmill building near Farringdon Station. Both of these employ brick as the main cladding material but attached to a frame in a modern interpretative manner. Contrasting with these, Gazzano House opposite the appeal site is a residential building completely clad in Corten steel with an industrial red/brown finish. In amongst recent construction are several less notable late 20th century post-modern buildings with unremarkable granite facades. Some of these, such as 30 Farringdon Road, are of great size.
25. The essential characteristic of the area is variety, brought about by a wide multiplicity of land uses, continuing development, social change and the evolution of business. In this context there is significant scope for innovative design, providing that it does not dominate the street scene in terms of bulk, height or elevational treatment. Islington's Conservation Area (CA) guidelines indicate that even in the designated conservation area, there are many opportunities for new buildings of good modern design which can improve the quality of the area. The scale and bulk of the existing car park building detracts from the street scene. Whilst its yellow brick façade and vertical fenestration attempt to relate to a historic architectural style, it has very few attractive features or any activity at footway level.
26. The appeal proposal would employ a light coloured pre-cast reconstituted stone ground floor with large glazed areas reflecting the retail and hotel reception activities. That would be complementary to Farringdon Road, particularly the terrace of Victorian shops to the north at Nos. 88-104 and the well-proportioned 'Clerkenwell' style offices and retail at Nos. 143-157. The upper floors would repeat this material at each floor level. Folded and perforated 'concertina' type metal cladding with a zinc (offices) and bronze (hotel) finish on each floor would be arranged in blocks that would reflect the massing and rhythm of the street scene generally. Whilst the elevations would not include any brick features, the proposed bronze or copper coloured overlapping 'fish scales' or 'shingles' would create visual interest, reflecting light in different ways whilst restricting solar gain. Despite its length, the building would not appear unarticulated because the 5 recessed sections would be relatively deep. The verticality of the 'concertina' folds would be countered by the shadow line of the light coloured projecting floor slabs and matching cornice. Whilst the use of metal cladding would be unusual, the Council's witness did not disagree that copper/bronze could be reflective of the local brick colours. I also give some weight to the need to limit superimposed load on the piled foundations either side of the railway tunnel.
27. The office building would be clad in zinc, but given its location on the corner of Bowling Green Lane opposite the bulk and incongruous appearance of Kamen House, this would not appear out of keeping in this very varied part of Farringdon Road. I accept the appellant's case that zinc is attractive seen alongside brick and masonry. It would also be fixed using an overlapping 'scale' method, relating it to the adjacent hotel.

28. At the rear, the proposed form and materials would be a simpler version of those on the street elevation. The proposed folds in the fenestration here would serve a purpose in restricting overlooking of the residential properties to the rear. There would be a distinct improvement compared with the currently featureless and flat car park wall which extends to 4 storeys.
29. The NPPF advises that whilst developments should respond to local character and history, and reflect the identity of local surroundings and materials, appropriate innovation should not be prevented or discouraged. The proposed hotel and office building would respond to the urban context in terms of the height and massing and existing material variation of development in Farringdon Road. The ground floor retail units would significantly enhance the street scene, extending a retail frontage southwards from the Chop House to the north. The building would be chamfered at the street corners similar to the way in which other buildings in the area address intersections. It would not overwhelm the residential environment in Catherine Griffiths Court. It would reflect the variety and interest of the area generally. As such it would complement the character and appearance of the area and would not conflict with the design quality aims of the relevant LonP policies or Islington's policies CS 9, DM 2.1 or BC 46.

