



Appeal Decision

Site visit made on 24 January 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/V5570/W/22/3302077

Unit 1, 2 and Unit 3 at 263-289 Holloway Road and 2-16 Eden Grove, Islington, London N7 6NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Unite Group PLC against the decision of the Council of London Borough of Islington.
 - The application Ref P2021/3717/S73, dated 20 December 2021, was refused by notice dated 28 February 2022.
 - The application sought planning permission for '*Demolition of the existing buildings and the erection of a Part 6, Part 7, Part 8, and Part 10-storey building to provide 1135 (GIA) sq.m. flexible Class A1, A2, A3 and D1 floorspace and 180 sq.m. Class D1 community space at ground floor level; and 862 student rooms at all levels together with amenity space, landscaping and public realm improvements, disabled car parking, cycle parking and other associated works (in association with Conservation Area Consent Reference: P2013/2967/CAC)*' without complying with a condition attached to planning permission Ref. P2015/5182/S73, dated 3 March 2017.
 - The condition in dispute is No 11 which states that: '*Should the flexible ground floor space be taken up for A1/A2 use, no unit shall be greater than 200 square metres in size, and if taken up for A3 use, no unit shall be greater in size than the units specified on Drawing No. 2354_GAD_160559 Revision F, and shall not be amalgamated or further subdivided*'.
 - The reason given for the condition is: '*The amalgamation or further subdivision of the A1/A2/A3 units is likely to have operational, transportation, security and amenity implications, which should be the subject of consultation and a full planning application*'.
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Decision

1. The appeal is allowed and planning permission is granted for the Demolition of the existing buildings and the erection of a Part 6, Part 7, Part 8, and Part 10-storey building to provide 1135 (GIA) sq.m. flexible Class A1, A2, A3 and D1 floorspace and 180 sq.m. Class D1 community space at ground floor level; and 862 student rooms at all levels together with amenity space, landscaping and public realm improvements, disabled car parking, cycle parking and other associated works (in association with Conservation Area Consent Reference: P2013/2967/CAC) at 263-289 Holloway Road and 2-16 Eden Grove, Islington, London N7 6NE in accordance with the terms of the application, Ref P2021/3717/S73, dated 20 December 2021, without compliance with condition No 11 previously imposed on planning permission Ref. P2015/5182/S73, dated 3 March 2017, but subject to the conditions set out in the schedule attached.

Preliminary Matters

2. The application and appeal forms refer to 'Eden Road' as part of the site address. Based on my visit and information provided on the decision notice and delegated report the address should refer to 'Eden Grove'. The site address above has been amended to reflect this.
3. If approved, an application under section 73 of the Town and Country Planning Act 1990 (s73) grants a new planning permission which stands alone from the previous permission which remains unaltered. As such the s73 application description is required to refer to 'development'. In other words, when granting permission under s73, the operative part of the development being approved, as described in the original decision notice, does not change, but the conditions are varied and/or removed. Thus, although various applications have been approved under s73 in relation to the development at the appeal site, the description of development for which planning permission is being sought remains as set out in the original planning permission LPA Ref. P2013/2963/FUL. Although the description in the decision notice of approved application P2015/5182/S73 described the proposal as being to 'vary condition 11 of Planning Permission Reference P2013/2963/FUL' what was actually granted was a free standing planning permission for the original development without complying with that condition but subject to the new conditions imposed. In the same vein, the current proposal seeks planning permission for the development originally approved, without complying with condition 11, imposed on permission reference P2015/5182/S73. I have amended the description of development and the address within my decision to make that clear and to ensure that the decision expressly sets out the description of development and its address for which permission is being sought.
4. During the appeal the Independent Examination of Islington's emerging Local Plan (ELP) finished and the Inspectors issued their final report on 5 July 2023. The Inspectors found the ELP to be 'sound' with the changes (referred to as modifications) set out. The Council have not indicated whether the modifications detailed in the Inspectors' report are to be accepted and the ELP is still subject to formal adoption. It is however, well advanced and as such I afford its policies substantial weight. The parties were consulted regarding this matter and their comments have been considered in this appeal. The Council provided a list of specific ELP policies for the appeal. The appellant has provided a comparison of the relevant ELP policies. Accordingly, I have assessed the appeal against Policy CS3 of the Islington Core Strategy (CS) dated February 2011, Policies DM4.1 and DM4.6 of the Islington Local Plan: Development Management Policies (DMP) dated June 2013 and Policies R3, R4 and R6 of the ELP.
5. In September 2020 the Town and Country Planning (Use Classes) Order 1987 (UCO) was amended and, amongst other matters, use classes A1, A2 and A3 were revoked and grouped under a new use class E (Commercial, Business and Service). The proposed condition 11 includes replacement of the original condition's reference to use classes A1, A2 and A3 with the relevant use classes E(a), E(b) and E(c). This does not materially change the proposal and I see no reason not to use the up-to-date references.
6. In September 2023, the National Planning Policy Framework (the Framework) was revised. In the context of this appeal, the 2023 revisions are not relevant,

and I have therefore not consulted the parties. I have determined this appeal to the current, 2023, revision of the Framework.

