

# Royal London House, 22-25 Finsbury Square, EC2

in the London Borough of Islington

planning application no. PO60001

## Strategic planning application stage 2

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

## The proposal

Redevelopment of Royal London House to provide basement, ground and nine upper floor office building of 19,208 sq.m. with plant, cycle parking and ancillary servicing.

## The applicant

The applicant is **Shieldpoint 22 Ltd**, and the architect is **Sheppard Robson**.

## Strategic issues

The use of the site for office purposes is compliant with London Plan policy. To meet the requirements of the **mixed use** policy, a contribution towards affordable housing has been negotiated and this was previously agreed as acceptable (PDU/2028/01 February 2008).

An increased contribution towards the **employment and training strategy** has been negotiated. An appropriate condition has been used to secure the use of **renewable energy** and **sustainability measures** including a 'green lease'. The **transport** implications are acceptable.

The **design** of the replacement building is acceptable.

## Recommendation

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

## Context

1 On 19 December 2007, Islington Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000, the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out the information for the Mayor's use in deciding what comments to make.

2 The application is referable under the following Categories of the Schedule of the Order 2000: Category 1C (c) *“Development which comprises or includes the erection of a building in respect of which one or more of the following conditions is met...the building is more than 30 metres high and outside the City of London.”*

3 On 20 February 2008, the Mayor considered planning report PDU/2028/01, and subsequently advised Islington Council that the proposal was acceptable in strategic planning terms subject to the resolution of the following matters:

- Agreement to a planning condition to secure renewable energy use and sustainability measures.
- An increased contribution to the employment and training strategy.

4 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

5 On 18 March 2008, Islington Council decided that it is minded to grant planning permission for the application, and on 26 March 2008 it referred the scheme to the Mayor. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000, the Mayor may now direct Islington Council to refuse planning permission, and has until 8 April 2008 to notify the Council of such a decision. This report sets out the information needed by the Mayor in deciding whether to direct refusal.

6 The Mayor of London's comments on this case, and his reasons, will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Update

7 The Mayor previously agreed that the use of the site for office purposes is compliant with London Plan policy and that to meet the mixed-use policy requirements, a contribution towards off-site affordable housing provision was acceptable. A contribution of £145,650 towards affordable housing was therefore negotiated. It was confirmed by Islington Council that these monies would be pooled for specific schemes within the London Borough of Islington to help meet the London Plan affordable housing targets.

8 With regard to the energy matters, the draft decision letter contains appropriate conditions to ensure that alternative renewable energy provision will be secured, should the geological survey prove that ground source heat pumps are unviable in this instance. The provision of a connection pipe for a future district heating system, the provisions for ensuring that the development meets BREEAM 'excellent' standards and the use of a 'green lease' have all also been secured through appropriate planning conditions.

9 These energy conditions are acceptable given the need to future-proof the scheme, ensure that renewable energy provision is not jeopardised within the final development and ensure that the proposed carbon savings are safeguarded.

10 In relation to training, employment and child care provisions, an increased contribution of £100,000 has been negotiated as part of the section 106 agreement. This is welcomed given the above-national average employment and training need of local residents. The applicants have also noted that the office floorspace is suitable for sub-division as part of a multi-let arrangement for smaller businesses, which is welcomed.

11 Transport and access issues have also been appropriately addressed through planning conditions and the section 106 agreement.

### **Transport for London's comments**

12 At the consultation stage Transport for London (TfL) noted that the uplift in floorspace provided by the development was unlikely to give rise to additional capacity problems on the public transport network although there would be a cumulative effect. TfL welcomes the car free nature of the development and that occupiers will be prevented from access to a parking permit through a section 106 agreement.

13 TfL requested that the developer should contribute towards accessibility improvements to bus stops and crossings within 400 metres of the development. This has not been provided.

14 TfL commented that the transport assessment should have provided more details on the ease and quality of the walking environment accessing public transport nodes and where necessary fund improvements. The development will be subject to a section 106 contribution of £338,850 for amongst other things environment and streetscape improvements which is welcomed.

15 TfL welcomes the provision of a travel plan which will be secured by section 106 agreement.

16 The development will be subject to the approval of a service management strategy that will encourage deliveries by vans and goods vehicles to use the rear entrance to the building on Worship Street and avoid conflict with bus standing and cycle spaces in Finsbury Square.