The effect on the settings of nearby designated and undesignated heritage assets

30. The site lies adjacent to but outside the Rosebery Avenue CA to the north and the Clerkenwell Green CA to the south and west. Paragraph 132 of the NPPF advises that heritage significance can be harmed or lost through development within the settings of designated heritage assets which includes conservation areas. Islington has published CA Design Guidelines dated respectively 2002 and 2003 which indicate that new buildings should blend in with and reinforce the character of CAs. In Clerkenwell Green CA, it advises that large areas of glass, curtain walling or metallic finishes, alien to the character of the area, should be avoided. In Rosebery Avenue CA, the Council will normally require materials sympathetic to the character of the area, in terms of form, colour, texture and profile.
31. The heritage significance of both conservation areas derives from the factors set out in paragraph 25. The appeal scheme would be seen in the context of both CAs on travelling along Farringdon Road and from other locations. At the Inquiry, as well as perspective views, a scale model was made available. This demonstrated that the form, massing and scale of the proposed building would be subservient seen from and in the context of the 2 CAs, from Farringdon Road, Bowling Green Lane and Vineyard Walk. It would represent a very distinct improvement over the existing car park building.
32. In terms of materials, the proportionate combination of the horizontal reconstituted stone floors and cornice with the proposed vertical metal folds would reflect and be respectful of the architectural character of many older buildings in both CAs. Whilst the use of relatively new materials would obviously contrast, the proposed zinc and copper/bronze finishes, once patinated with time, would not be entirely unrelated to the warm brick seen elsewhere. The folded vertical form would provide a sense of difference and interest, attributes sought by earlier developers on buildings that are now considered to be worthy of conservation. The proposed scheme emulates the traditional form without imitating it.

33. The area around Bunhill and Clerkenwell depends on a degree of incongruity for its vitality and interest. The Turnmill Building and 119 Farringdon Road are of very contemporary design: both are buildings within the Clerkenwell Green CA. It is the vitality that they bring to the street scene that enhances its character and appearance. The proposed development, outside any CA, would be no more incongruous in its location than these buildings are in theirs.
34. Objectors point to the way that the new floor levels would not respond to the sloping street in the same way as, for instance, Nos 143-157 or 88-104. Frequent level changes reflect the vertical internal arrangement of those older and smaller units which was what was required at the time. More recent buildings such as No. 119 have more consistent floor levels with fewer 'steps', and it was not shown how this particularly detracts from the setting of the CAs, particularly as there would be a noticeable and important improvement in activity on the footway. In any case, there would be a distinct change in floor levels between the office element and the hotel.
35. The effect on listed buildings and undesignated heritage assets did not form part of the relevant reason for refusal, but is raised by the TRA. The 1938 Finsbury Health Centre is listed Grade I because of its pioneering health care concept (well before the NHS) expressed in a modernist building designed by Berthold Lubetkin. Whilst its setting is not as extensive as originally planned, the building retains a large area of open public space to the east which is important in retaining a sense of openness which was an important characteristic of its design. The entrance is elevated on the west elevation and from here, parts of the top of the proposed development would be visible along with other buildings, comprising a typical London skyline. However the main feature in the building's setting is the post-modern terraced housing developed in the 1970s in what is now Catherine Griffiths Court. I consider that the appeal scheme would have no harmful effects on the setting, architectural quality or special interest, and thus significance, of this listed building.
36. I have taken account of all the other listed buildings and undesignated assets referred to, including Clerkenwell Fire Station (GII), the Quality Chophouse at No. 94 Farringdon Road (GII) the Church of Our Most Holy Redeemer (GII*) the former Notting Warehouse/Enterprise Printing Machine Works at 16/16A Bowling Green Lane (GII), The Eagle Public House and others. All the assets referred to have special interest and contribute to the townscape because of their architecture and purpose, but in common with the rest of the area, are very varied in appearance. Visibility of the proposed scheme in the same context as the closest assets would be limited due to the complexity of the street layout and intervening buildings. The replacement of the uncharacteristically mundane car park with a building that respects the character and appearance of the area in a contemporary way would not harm their heritage interest or significance. The proposed development would not distract anyone from appreciating any of the individual buildings referred to or the contribution they make to the area.
37. To conclude on this matter, the NPPF advises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. It notes the desirability of new development making a positive contribution to local character and distinctiveness. This does not preclude innovation. The proposed development would respect and respond positively to existing buildings, the streetscape and the wider context,

surrounding heritage assets, and locally distinctive patterns of development. It would be sympathetic in scale and appearance and complementary to local identity. It would conserve the settings of the Rosebery Avenue and Clerkenwell Green CAs and would not conflict with the aims of the relevant LonP policies, Islington's policy CS 9, DM2.1 or FLP policy BC 46.