7. The proposed condition 11 is long, complicated and with a range of different outcomes for different units depending upon which part is implemented. I sought the views of the parties with regards to whether the proposed condition would meet the six tests contained in the Framework and the Planning Practice Guidance. I have had regard to the responses received in determining this appeal.
8. In support of the appeal the appellant has submitted a signed and dated Deed of Variation under section 106 and section 106A of the Town and Country Planning Act 1990 (as amended). I shall return to the Deed of Variation later.
9. The appellant has submitted an updated marketing letter and a new Retail Impact Assessment as part of the appeal. This information clarifies the marketing and retail aspects of the development and does not alter the proposal. The parties have had the opportunity to provide comments on this additional information. Having regard to the Wheatcroft principles, I am satisfied that there would be no risk of prejudice if I take this information into account. I have therefore, included consideration of this material in my determination of the appeal.

Background and Main Issues

10. Planning permission was granted in 2014 for a mixed-use scheme at Stapleton House, which included 1135 square metres (m²) of flexible commercial/community floorspace at ground level (LPA Ref. P2013/2963/FUL). This commercial floorspace is currently divided into four units as shown on Drawing No. 2354_GAD_160559 Revision F. The two end units, referenced as Units 1 and 4, are occupied and the two central units, referenced as Units 2 and 3, unoccupied. The appeal site lies within the Lower Holloway Local Shopping Area (LSA) and sit close to Nag's Head Town Centre. The appeal site relates to the commercial part of the building.
11. Various amendments were subsequently approved to the planning permission, including changes to the use of the commercial floorspace (LPA Ref. P2015/5182/S73). This culminated in the approval of the application for variation of condition 11 which concerns use of the commercial floorspace and stipulated: 'Should the flexible ground floor space be taken up for A1/A2 use, no unit shall be greater than 200m² in size, and if taken up for A3 use, no unit shall be greater in size than the units specified on Drawing No. 2354_GAD_160559 Revision F, and shall not be amalgamated or further subdivided'.
12. The appeal proposal seeks to further amend the use of the commercial floorspace as set by condition 11 to: 'Should the flexible ground floor commercial floorspace be occupied for Use Class E(a)/E(c) no unit shall be greater than 200m² in size unless the units are occupied as per the layout on Drawing No. 2354_GAD_120050 Revision B for Use Class E(a) and E(b) Town and Country Planning (Use Classes) Order 1987 (as amended) or as per the layout on Drawing No. 2354_GAD_160559 Revision F for Use Class E (a/b/c) Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be amalgamated or further subdivided'.

13. During determination of the application, the appellant also requested that condition 11 be further amended to change the reference to use class E(a/b/c) for Drawing No. 2354_GAD_160559 Revision F to use class E(b). This requested change was also raised in their appeal statement.
14. The Council refused permission for the appeal proposal on the grounds that it would have a detrimental impact on the retail and service function of the LSA within which it is located, and insufficient evidence was provided to assess the effects on nearby town centres.
15. In its decision notice and appeal statement the Council does not include the requested use class E(b) change. However, as this change would be more limiting and be a use class originally stipulated, it would not prejudice any party. On this basis I have considered this appeal on condition 11 reading: 'Should the flexible ground floor commercial floorspace be occupied for Use Class E (a)/E(c) no unit shall be greater than 200m² in size unless the units are occupied as per the layout on Drawing No. 2354_GAD_120050 Revision B for Use Class E(a) and E(b) Town and Country Planning (Use Classes) Order 1987 (as amended) or as per the layout on Drawing No. 2354_GAD_160559 Revision F for Use Class E(b) Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be amalgamated or further subdivided'.
16. Consequently, the main issues are:
 - whether the proposed condition 11 meets the six tests for conditions contained in the Framework; and if so
 - its effect on the retail and service function of the Lower Holloway Local Shopping Area (LSA) and nearby town centres.