17 The majority of the issues raised by Transport for London (TfL) at the consultation stage have now been satisfactorily resolved.

### **London Development Agency's comments**

18 The London Development Agency (LDA) continue to support the principle of development, The proposal will make a significant contribution towards job creation within the Bishopgate/South Shoreditch Opportunity Area by providing high quality office accommodation at this City Fringe location.

19 The LDA welcomes the increase in contribution to £100,000 towards employment and training initiatives in accordance with London Plan (Consolidated with Alterations since 2004) policy 3B.1 'Developing London's economy' and 3B.11 'Improving employment opportunities for Londoners'.

20 The LDA encourage the developer to produce a training and employment strategy detailing how employment and training initiatives will be delivered and recommend it should include:

- Timing and arrangements for its implementation including funding arrangements;
- A stakeholder charter to ensure initial and subsequent employers within the completed development participate in the implementation of the strategy;

- Minimum local recruitment targets for employees and targets for the involvement of local businesses and measures to be undertaken by the applicant to meet with these targets;
- Periodical workforce and business monitoring and reporting of the results to the Council and such other parties as may be set out in the approved strategy;
- A programme for skills training for local residents and/or businesses, including the potential for the provision of suitably equipped training premises;
- Local publicity, awareness raising proposals and methods for advertising employment opportunities and impending contracts;
- Initiatives to promote the involvement of local businesses including sub-contracting and the supply of goods and services;
- Initiatives to promote the employment of small and medium businesses; and
- Initiatives to promote the employment of black and ethnic minority owned businesses.

## **Response to consultation**

21 On 4 December 2007, Islington Council sent letters to 150 occupants of adjoining and nearby properties at Worship Street, Finsbury Street, Finsbury Square, Wilson Street, Christopher Street, Paul Street and Dysart Street. A site notice and a press advert were also displayed on 13 December 2007.

22 Only one resident response was received raising concerns relating to the height of the building and its unacceptable impact on the conservation area and listed buildings. This does not change the recommendation of this report.

23 A representation was also received from English Heritage. English Heritage repeated its previous comments relating to archaeological issues and the need to carry out photographic recording and field evaluation on the site due to its archaeological importance. English Heritage also stressed the need to incorporate provisions for these into the development schedule and suggested two planning conditions which have been attached to the permission and satisfactorily address the concerns raised.

## **Legal considerations**

24 Under the arrangements set out in article 5 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has the power to direct the local planning authority to refuse permission for a planning application referred to him under article 3 of the Order. In doing so the Mayor must have regard to the matters set out in article 5(2) of the Order, including the principle purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

## **Financial considerations**

25 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 8/93 (*Award of Costs in Planning and*

*Other (including Compulsory Purchase Order) Proceedings'*) emphasises that parties usually pay their own expenses arising from an appeal. In the present case it is anticipated that a public inquiry would last for 5 days. The Mayor's own costs may exceed £20,000 for counsel and specialist research, advice and expert witnesses. Other costs can be absorbed within already agreed budgets provided that additional cover is not required for the Planning Decisions Unit.

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

## **Conclusion**

27 It was agreed previously that the use of the site for office purposes is compliant with London Plan policy. In order to meet the mixed-use policy requirements, an acceptable contribution towards affordable housing has been negotiated.

28 All other matters have been effectively dealt with. An increased contribution towards the employment and training strategy has been negotiated and agreed through the Section 106 Heads of Terms. Additionally, appropriate conditions have also been attached to ensure the use of renewable energy, the proposed 'green lease' and the commitment to secure a BREEAM rating of 'excellent'.

29 The majority of transport and access implications have been resolved and are acceptable.

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planning report PDU/2028/01

20 February 2008

# Royal London House, 22-25 Finsbury Square, EC2

in the London Borough of Islington

planning application no. PO60001

## Strategic planning application stage 1

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

## The proposal

Redevelopment of Royal London House to provide basement, ground and nine upper floor office building of 19,208 sqm with plant, cycle parking and ancillary servicing.

## The applicant

The applicant is **Shieldpoint 22 Ltd**, and the architect is **Sheppard Robson**.