The effect on highway safety and the free flow of traffic

38. The Council withdrew a reason for refusal on this issue, considering that preparation and implementation of a Delivery and Servicing Management Plan (DSMP) would ensure that adequate levels of safety were maintained. The main concern of the TRA relates to vehicles accessing the new hotel service entrance. This would be situated in Bowling Green Lane a short distance from its junction with Farringdon Road. The concerns arise from the risks associated with reversing across a well-used footway from a busy road that is popular with cyclists where pedestrians may also be abundant. I accept that the site restraints prevent larger vehicles turning within the site and use of a turntable would present enforcement difficulties.
39. The small number of deliveries each day would be limited to particular hours in accordance with the DSMP. The DSMP would have to be approved by the Council by means of a planning condition. It would also set out the method by which vehicles would reverse into the service bay and the means by which the driver's visibility would be augmented by means of a trained banksperson. With regard to the practicality of carrying out deliveries, having spent time observing pedestrian and traffic flows, I consider that risks to passers-by, cyclists and other road users would be acceptable, particularly if the width of the footway is reduced just north of the crossover with a railing or similar barrier. The situation would not be dissimilar to many others experienced in busy urban areas where hotels and restaurants need servicing. Examples elsewhere were provided by both sides in the debate but none were exactly comparable with this proposal. What is clear is that in London especially it is common for vehicles to manoeuvre to carry out deliveries in difficult circumstances and that drivers are expected to exercise an appropriate degree of care.
40. Nearby occupiers also point out that hotel use would generate taxi journeys with the possibility of waiting taxis causing an obstruction, potentially obscuring access to local residential car parking areas or blocking narrow roads. In considering this matter it is relevant that the existing multi-storey car park use would cease, with a considerable lessening in traffic entering and leaving⁶ the building including commercial vehicles that I saw parked there. It is also relevant that the number of vehicles crossing the pedestrian footway would substantially decrease and would fall away completely in Vineyard Walk.
41. The NPPF indicates at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That would not be the position in this case. On balance, the potential risks to highway safety do not outweigh the benefits of the office and hotel use proposed. The proposal would not conflict with the relevant aims of LonP policy 6.13, or Islington's DM8.2, 8.4, 8.6, BC 6 or paragraph 32 of the NPPF.

⁶ Approximately 178 movements daily

Other matters

42. I have taken account of all the other matters raised. The proposed building would be higher than the car park overall but with a stepped cross section. The parapet nearest to the dwellings in Catherine Griffiths Court would be similar to the existing car park. As a result, daylight and sunlight received by occupiers of dwellings in Catherine Griffiths Court would not be unacceptably affected. Whilst I understand their concerns about the materials proposed for the rear elevation, it would include vertical folds and windows, features of interest that are totally absent from the car park. Their outlook would be improved. With regard to overlooking, the arrangement of windows within the 'folded' cladding provides the means by which direct overlooking would be avoided. The details of the fenestration including the glazing would need to be approved by the Council and I do not consider there would be an unacceptable risk of 'peeping toms' disturbing the peaceful use of the gardens. In this context I note that the top floor of the existing car park has a direct view into the rear of all the properties.
43. Turning to the communal grassed play area and gated car parking between the dwellings and the existing car park, significant improvements are planned to this area to improve its usability and interest after construction. These are covered by the S106 Agreement. I give this aspect considerable weight: the existing play area is neglected and has considerable potential for new surfacing and planting.
44. The TRA is disappointed that no housing is proposed as part of the scheme in conflict with the recommendations of FLP policy BC 46. However I accept that the constraints of the site in terms of noise and pollution from Farringdon Road, potential for overlooking to the rear and the narrowness of the plan area indicate that residential would be difficult to incorporate successfully. The S106 Agreement proposes a contribution towards affordable housing (equivalent to 9 units) elsewhere in Islington in accordance with the Borough's Planning Obligations (Section 106) guidance of 2013⁷. Moreover, the Mayor in his response⁸ to the application notes that the site was not included in the 2017 Strategic Housing Land Availability Assessment and developing the site for mixed uses would not prejudice the ability of the Borough to meet its overall housing target.
45. A signed and dated Section 106 Agreement has been provided with the aim of ensuring the provision of affordable housing and contributions towards carbon offsetting, Crossrail, employment and training. The Agreement also provides for highway reinstatement, an updated energy statement, provision for connection to a district heating scheme and a Travel Plan and other things including the completion of the supplementary hardstanding and grass land at the rear. I consider that the provisions of the Agreement are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations. As such I give the Agreement significant weight.

⁷ Doc 31

⁸ Doc 10

Conclusion

46. I conclude that the particular circumstances of the appeal site indicate that a mixed use development would improve the street scene, preserve the setting of heritage assets and provide a significant contribution to business floorspace and employment whilst meeting the increasing demand for hotel accommodation within easy reach of a major transport hub. The proposal would comply with the aims of the development plan, read as a whole.