Reasons

Condition compliance with the six tests contained in the Framework

17. I have considered the proposed condition 11 against the six tests set out in Paragraph 56 of the Framework and the advice contained within the Planning Practice Guidance.
18. Both the Council and the appellant considered the proposed condition meets these tests, including it being precise. The appellant provided their explanation of the proposed condition.
19. Notwithstanding the comments, I consider that there are two ambiguities in the explanation provided. The first of these is that Drawing No. 2354_GAD_120050 Revision B would not only allow the use class as noted by the appellant, but it would also allow the larger and smaller units to be use class E(b) and E(a) respectively. This is not an option considered or assessed by the appellant. The second point with the condition is that it would fix, through the unit layout shown on Drawing No. 2354_GAD_160559 Revision F, all the sizes of the units as a group which would allow them to be use class E(b). Consequently, it would not allow Unit 4 shown on the drawing to be use class E(b) with the other units occupied as use classes E(a) or E(c) as suggested in the appellant's explanation. Overall, these differences make the condition imprecise.
20. The appellant did note that the proposed condition may not be as clear as expected and suggested the condition could be deleted or reworded. However,

control of the unit sizes and use classes has been assessed through the various planning permissions and is required to ensure the retail and service function of the LSA and nearby town centres are protected. Accordingly, deletion of the proposed condition 11 would not be appropriate as it would remove the required control and protection. Furthermore, the suggested rewording of the condition would allow further class use combinations of the commercial area not assessed for impact. Little substantive evidence is provided to show that this would not harm the retail and service function.

21. I consulted with the Council and appellant on an alternatively worded condition to ensure clarity and preciseness. The Council advised that it had no comment regarding the rewording. The appellant commented that they accepted the rewording. However, they also requested a change, with the inclusion of 'alternatively' between the first and second sentences to make clear that the two identified use class scenarios were separate from one another and reduce any perceived conflict. As this change would not change the condition's meaning then I have included it into the rewording.
22. The new proposed condition 11 is: *'Should the flexible ground floor space be taken up for Use Class E(a)/E(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended)(the UCO), no unit shall be greater than 200 square metres in size, and if taken up for Use Class E(b) of the UCO, no unit shall be greater in size than the units specified on Drawing No. 2354_GAD_160559 Revision F. Alternatively, should the flexible ground floor space be occupied as per the layout on Drawing No. 2354_GAD_120050 Revision B then the 708 m² unit shall only be Use Class E(a) of the UCO and the 350 m² unit shall only be Use Class E(b) of the UCO. No other amalgamation or further subdividing of the units will be allowed.'*
23. In conclusion of this matter, I am satisfied that the new proposed condition meets the tests set out in Paragraph 56 of the Framework and the advice contained within the Planning Practice Guidance.

Retail and Service function of the LSA and nearby town centres

24. The proposal seeks to change condition 11 to allow the option to create a unit with a floorspace of 708m² as shown on Drawing No. 2354_GAD_120050 Revision B to be use class E(a).
25. The appellant argues that the appeal site should be assessed within a designated retail centre as detailed in the Framework and considered as a preferred shopping location, not within an edge-of-centre location. They note that the Council requested a sequential test for the proposal and that this supports their case as the Framework only indicates that local planning authorities should apply this to planning applications for main town centre uses. However, while the Framework provides a definition for town centres and edge-of-centre sites, it also states that town centres are areas which are defined in the local authority's policies plan and that edge-of-centre sites should take account of local circumstances. Notwithstanding that the ELP now seeks some developments to include a sequential test, the Framework does not specifically indicate that the use of a sequential test cannot be applied to other areas such as LSAs.
26. The hierarchy, relevant policies and development prioritising for shopping areas in Islington are detailed in the CS, DMP and ELP and these define four town

centres and several smaller local shopping areas. Irrespective of the size and mix of commercial use, the areas are designated on the policies map and have been based on local circumstances and a detailed retail review. While the Lower Holloway LSA has a relatively high number of commercial units, this is due to its long linear extent. Many of the existing commercial uses along it such as restaurants, convenience stores, food shops and gyms are typical of those providing local services. Overall, I see little justification that the CS, DMP and the ELP's definitions and policies for Lower Holloway LSA would not be appropriate in assessing the proposal.