## Strategic issues

The use of the site for office purposes is compliant with London Plan policy. In order to meet the requirements of the **mixed use** policy, a contribution towards affordable housing has been negotiated. An increased contribution towards the employment and training strategy is sought. The **design** of the replacement building has been improved in comparison with the previous scheme but could be further improved. The **transport** implications are acceptable. The use of **renewable energy** needs to be secured by a condition.

## Recommendation

That Islington Council be advised that the development is acceptable in principle subject to the concerns raised in the report being satisfactorily addressed and the implementation of the relevant aspects of the proposal being secured via planning condition or section 106 agreement.

## Context

30 On 19 December 2007, Islington Council consulted the Mayor of London on a proposal to develop the above site for the above uses. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000, the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out the information for the Mayor's use in deciding what comments to make.

31 The application is referable under the following Categories of the Schedule of the Order 2000: Category 1C (c) "Development which comprises or includes the erection of a building in respect of

*which one or more of the following conditions is met...the building is more than 30 metres high and outside the City of London."*

32 If Islington Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

33 The Mayor of London's comments on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

34 The site is located on the fringe of the City of London in the London Borough of Islington (LBI). It occupies a prominent and substantial plot on the north-east corner of Finsbury Square, located adjacent to Triton Court to the west, which is a significant landmark building in the context of Finsbury Square, and Finwell House to the east. Immediately north of the site lies Worship Street, which has a number of properties to the east of 22-25 Finsbury Square bounding this site. Wilson Street to the east forms the boundary between the London Borough of Hackney (LBH) and the London Borough of Islington (LBI).

35 22-25 Finsbury Square is a locally listed building forming a post war infill development to complement other buildings on the north side of Finsbury Square - the earlier and central Triton Court of 1929 (with its three stage central tower) and a western building.

36 Part of the site (south end of 22-25 Finsbury Square) falls within the Bunhill Fields/ Finsbury Square Conservation Area for which LBI has prepared specific design guidelines. Further details on these guidelines are provided in section 4.02.2. Paragraph 22.9 states that the height of buildings on Finsbury Square should be to a parapet level of six storeys plus basement, with two set-back storeys beyond. The rear of the site is outside the conservation area and therefore falls outside the guidelines.

## **Details of the proposal**

37 The aim of the proposal is to replace the existing, outdated accommodation on site and replace it with a modern high quality office building providing 19,208 sq.m of B1 office floorspace. The proposed building will provide office accommodation over basement, lower ground, ground and nine upper (and plant) floors. The main entrance to the building and office reception area from Finsbury Square.

38 Most of the primary plant is located within the basement, with only necessary roof plant on the upper tenth floor which is set back from all street frontages including Finsbury Square. A service bay and refuse area will be provided at ground level with access from Worship Street together with a cycle store (80 cycles) and toilet facilities.

## **Case history**

39 The site previously formed part of a larger scheme by Sheppard Robson. A planning application was made in 2005 for the redevelopment of four office buildings, of which Royal London House was one, bounded by Finsbury Square, Christopher Street, Wilson Street and Worship Street, to be replaced by a single modern office building. This application was approved by Islington Council on 6 November 2006 (Planning application no. P060001, CAC application no. P060003). The new proposed scheme is for the redevelopment of Royal London House located at 22-25 Finsbury Square / 28-30 Worship Street. The remaining buildings of the previously approved scheme at 65-67 Worship Street and 69 Worship Street do not form part of this new application.

## Strategic planning issues and relevant policies and guidance

40 The relevant issues and corresponding policies are as follows:

- Mix of uses *London Plan*
- Urban design *London Plan; PPS1*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13*
- Access/equal opportunities *London Plan; PPS1; SPG "Accessible London: achieving an inclusive environment"; ODPM Planning and Access SPG*
- Sustainable development *London Plan; PPS1, PPG3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*

41 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2002 Islington Unitary Development Plan and the London Plan (Consolidated with Alterations since 2004).

42 The site also falls within the Draft City Fringe Opportunity Area Planning Framework which is a material consideration.

### Mix of uses

43 The application site is located in the Bishopsgate/South Shoreditch Opportunity Area. The London Plan states at paragraph 5.64 that: *"Because of its proximity to the City, the area provides particular scope to support London's critical mass of financial and business services in ways that can contribute to the Mayor's sustainability objectives and underpin clustering of economic activity, such as creative industries."* The Bishopsgate/South Shoreditch Opportunity Area is identified as a location for 16,000 new jobs and 800 new homes to 2016.