Conditions

47. I have considered the suggested conditions in the light of paragraph 206 of the NPPF, planning guidance and Appendix A to Circular 11/95 *The Use of Conditions in Planning Permission: Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances*. The development is to be constructed in accordance with the approved drawings and documents, for the avoidance of doubt and in the interests of proper planning. Details of the external materials and junctions including samples and glazing are required to ensure that the development is visually acceptable. The location of the 5% of office space for micro and small enterprises needs to be approved. A restriction on the opening hours of the retail/restaurant space is imposed to avoid disturbance to nearby residents. For similar reasons, the noise emitted by new plant is limited by a condition. Other conditions require the provision of a Construction Environmental Management Plan, a Construction Logistics Plan, a Green Procurement Plan, a Noise Management Plan, a Delivery and Servicing Management Plan and an Air Quality Assessment Report to ensure that the development proceeds in a way that minimises disruption, avoids undue air and noise pollution for local residents and can be adequately and safely serviced. Details of the 'green' roofs are required because of their contribution to the overall appearance of the scheme
48. Details of the measures taken to further Islington's Inclusive Design policies as set out in Supplementary Guidance, are to be submitted for approval. The achievement of a BREEAM 'excellent' rating is anticipated and evidence of this is required by a condition. Conditions ensuring the adequacy of the mains water supply, provision of a sustainable drainage system and grey water recycling are required to meet local development plan policies. Details of bird and bat nesting boxes are required in the interests of local ecological diversity. At the request of the Mayor, in order to safeguard the London Underground tunnels in accordance with LonP policies 6.2 and T3A, a series of conditions are necessary to control the foundation works and piling methods.
49. Energy saving measures to achieve a level of energy consumption less than required by the 2010 Building Regulations are required by condition to accord with strategic and local policies. The arrangements for refuse and recycling, bicycle storage and associated showers need to be approved. No externally mounted downpipes are to be installed in the interests of aesthetic appearance. In the same vein, any external roof top structures such as photovoltaics and lift overrun enclosures are to be submitted for approval.
50. The glazed openings to the ground floor are not to be obscured in the interests of the vitality of the street scene. Use of the office external roof level terrace is restricted as is amplified noise in the interests of the amenity of local residents. I have adopted the appellant's suggested time limits, given the nature of the urban noise environment. The additional railing adjacent to the service

entrance needs to be installed before the hotel begins to function. Finally, a restriction on permitted development is imposed preventing electronic communications apparatus being installed without approval, in the interests of the overall appearance of the building.

51. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|---|---|
| Ned Westaway | Of Counsel, instructed by the Borough Solicitor |
| He called | |
| Alexander Bowring | Senior Design and Conservation Officer, LBI |
| Dr Anthony Lee BSc(Hons) MSc(Hons) MA(TP) PhD MRTPI MRICS | BNP Paribas Real Estate |
| Jan Slominski BA(Hons) MCD | Principal Planning Officer LBI |
| Ben Johnson BA(Hons)TP MRTPI | Planning Policy Team Leader LBI |

FOR THE APPELLANT:

| | |
|--|---|
| Douglas Edwards | Queens Counsel, instructed by GVA Grimley Ltd |
| He called | |
| Dan Burr BArch RIBA | Sheppard Robson |
| Professor Robert Tavernor BA Dip Arch PhD RIBA | Professor Robert Tavernor Consultancy Ltd |
| Jacob Kut MRICS | |
| Neil Rowe BSc(Hons) MCIHT | Russell Giles Partnership Ltd |
| Elizabeth Milimuka BSc MSc MA | GVA Grimley Ltd |

FOR THE CATHERINE GRIFFITHS COURT AND CLERKENWELL TENANTS RESIDENTS ASSOCIATION (TRA):

| | |
|---------------------|-----------------------------------|
| Jonathan Metzger | Of Counsel, instructed by the TRA |
| Charlotte Gilmartin | |

| | |
|--|-------------------|
| They called | |
| Paul Velluet BA(Hons) BArch(Hons) MLitt RIBA IHBC | |
| John Russell BSc CMILT MIHT | Motion Consulting |
| Jacqueline Czelyny | Local resident |
| Andy Leung | Local resident |