27. Policy DM4.1 of the DMP and Policy R6 of the ELP state that the Council views the retention of small and independent shops as a baseline. It places great weight on the need to retain any shops which currently or potentially could be utilised by small and independent retailers. It also details that amalgamation of individual units will be prevented where it would detrimentally affect the character of the local area and/or cause unacceptable adverse impacts on the local environment and/or amenity. This policy identifies small shop units to be generally around 80m² gross internal floorspace or less.
28. In relation to this, from my visit and the list of existing uses and unit sizes presented by the appellant, it is evident that Lower Holloway LSA consists of a relatively large and varied mix of commercial units. The list shows that there are a number of larger units above 80m² size, spread along the LSA including the Tesco Metro (estimated as 955.55m²), Majestic Wine (estimated as 492.18m²) and Little Waitrose Highbury Corner (estimated as 404.34m²). Even the existing permitted unit sizes for the appeal site well exceed the 80m² size. While the proposal would be at the larger end of unit sizes in the LSA, it would still fit within the mix that exists and would not significantly change the permitted use class of the units. Although it would be located closer to the Nag's Head Town Centre than most of the existing larger units, it would still sit well within the LSA.
29. The appellant has, as detailed in the updated marketing letter by Torridon dated June 2022, marketed the permitted unit sizes and uses for a considerable period, *circa* six years. However, the central units, Units 2 and 3, have remained vacant with limited interest logged and no further interest received since the original marketing letter was issued in December 2020. It is evident that the units have been actively advertised, including the period affected by Covid 19. While there have been some limited offers, these have been discounted due to commercial issues. The marketing letter outlines that incentives to secure tenants have also been considered as part of the marketing strategy. While the Council contend that smaller units would be more appropriate, the marketing evidence does not substantiate this. The Council provide little compelling evidence to show that the appellant's marketing has been insufficient or unsatisfactory. There is little doubt that the vacancy of the units is not a positive contribution to the retail and service function of the LSA.
30. While Policy DM4.4 of the DMP and Policy R3 of the ELP aim to focus retailing to town centres, where suitable locations are not available LSAs or edge-of-centre sites can be chosen. In terms of LSAs, Policy DM4.6 of the DMP and Policy R4 of the ELP state that proposals must maintain and enhance the retail and service function. Policy R3 of the ELP also requires a sequential test and active

investigation of locations to be used where proposals are over 200m². Furthermore, it states that an impact assessment may be required.

31. The appellant has undertaken both a Sequential Test and a Retail Impact Assessment. These confirm that there are no sequentially preferable sites and that there would be no retail impacts on the Lower Holloway LSA or neighbouring and nearby town centres. Other than raising the proposal's large floorspace size as out of keeping with the character of the LSA and the vacancy rate being more than optimum, but not very poor, the Council provides little evidence to dispute the overall findings of these assessments.
32. The appellant has made a reasonable attempt in marketing the appeal site for smaller unit sizes without success and the current vacant units do not enhance the LSA. Both the Sequential Test and the Retail Impact Assessment demonstrate that the proposed larger unit size would not harm the retail and service function of the LSA or nearby town centres. The larger unit would fit into the general mix of unit sizes that already exist across the LSA. Therefore overall, there is no substantive evidence provided to show that the proposal would harm the character or retail and service function of the LSA and nearby town centres.
33. In conclusion of this matter, the proposal would maintain and enhance the retail and service function of the Lower Holloway LSA and nearby town centres. It would comply with Policy CS3 of the CS, Policies DM4.1 and DM4.6 of the DMP, Policies R3, R4 and R6 of the ELP and Policy SD6 of the London Plan 2021. These policies seek to promote a healthy retail and service economy.
34. The proposal would also comply with Section 7 'Ensuring the vitality of town centres' of the Framework which seeks to promote long-term vitality and viability of town centres and shopping areas.

Other Matters

35. The appeal site is located partly in and on the edge of the St Mary Magdalene Conservation Area (CA). In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to the desirability of preserving or enhancing the character or appearance of the CA. The appeal site has planning permission for its current use and was found to be acceptable for the CA. The Council do not object to the proposal on the basis of any harm to the CA. The proposal would not significantly change the front of the building or its overall functioning as a commercial space. As such it would preserve the character and appearance of the CA.
36. The Deed of Variation signed and dated 28 November 2022 supplements the original section 106 agreement and is necessary to ensure that it remains in force should the appeal be successful. The planning obligations in the s106 agreement have to meet the tests in the Community Infrastructure Levy Regulations (CIL) Regulation 122 for them to be taken into account in my determination of this appeal. These tests are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These tests are also identical to those set out in paragraph 57 of the Framework.