44 Whilst the provision of employment floorspace is welcomed and appropriate in planning policy terms, the mixed use policy of the London Plan has not been adequately addressed. Policy 3B.4 of the London Plan, 'Mixed use development' requires that: *"Within the Central Activities Zone and the Opportunity Areas, wherever increases in office floorspace are proposed, they should provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies in this plan."*

45 The applicant has advised that it is not willing or appropriate to provide on-site housing in the development. As the applicant is also not willing to provide off-site housing, a financial contribution has been requested.

46 Following negotiations, the applicant has offered £145,650 towards affordable housing. This would be in addition to the £338,450 which has been negotiated with Islington as part of the overall Section 106 package which is to be used towards environmental, streetscape and public improvements in the vicinity of the site; and towards local employment and training schemes (£63,000). The proportion of funding to be spent on affordable housing represents 30% of the total Section 106 contribution and equates to approximately £100 per sq.m. These monies will be pooled for use specifically for affordable housing within the London Borough of Islington to contribute towards the London Plan's affordable housing targets.

47 Islington Council have confirmed that they are pursuing a proactive strategy with regard to spending s106 monies collected for affordable housing. Their approach includes increasing supply of intermediate housing in the borough, increasing provision of affordable housing on schemes with registered social landlords (RSLs) and increasing the amount of affordable housing on small sites where RSLs are not involved.

## Urban design

48 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. Policy 4B.1 sets out overarching design principles for London and states that the Mayor will seek to ensure that new developments maximise site potential, enhance the public realm, provide a mix of uses, are accessible, legible, sustainable, safe, inspiring, exciting and respect London's natural and built heritage. Other policies include general design principles relating to the promotion of world-class design, maximising the potential of sites, ensuring appropriate development densities, improving the public realm and creating accessible environments.

49 London Plan policies 4B.9 and 4B.10, which relate to the specific design issues associated with tall and large-scale buildings, are of particular relevance to the proposed scheme. These policies set out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor.

50 During the design of the previous scheme much emphasis was given to ensuring that the Bunhill Fields/Finsbury Square Conservation Area Design Guidelines were respected through a careful process of analysis and composition. In general the principles underlying the design of the proposed scheme remain largely unchanged from that previously approved. Care has been given to ensuring that where relevant to the new scheme, these principles have been adhered to or strengthened.

51 The entrance façade fronting onto Finsbury Square remains to the greater part the same as previously approved. Whilst materials and detailing are proposed to be the same as previously approved, some minor adjustments have been made to ensure its proportions and composition are improved. Following pre-application discussions held with London Borough of Islington to agree in principle where changes may occur, it was agreed that the proposed scheme should respect the analysis and design justification firmly established during the previous application.

52 The massing and architecture of the proposal is similar to the design of the previous application. The design of the Finsbury Square facade generally complies with the design guidelines for the Bunhill Fields/Finsbury Square Conservation Area, as provided by Islington Council. The architect has attempted to adopt the same design principles that define Triton Court, the building adjacent to the west, but, as noted with the previous application, the design lacks the richness from Triton Court. The proposal should not try to mimic Triton Court, or any other building in the vicinity, but, even faced with the restriction of using Portland stone, the architect could have done more to provide visual interest.

53 The proposed redevelopment is narrower on Worship Street and therefore the immediate impact of the new building is less than the previous application. The elevation on Worship Street is very regular (square and rectangular panels) but without much depth or visual interest.

## Transport

54 The following comments have been provided by Transport for London (TfL).

55 The site is located in an area of the highest PTAL Public Transport Accessibility Level value scoring 6b where 1 is the lowest and 6b is the highest. The site is well served by buses with routes 21, 43, 76, 141, 205, 214 and 271 stopping in Finsbury Circus. The site is also well

located in terms of connections to rail and underground services at Moorgate, and Liverpool Street stations, some 600 metres from the site with Old Street Station some 900 m from the entrance to the development in Finsbury Square. The closest section of the TLRN to the site is City Road which is located approximately 200 metres to the north.

56 The likely number of additional trips generated by the uplift in floorspace provided by the development is not considered to give rise to additional capacity problems on the public transport network although as with other developments there will be a cumulative effect which has not been taken into account as part of the Transport Assessment.