INTERESTED PERSONS:

| | |
|-------------------|------------------------------------|
| Evelyn George | Local resident |
| Mrs King | Local resident |
| Anne Hewitson | Local resident |
| Meg Howarth | Mount Pleasant Neighbourhood Forum |
| Anthony Sanderson | Local resident |

DOCUMENTS

- 1 'Design Review: Principles and Practice' published by the Design Council, provided by the appellant
- 2 Extract from the independent examination into the DMP policy DM23 *Hotels and Visitor Accommodation*, provided by the

- appellant
- 3 Note dated June 2013 on adoption of the DM policies, site allocations and the Finsbury Local Plan, confirming that the Policies Map will be revised to take account of new and superseded policy designations, provided by the appellant
- 4 Extract from PINS Procedural Practice in the examination of Local Plans dated June 2016, provided by the appellant
- 5 Extract from PPS4 containing the origin of the 300m easy walking distance reference, provided by the Council
- 6 Illustration of cladding on a building in South Molton Street, provided by the appellant
- 7 Members of the Design Review Panel, provided by the appellant
- 8 Extract from Streetaudit pedestrian mode handbook, provided by the appellant
- 9 Copy of a letter from Farebrother dated 23 January 2018 to GVA commenting on the evidence of Dr Lee, provided by the appellant
- 10 Copy of a letter from the Mayor's Office to PINS dated 18 January 2018 commenting on the application
- 11 GLA comments on Islington's Site Specific Allocations, DM policies and the Bunhill and Clerkenwell Area Action Plan of various dates, provided by the Council
- 12 Swept path analysis for the proposed loading bay ref 2014/2318/017 A, provided by the appellant
- 13 Final swept path analysis for the proposed loading bay ref 2014/2318/017 B, provided by the appellant
- 14 Technical note concerning noise produced by reversing vehicles, provided by the appellant
- 15 Statement of Common Ground on Transport matters agreed between Mr Rowe and Mr Russell dated 25 January 2018
- 16 Revised drawing ref 2014/2318/010 D, provided by the appellant
- 17 London façade precedents, illustrations provided by Sheppard Robson
- 18 Illustration of cladding on a building in New York, provided by the Council
- 19 Up to date images of buildings referred to by the Council at Docs 6 and 18, provided by the appellant
- 20 Note and illustrations of Turnmill building, provided by the appellant
- 21 Extract from *Making Transport Accessible for Passengers and Pedestrians* indicating recommended distance limit without a rest for impaired groups, provided by the appellant, provided by the appellant
- 22 Note on common ground between Mr Kut and Dr Lee on viability received on day 6
- 23 Photograph of the Turnmill building provided by Prof Tavernor
- 24 2 appraisal summaries with alternative land values, provided by the Council
- 25 Colour version of plan in Mr Leung's proof of evidence
- 26 Schedule of distances between check-in and gates at larger UK airports, provided by the appellant
- 27 Statement from Meg Howarth
- 28 Plan of office terrace area ref 5278-20-008M, provided by the appellant

- 29 Plan showing area calculation of service area, provided by the appellant
- 30 Note on title, provided by the appellant
- 31 GVA note on housing contribution, provided by the appellant
- 32 Note on pigeon protection, provided by the appellant
- 33 Illustrations of perforated metal cladding installations, provided by Sheppard Robson
- 34 Drawing ref 2014/2318/020 showing updated walking distances, provided by the appellant
- 35 Updated drawing ref 2014/2318/010E, showing potential pedestrian safety barriers, provided by the appellant
- 36 Illustrations showing precedents for perforated metal cladding, provided by Sheppard Robson
- 37 Letter from Ms Czelyny advising of a forthcoming application for land behind the appeal site to be designated an Asset of Community Value
- 38 Signed and dated S106 Agreement
- 39 Schedule of tenant typologies, provided by Ms Czelyny