37. The original s106 agreement confirms the parties agreed that the obligations meet the CIL Regulation 122 tests. There are no changes to the 2014 obligations proposed and neither party raise any adverse comments about the Deed of Variation and I have no basis to consider differently.
38. The Council provide no substantive evidence that the proposal would be contrary to DM4.3 of the DMP and as such, I have omitted reference to it.

Conditions

39. The guidance in the PPG makes clear that decision notices for granting planning permission under s73 should restate the conditions imposed on earlier permissions that continue to have effect. With respect to this, I have considered the Council's suggested conditions and the appellant's comments.
40. As the original development has started, there is no need to impose a time limit condition. I have included both the new drawing reference and the submitted documents into the suggested condition 2 (condition 1 of the below schedule) and the reworded proposed condition 11 (condition 10 of the below schedule). I have also updated suggested conditions 12, 26 and 42 (conditions 11, 24 and 40 of the below schedule) to refer to the relevant use class E(a)/E(b)/E(c). I have not changed the use class D reference in condition 10 (condition 9 of the below schedule) as this allows any updates in the use class to be agreed.
41. As this permission is being granted retrospectively, I have amended suggested conditions 3, 4, 5, 9, 13, 14, 20, 22, 23, 24, 28, 29, 30, 31, 33, 34, 35, 37, 38 and 43 (conditions 2, 3, 4, 8, 12, 13, 18, 20, 21, 22, 26, 27, 28, 29, 31, 33, 35, 36 and 41 of the below schedule) which the Council has advised are discharged, but I noted had a retention clause. For certainty I have included the discharge details provided by the Council. I have no substantive evidence to indicate whether the measures have been implemented in accordance with the approved details, which is therefore a matter between the parties.
42. The Council has indicated that details for suggested conditions 19 and 44 have been provided and approved and as they have no retention clause I have omitted them.
43. In relation to suggested condition 27 (condition 25 of the below schedule), this has been included without the appellant's requested amendment. This is due to the reworded new condition 11 (condition 10 of the below schedule) allowing a variety of different unit combinations, not just the amalgamated larger unit, and it is important that these do not impact on highway safety and the free-flow of traffic. I have also removed the tailpiece phrase to this condition for precision.
44. Suggested condition 40 (condition 38 of the below schedule) has been amended in line with the planning permission Ref. P2015/0236/S73 as noted by the Council.
45. I am not certain if suggested condition 21 (condition 19 of the below schedule) has been fully discharged and for certainty I have retained it. I have also retained the remaining suggested conditions imposed on earlier permissions that continue to have effect. In the event that any of these conditions have been discharged, this is a matter which can be addressed by the parties.

46. Following the above amendments, the conditions have been renumbered, as noted in the brackets above, to take account of the conditions that have been omitted.

Conclusion

47. For the reasons given above, I conclude that the appeal should be allowed. A new planning permission is granted subject to the schedule of conditions listed.

J Symmons

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with the following approved plans:

2354_GAD_120050 Revision B, Planning Statement and Sequential Assessment by ROK PLANNING (December 2021), Retail Impact by ROK PLANNING (June 2022), Marketing Report by Torridon (June 2022) and Transport Statement by Connect Consultants (October 2021), D/002 NEDE-0G, D/002 NEDE-01, D/002 NEDE-02, D/002 NEDE-03, D/002 NEDE-04, D/002 NSTA-0G, D/002 NSTA-0M, D/002 NSTA-01, D/002 NSTA-02, D/002 NSTA-03, D/002 NSTA-04, 5954.01 (Ground Floor Plan Index House), 5954.02 (First Floor Plan Index House), 5954.03 (Second Floor Plan Index House), 5954.04 (Roof Plan Index House), 6797.05, 6797.06, 6797.07, 6797.08, 6797.09, 6797.10, 2354_GAD_100002_A, 2354_GAD_100003_A, 2354_GAD_100000_B, 2354_GAD_100001_B, 2354_GAD_120000_P, 2354_GAD_120001_P, 2354_GAD_120002_R, 2354_GAD_120003_R, 2354_GAD_120004_P, 2354_GAD_120005_P, 2354_GAD_120006_R, 2354_GAD_120007_R, 2354_GAD_120008_P, 2354_GAD_120009_P, 2354_GAD_120010_P, 2354_GAD_140000_K, 2354_GAD_140001_J, 2354_GAD_140002_H, 2354_GAD_140003_D, 2354_GAD_140004_D, 2354_GAD_140005_D, 2354_GAD_150000_C, 2354_GAD_150001_B, 2354_GAD_150002_B, Design and Access statement dated August 2013 prepared by Architecture PLB, Updated Design & Access statement (Rev B) dated September 2013 prepared by Architecture PLB, Health Impact Assessment dated October 2013 prepared by Quod, Access Statement dated August 2013 prepared by David Bonnet Associates, Access Statement dated October 2013 prepared by David Bonnet Associates, Landscaping Scheme dated July 2013 prepared by UBU Design, Heritage Statement dated August 2013 prepared by CgMs Ltd, Daylight & Sunlight Study dated July 2013 prepared by Delva Patman Redler, Supplementary Daylight & Sunlight Study dated October 2013 prepared by Delva Patman Redler, Geo-Environmental Site investigation Report dated April 2013 prepared by RSK Environment Ltd, Tree Report dated 10/07/2013 prepared by Frank Wright Tree Consultancy, Ecology Report dated 26/07/2013 prepared by eight associates, Statement of Community Involvement dated August 2013 prepared by Local Dialogue, Updated Statement of Community Involvement dated October 2013 prepared by Local Dialogue, Student Management Plan dated August 2013 prepared by Unite Group, Updated