57 The Transport Assessment assumes that 50% of the daily trips are made during the morning peak so that proposal will result in a net increase of 4 personal vehicle trip during that period. Although, the assumption that 50% of the movements will occur during the AM peak has not been substantiated, TfL accepts that the increase in vehicle moments would not have significant impact on the operation of the network.

58 Given the accessibility of the site TfL welcomes the car free nature of the development. This is a reduction in 21 spaces over the existing use of the site.

59 The developer should contribute towards accessibility improvements to bus stops and crossings within 400m of the development. The level of contribution will need to be determined from surveys undertaken as part of the transport assessment.

60 The developer has indicated that the site is well located for pedestrian access to main rail and underground stations. Notwithstanding this transport assessment should provide more details on the ease and quality of the walking environment accessing public transport nodes and where necessary fund improvements. Details should include footway widths, lighting signage and position of crossings.

61 The provision of 80 secure cycle parking stands is noted and supported and is above the minimum requirement of 77 spaces under the TfL cycle parking standards. Access to all cycle parking should be appropriately segregated to minimise conflict between vehicles, pedestrians and cyclists. The provision of lockers and shower facilities to encourage greater cycle use is also noted and welcomed by TfL.

62 TfL welcomes the developer commitment to provide a travel plan which will be secured by s106 agreement. TfL expects the travel plan to focus on walking and cycling and to discourage the use of off-site car parking. The Travel Plan also needs to cover office components providing support and infrastructure for home working and flexible working practices. The TfL Smarter Working Guide should be consulted in this matter.

63 TfL welcomes a service management strategy that will encourage deliveries by vans and goods vehicles to use of the rear entrance to the building on Worship Street. This will ensure that there is no conflict with other road users, notably the Bus Stand and Motorcycle parking. The developer should explore with the borough, the option to move the motorcycle parking into Christopher St and put in a short term loading bay.

64 Provided that the above matters can be satisfactorily resolved TfL has no objections to the proposed development.

## **Access/equal opportunities**

65 Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This together with the Mayor's Supplementary Planning Guidance

'Accessible London: achieving an inclusive environment' underpins the principles of inclusive design and the aim to achieve an accessible and inclusive environment consistently across London. An access statement has been produced which demonstrates that the development will be fully accessible with level approaches from the kerb-side drop-off point up to the main doors, level thresholds, lifts and accessible reception desk and toilet cubicles.

66 The access statement only covers the base build project, stating that '*subsequent fit-out contracts must independently assess and meet access requirements for any works that they introduce*' and this requirement should be subject to a condition.

## **Sustainable development/Energy**

67 The London Plan (incorporating alterations since 2004) promotes a holistic approach to sustainable development and contains a number of specific policy requirements aimed at ensuring the sustainability of new development. Policy 4A.3 requires developments to meet the highest standards of sustainable design and construction and energy policies 4A.4 to 4A.8 seek to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. The London Plan Sustainable Design and Construction Supplementary Planning Guidance supports and expands on these policies.

68 The applicant has produced a sustainability statement which broadly meets the Mayor's essential standards as set out in the Sustainable Design and Construction SPG. A range of sustainability measures are to be included within the development including: the use of high performance glass and a high ratio of solid to glass façade in the south elevation; the façade designed to limit solar gain; and the use of low energy plant and services and low water sanitary appliances. Detailed comments have been supplied to the applicant and they have committed to ensuring that the development will achieve a BREEAM rating of 'excellent' as well as the use of a 'Green lease'. These commitments should be secured through a planning condition.

69 The applicant has also produced an energy statement. This sets out that the proposal follows the principles of the Mayor's Energy Strategy and a range of energy technologies have been appraised as potential on-site energy generation sources. The statement concludes that a ground source heat pump system (used for heating and cooling) is the most feasible renewable energy source. It is estimated that the ground source heat pump system will meet 3.9% of annual energy consumption by renewable means and reduce carbon emissions by 4.8%. However, final incorporation within the development is subject to physical tests on the aquifer and geology by means of a test borehole. As it is not practical to undertake the test boreholes until the site is cleared, Islington Council should secure this through an appropriate condition. The strategy also sets out that photovoltaic cells will contribute to 0.9% of the total energy demand and will save around 1.3% of CO<sub>2</sub>. Total proposed renewables use on this site equal 7% of energy demand and result in a CO<sub>2</sub> saving of 6%.