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
Approved Plans:
 - 5278_00_001 (Site Plan);
 - 5278_00_002 Rev A (Existing Sections);
 - 5278_00_003 Rev A (Existing Elevations);
 - 5278_20_001 Rev L (Proposed Plan Basement);
 - 5278_20_002 Rev M (Proposed Plan Ground Floor Hotel/Retail/Office);
 - 5278_20_003 Rev L (Proposed Plan First Floor Hotel/Office);
 - 5278_20_004 Rev L (Proposed Plan Second Floor Hotel/Office);
 - 5278_20_005 Rev L (Proposed Plan Third Floor Hotel/Office);
 - 5278_20_006 Rev L (Proposed Plan Fourth Floor Hotel/Void Office);
 - 5278_20_007 Rev L (Proposed Plan Fifth Floor Hotel, Fourth Floor Office);
 - 5278_20_008 Rev M (Proposed Plan Roof Level Hotel, Fifth Floor Office);
 - 5278_20_009 Rev L (Proposed Plan Roof Plan);
 - 5278_20_200 Rev D (Proposed Elevations Elevation A & B);
 - 5278_20_201 Rev D (Proposed Elevations Elevation C & D);
 - 5278_20_202 Rev C (Bay Elevation);
 - 5278_20_300 Rev G (Proposed Sections AA/BB/FF);
 - 5278_20_301 Rev F (Proposed Sections CC/DD/EE);

003 Rev A (Tree Protection Plan);

5278-SK-361 (Proposed First Floor Plan – Affordable Office).

Site Waste Management Plan (Ref: KBY_SWMP_68-86FR_001 Rev 00) dated 05 May 2015 prepared by Keltbray Ltd;

Noise and Vibration Impact Assessment Revision 01 dated 30 April 2015 prepared by Scotch Partners;

Framework Travel Plan (Ref: PJB/WHIT/2318/TP01) dated May 2015 prepared by RGP.

- 3) Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any superstructure work commencing on site. The details and samples shall include:
 - All cladding and precast concrete including manufacturer's details;
 - All external windows, entrances and service entrances, including detailed design drawings at 1:20 scale or larger;
 - Details of the rear elevation windows including measures prevent overlooking to the properties at Catherine Griffiths Court.
 - Glass samples
 - Detailed design drawings of the junctions between materials;
 - The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.
- 4) Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the details so approved.
- 5) Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for occupation by micro and small enterprises.
- 6) The retail/restaurant café uses (A1/A3) shall not be open to the public outside the following times:
 - Sunday to Thursday – 07:00 to 23:00
 - Friday to Saturday – 07:00 to midnight.
- 7) The design and installation of new items of fixed plant shall be such that when operating, the cumulative noise level (LAeq Tr) arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be at a rating level of at least 5dB(A) below the background noise level (LAF90 Tbg). The measurement

and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.

- 8) Prior to any works commencing on site, a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including noise, air quality, dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
- 9) No development shall take place until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The CLP shall provide details of:
 - i) the routing of construction vehicles and (if any reversing maneuvers on public highway land is required, provision for the management of their movement by a qualified and certificated banksman);
 - ii) access arrangements;
 - iii) the parking of vehicles of site operatives and visitors;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii) details of wheel cleaning / wash facilities to prevent mud, or dust from migrating on to the adjacent highway;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works The report shall assess the impacts during the construction phases of the development on the Transport for London controlled Farringdon Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts;
 - x) Contact details for the Site Supervisor responsible for on-site works;
 - xi) Information to be provided to for site operatives and visitors on ways of traveling to the site via public transport;
 - xii) Details of times during which construction traffic and delivery vehicles are likely to access the site, which must be outside network peak and school peak hours; and
 - xiii) Details of notification of works and engagement with local residents and neighbours to take place during the construction phase.

The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

- 10) An air quality assessment report shall be submitted to and approved by the local planning authority prior to commencement of the hereby approved development. The report shall include details of the assumptions and inputs used, including modelling software chosen, building parameters, meteorological data, and the method(s) used to calculate background and predicted concentrations. The report shall use dispersion modelling to demonstrate the impacts on air quality, and shall set out mitigation measures, if required, to prevent emissions having a harmful impact on the air quality objectives for nitrogen dioxide (NO₂) and particulate matter (PM₁₀). Those mitigation measures shall be carried out strictly in accordance with the approved details prior to the occupation of the development, and shall be maintained as such thereafter.
- 11) Prior to any works commencing on site, a design stage recognised accreditation certificate and supporting assessment confirming that the development will achieve a BREEAM rating of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.
- 12) Details of the greywater recycling system, demonstrating the maximum level of recycled water that can feasibly be provided to the development, shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing on site. The greywater recycling system shall be carried out in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.
- 13) No development shall take place unless and until a Green Procurement Plan (including Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste. The development shall be constructed in accordance with the approved Green Procurement Plan.
- 14) No development shall take place until details of a strategy for a sustainable urban drainage system including a maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and be designed to minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6. The submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the ongoing maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development.