Student Management Plan dated October 2013 prepared by Unite Group, Air Quality Assessment dated 24/07/2013 prepared by WSP, Foul Sewerage Report dated 26 July 2013 prepared by Meinhardt, Acoustic Assessment dated 26 July 2013 prepared by RBA Acoustics, Bat Survey dated 2nd August 2013 prepared by Mostly Bats, Renewable Energy Report dated 2nd August 2013 prepared by Waterman Building Services Ltd, Addendum to Renewable Energy Report dated 9th October 2013 prepared by Waterman Building Services Ltd, Construction Management Statement dated July 2013 prepared by Mansell Balfour Beatty, Utilities Infrastructure Statement dated 2nd August 2013 prepared by Waterman Building Services Ltd, Transport Assessment dated 01/08/2013 prepared by WSP, Addendum to Transport Assessment (inc. Travel Plan) dated 7 October 2013 prepared by WSP, BREEAM Retail Sustainability Report dated August 2013 prepared by Waterman Energy, Environment & Design Limited, BREEAM Multi-Residential Sustainability Report dated August 2013 prepared by Waterman Energy, Environment & Design Limited, Planning Statement dated August 2013 prepared by CgMs Consulting, Updated Planning Statement dated October 2013 prepared by CgMs Consulting, London Metropolitan University Supporting Statement dated 7 October 2013 prepared by London Metropolitan University, Estates Master Planning Exercise dated 31 July 2013 prepared London metropolitan University, Estates Master Plan review dated January 2013 prepared by London Metropolitan University, and Drawing No. 2354_GAD_160559 Revision F, and Energy Strategy Issue H (Project No. BSD11311-100) dated 1 February 2016 prepared by Waterman Building Services.

- 2) The development shall be carried out strictly in accordance with the details of facing materials submitted to the Local Planning Authority on 19 December 2014 pursuant to Condition 3 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2014/5161/AOD] and approved by the Local Planning Authority on 12 February 2016. The development shall be maintained as such thereafter.
- 3) The development shall be carried out strictly in accordance with the details of the design and treatment of ground and first floor elevations submitted to the Local Planning Authority on 19 December 2014 pursuant to Condition 4 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2014/5161/AOD) and approved by the Local Planning Authority on 12 February 2016. The development shall be maintained as such thereafter.
- 4) The development shall be carried out strictly in accordance with the full details of the design and treatment of the projecting "tower" element viewed from the north containing a vertical strip of blank façade and projecting "tower" element viewed from the south containing a large expanse area submitted to the Local Planning Authority on 19 December 2014 pursuant to Condition 5 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2014/5161/AOD) and approved by the Local Planning Authority on 12 February 2016. The development shall be maintained as such thereafter.
- 5) The student accommodation hereby approved shall be retained in a single planning unit and shall not be subdivided into independent residential units for the purpose of management or sale. The rooms shall not be occupied

other than by students who are associated with the provision of further or higher education within the Greater London area and for whom such studies constitute their main vocation. The rooms shall not constitute permanent residential accommodation.

- 6) The essential student accommodation facilities, being: student common rooms, kitchen/lounge rooms, reception/main office and laundry facilities hereby approved shall be provided, fitted out and operational prior to the first occupation of the student accommodation.