70 Given the low level of renewable energy sources for this proposal, a meeting was held with the applicant and the GLA energy team. In response to the GLA queries regarding the potential to connect to the Citigen network, the possibility of increased use of photovoltaic cells and the possibility to use the GSHP for cooling, the applicant has submitted further information as a supplementary note to the energy Strategy. This has resulted in the increased contribution of Photo Voltaic Cells to CO<sub>2</sub> reduction by 1.5%, the incorporation of a green roof and a commitment to install a connection pipe for future expansion to a district-heating scheme although other proposals have been discounted on technical and financial viability grounds. Energy officers have reviewed this and accept financial viability arguments given that it is a stand-alone scheme but request that the use of the GHSP be secured through a planning condition which seeks an alternative renewable source if bore tests prove the GSHP to be unviable.

## **London Development Agency**

71 The London Development Agency (LDA) support the principle of development, namely, the redevelopment of Royal London House to create 19,208 sqm of B1 office floorspace over basement, ground, nine upper, together with one further plant floor.

72 The LDA welcomes the increase in B1 floorspace from 14,353 sqm to 19,208 sqm within this commercial office location and the significant contribution it can make to job creation within the Bishopgate/South Shoreditch Opportunity Area. The Central London Sub-Regional Framework suggests that because of its proximity to the City, the Opportunity Area provides particular scope to support London's critical mass of financial and business services in ways that can contribute to the Mayor's sustainability objectives and underpin clustering of economic activity, such as creative industries. It is considered that the provision of high quality office accommodation at this City Fringe location can importantly support this aspiration.

73 The intensification of office floorspace at this location is in accordance with London Plan Policy 3B.2 'Office provision' and London Plan Policy 5G.3 'Central Activities: Offices' which both seek the rejuvenation and intensification of office-based activities in the CAZ.

74 The LDA welcomes the provision of high quality flexible accommodation that meets the needs of modern business. However, the LDA requests further details are provided as to whether the office floorspace can be subdivided as a multi let arrangement for smaller businesses as well as being used by large occupiers, in accordance with London Plan Policy 'Office demand and supply' which seeks to enhance the quality and flexibility of London's office market offer.

75 Given the scale of the redevelopment, the provision of employment generating uses and in accordance with London Plan policies 3B.1 and 3B.11, the developer should seek to ensure that local residents and businesses benefit from the job opportunities created by this proposal, in both the construction and operational phases of the development. Initiatives to create training and employment opportunities and to utilise the goods and services of SMEs and local businesses should be formalised through a s106 agreement between the applicant and the London Borough of Islington in accordance with London Plan Policy 6A.4. The LDA welcomes the contribution of funding towards employment and training contained in the s106 Heads of Terms, but is disappointed that this is capped at £63,000 given the scale of the development. The LDA request that this contribution is increased to around £100,000 to ensure that the regeneration benefits of the proposed development are maximised for residents of the local community and that the Economic Development Strategy objective to 'Tackle Barriers to Employment' is supported.

76 The LDA would recommend that a training and employment strategy is produced to set out how the above is to be delivered and details of what this should include have been supplied to the applicant.

## **Local planning authority's position**

77 Islington Council officers are understood to be broadly supportive of the scheme, subject to any changes required by the GLA.

## **Legal considerations**

78 Under the arrangements set out in article 5 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has the power to direct the local planning authority to refuse permission for a planning application referred to him under article 3 of the Order. In doing so the

Mayor must have regard to the matters set out in article 5(2) of the Order, including the principle purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

79 There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's comments unless specifically stated.

## **Financial considerations**

80 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 8/93 ('Award of Costs in Planning and Other (including Compulsory Purchase Order) Proceedings') emphasises that parties usually pay their own expenses arising from an appeal.

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

## **Conclusion**

81 The use of the site for office purposes is compliant with London Plan policy. In order to meet the mixed-use policy, an acceptable contribution towards affordable housing has been negotiated. An increased contribution towards the employment and training strategy is sought. The design of the replacement building could be improved. The transport and access implications are acceptable. The use of renewable energy needs to be secured by a condition.

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