The development hereby approved shall not be occupied until the approved sustainable drainage scheme for the site has been installed in accordance with the approved details. The scheme shall be managed and maintained thereafter.

- 15) Prior to any superstructure works commencing on site, details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, specification and design of the habitats. The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.
- 16) No development shall take place until details of biodiverse roofs on all flat roofs (other than those within the rooftop plant enclosure and those shown as terraces on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The biodiversity roofs shall be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.
- 17) Prior to the first occupation of the development, details of energy measures which shall together provide for no less than a 36% on-site total CO2 reduction in comparison with total emissions from a building which would have complied with the Building Regulations 2010 shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.
- 18) Prior to any superstructure works commencing on site, details of the layout, design and appearance of the bicycle storage areas shall be submitted to the Local Planning Authority and approved in writing. The storage shall be covered, secure and provide for no less than the amount of cycle spaces required for all proposed uses in accordance with London Plan 2016 standards. No bicycle storage shall be located within, or accessed via, the servicing and loading bay. The bicycle storage areas shall be provided in accordance with the details so approved prior to the first occupation of the development, and retained as such thereafter.
- 19) Prior to commencement of superstructure works, details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed and operational prior to first occupation of that part of the development and retained and maintained as such thereafter.
- 20) Prior to commencement of superstructure works, details of a site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the

layout, design and appearance of the dedicated refuse/recycling enclosures and a waste management plan. The development shall be carried out and operated in accordance with the approved details and waste management strategy. The physical enclosures shall be provided prior to the first occupation of the development and shall be retained thereafter.

- 21) Prior to the first occupation of the development hereby permitted, full details of an updated Delivery and Servicing Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include details of proposed servicing times, vehicle sizes, routes to and from the site, use and training of bankspeople and training of delivery drivers. The DSMP shall include details of measures in place for monitoring compliance with the DSMP. The development shall operate strictly in accordance with the approved details, and maintained as such thereafter.
- 22) No plumbing, downpipes, rainwater pipes or foul pipes shall be located/fixed to the external elevations of the building hereby approved.
- 23) Prior to commencement of superstructure works, details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, height above roof level, specifications and cladding and shall relate to roof-top plant, ancillary enclosures/structure, lift overrun and photovoltaics. The development shall be carried out in accordance with the approved details so approved retained as such thereafter.
- 24) The ground floor glazed areas shall not be painted, tinted or otherwise obscured. No fixed furniture or fixings (or combination thereof) over 1.4m in height shall be placed within 2.0m of the inside of the ground floor window glass at any time.
- 25) The development hereby permitted shall not be commenced until detailed design and method statements for the foundations, basement and ground floor structures, and any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority. The details supplied must
 - i) accommodate the location of the existing London Underground structures and demonstrate how access to elevations of the building adjacent to the property boundary with London Underground is to be undertaken;
 - ii) demonstrate how potential security risks to railway property or structures are mitigated;
 - iii) demonstrate how ground movement arising from the construction of the building is accommodated; and
 - iv) how the effects of noise and vibration arising from the adjoining operations within the structures are mitigated.

The development shall thereafter be carried out in accordance with the approved design and method statements and shall be completed before any part of the building hereby permitted is occupied.

- 26) Development should not be commenced until impact studies on the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority. The studies should

determine the magnitude of any new additional capacity required in the system and a suitable connection point.

- 27) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. No piling shall take place otherwise than in accordance with the approved piling method statement.
- 28) Prior to occupation of the development, an external Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall provide details of the management of the external terrace to ensure that an acceptable noise environment is maintained. The external terrace shall not be operated than in accordance with the approved Noise Management Plan at any time.
- 29) The external terrace shall not be in use outside the hours of 08.00 to 19.00 on weekdays, with no use at weekends.
- 30) No amplified music shall be played on the external roof terrace at any time.
- 31) Before commencement, a scheme to limit the width of the footway adjacent to the service entrance in accordance with drawing ref 2014/2318/010E shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the service bay is used by vehicles of any kind.
- 32) Notwithstanding the provisions of Schedule 2, part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no installation, alteration or replacement of any electronic communications apparatus, or development ancillary to radio equipment housing, shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.