The essential facilities shall be provided strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 7) The student accommodation shall be laid out in accordance with the plans hereby approved and shall be maintained as such thereafter.
- 8) The 86 wheelchair accessible student rooms shall be provided, laid out and available for occupation at the same time as the remaining rooms within the student accommodation in accordance with the details submitted to the local planning authority on 3 March 2016 pursuant to Condition 9 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2016/0940/NMA) and approved by the Local Planning Authority on 24 March 2016. The development shall be maintained as such thereafter.
- 9) The D1 (non-residential institutions) floorspace shall be strictly limited to uses within Use Class D1(a-g). No planning permission is hereby granted for purposes within Use Class D1(h) - place of worship - of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (or the equivalent use within any amended/updated subsequent Order).
- 10) Should the flexible ground floor space be taken up for Use Class E(a)/E(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO), no unit shall be greater than 200 square metres in size, and if taken up for Use Class E(b) of the UCO, no unit shall be greater in size than the units specified on Drawing No. 2354_GAD_160559 Revision F. Alternatively, should the flexible ground floor space be occupied as per the layout on Drawing No. 2354_GAD_120050 Revision B then the 708 square metres unit shall only be Use Class E(a) of the UCO and the 350 square metres unit shall only be Use Class E(b) of the UCO. No other amalgamation or further subdividing of the units will be allowed.
- 11) The ground floor units with use class E(a)/E(b)/E(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby approved shall not operate outside of the hours of 07.00 to 23.00 on any day.
- 12) The development shall be carried out strictly in accordance with the detail of the electrical substation including its location, acoustic specifications, cladding/facing submitted to the Local Planning Authority on 23 June 2016 pursuant to Condition 13 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2016/2104/AOD) and approved by the Local Planning Authority on 7 July 2016. The development shall be maintained as such thereafter.

- 13) The development shall be carried out and operated strictly in accordance with the details of the site wide waste strategy submitted to the Local Planning Authority on 7 May 2015 pursuant to Condition 14 (a) and (b) of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/1874/AOD) and approved by the Local Planning Authority on 12 April 2016. The physical enclosures shall be provided/erected prior to the first occupation of the development and maintained as such thereafter.
- 14) No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the external elevation(s) of the building hereby approved.
- 15) All lifts serving the dwellings hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 16) The disabled parking spaces shown on drawings hereby approved shall be provided prior to the first occupation of the building and the disabled parking bays shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 17) Planning permission is only hereby granted for the removal of the trees as shown on drawings hereby approved. All other trees shown for retention shall be retained.

- 18) The development shall be constructed strictly in accordance with the Green Procurement Plan submitted to the Local Planning Authority on 1 August 2014 pursuant to Condition 20 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2014/3129/AOD) and approved by the Local Planning Authority on 17 October 2014.

- 19) Evidence confirming that the development achieves a BREEAM rating of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:
- a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to commencement of superstructure works on site; and
 - b) a post-construction assessment shall be submitted following the practical completion of the development and prior to the first occupation; and
 - c) the approved post-construction assessment under part (b) of this condition to be supported by relevant BRE accreditation certificate(s), shall be submitted six months from the practical completion of the development.

The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.

- 20) The development shall be carried out strictly in accordance with the details of the biodiversity (green/brown) roof(s) submitted to the Local Planning Authority on 1 August 2014 pursuant to Condition 22 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/0235/AOD) and approved by the Local Planning Authority on 12 April 2018. The development shall be maintained as such thereafter.

The biodiversity (green/brown) roof 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.

- 21) The development shall be carried out strictly in accordance with the details of surface drainage works submitted to the Local Planning Authority on 1 August 2014 pursuant to Condition 23 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/0235/AOD) and approved by the Local Planning Authority on 12 April 2018. The development shall be maintained as such thereafter.
- 22) The development shall be carried out strictly in accordance with the details of the roof-top structures/enclosures submitted to the Local Planning Authority on 1 August 2014 pursuant to Condition 24 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/0235/AOD) and approved by the Local Planning Authority on 12 April 2018. The development shall be maintained as such thereafter.
- 23) The vehicular entrance and circulation space shown on the drawings hereby approved shall be kept free of obstruction at all times.
- 24) All service vehicle deliveries/collections/visits to and from the use Class E(a)/E(b)/E(c) units hereby approved must not take place outside hours of:
- Monday to Saturday 07:00 - 22:00 and not at all on Sundays and Public Holidays.
- 25) Prior to the occupation of the ground floor units, the delivery and servicing plan approved on 30 April 2021 (ref P2020/3503/AOD) shall be updated as a consequence of the changes to the ground floor units, detailing servicing arrangements including the location, times and frequency. This updated delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to occupation of the ground floor units.
- The development shall be constructed and operated strictly in accordance with the details so approved, and shall be maintained as such thereafter.
- 26) The development shall be carried out strictly in accordance with the details of the layout, design and appearance of the bicycle storage area(s) submitted to the Local Planning Authority on 19 January 2015 pursuant to Condition 28 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/0233/AOD) and approved by the Local Planning Authority on 15 January 2016. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.

- 27) The development shall be carried out and installed, prior to the first occupation of the development strictly in accordance with the details of the visitor's cycle parking submitted to the Local Planning Authority on 10 May 2016 pursuant to Condition 29 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2016/1886/AOD) and approved by the Local Planning Authority on 21 June 2016. The development shall be maintained as such thereafter.
- 28) Sound insulation and noise control measures shall be carried out and be implemented prior to the first occupation of the development strictly in accordance with the details of the scheme for sound insulation and noise control measures submitted to the Local Planning Authority on 19 January 2015 pursuant to Condition 30 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/0234/AOD) and approved by the Local Planning Authority on 1 April 2015. The development shall be maintained as such thereafter.
- 29) The sound insulation and noise control measures shall be carried out and be implemented prior to the first occupation of the development strictly in accordance with the details of the scheme for sound insulation between the proposed commercial, community and student residential use of the building submitted to the Local Planning Authority on 19 January 2015 pursuant to Condition 31 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/0234/AOD) and approved by the Local Planning Authority on 1 April 2015. The development shall be maintained as such thereafter.
- 30) 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 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 4142:1997.
- 31) The site-wide general security measures shall be carried out and installed prior to the first occupation of the development strictly in accordance with the details of the site-wide general security measures submitted to the Local Planning Authority on 7 June 2016 pursuant to Condition 34 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2016/2495/AOD) and approved by the Local Planning Authority on 11 July 2016. The development shall be maintained as such thereafter.
- 32) The development's security features relating to each of the communal residential entrance(s) shall be carried out and installed prior to the first occupation of the residential component of the development strictly in accordance with the details of submitted to the Local Planning Authority on 29 June 2016 pursuant to Condition 35 (a) and (b) of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/2618/AOD) and approved by the Local Planning Authority on 8 January 2016. The development shall be maintained as such thereafter.

- 33) The development shall be carried out strictly in accordance with the Construction Environmental Management Plan details submitted to the Local Planning Authority on 4 August 2014 pursuant to Condition 33 of Planning Permission Reference: P2013/2963/FUL (LBI Ref: P2014/3130/AOD) and approved by the Local Planning Authority on 17 October 2014.
- 34) The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.
- 35) The boundary treatments shall be carried out and installed/erected/operational prior to the first occupation of the development strictly in accordance with the details of boundary treatment(s) submitted to the Local Planning Authority on 8 June 2016 pursuant to Condition 37 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2016/2346/AOD) and approved by the Local Planning Authority on 14 July 2016. The development shall be maintained as such thereafter.
- 36) The development shall be carried out strictly in accordance with the details of the landscaping scheme submitted to the Local Planning Authority on 19 June 2015 pursuant to Condition 38 of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2015/2497/AOD) and approved by the Local Planning Authority on 15 January 2016.

All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be maintained as such thereafter.

- 37) Details of how the communal boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and/or cooling network(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The communal boiler and associated infrastructure shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.

- 38) The energy measures which shall together provide for no less than a 40% on-site total CO₂ reduction in comparison with total emissions from a building which complies with Building Regulations 2010 as detailed within

the revised Energy Strategy dated 1 February 2016 shall be installed and operational prior to the first occupation of the development.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 39) Notwithstanding the plans hereby approved, the student accommodation units shall be constructed in accordance with the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Confirmation that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The confirmation shall take the form of an accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met.

The development shall be constructed strictly in accordance with the details so approved.

- 40) Should the flexible retail units be taken up for use class E(b), details of proposed flues/extraction systems for the unit shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.

The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.

The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.

- 41) The development shall be carried out strictly in accordance with the land contamination investigation, scheme of remedial land contamination works, and necessary remediation submitted to the Local Planning Authority on 1 August 2014 pursuant to Condition 43 (a) and (b) of Planning Permission Reference: P2013/2963/FUL (LPI Ref: P2014/3129/AOD) and approved by the Local Planning Authority on 17 October 2014 prior to the first occupation of the development, and shall be maintained as such thereafter.

Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with the approved remedial land contamination remediation details.