
Appeal Decision

Inquiry opened on 30 September 2014

Site visits made on 2 and 7 October 2014

by Paul K Jackson B Arch (Hons) RIBA

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

Decision date: 3 November 2014

Appeal Ref: APP/V5570/A/14/2213312
22-25 Finsbury Square, London EC2A 1DX

- 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 The Montcalm Hotel Group against the decision of the Council of the London Borough of Islington.
 - The application Ref P122324, dated 19 October 2012, was refused by notice dated 14 August 2013.
 - The development proposed is change of use from Class D1 (education) and Class B1 (offices) to Class C1 (hotel), roof extensions and associated external alterations.
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Preliminary matters

1. The Inquiry sat for 5 days and closed on Tuesday 7 October 2014. I carried out a brief site visit on Thursday 2 October and another at the end of the Inquiry which included a residential unit at 34 Worship Street.
2. The temporary Class D1 (education) use referred to in the description of development had expired before the Inquiry started. I have considered the appeal proposal on the basis of it being for a change of use from Class B1 (offices) to Class C1 (hotel).

Decision

3. The appeal is allowed and planning permission is granted for change of use from Class B1 (offices) to Class C1 (hotel), roof extensions and associated external alterations at 22-25 Finsbury Square, London EC2A 1DX in accordance with the terms of the application, Ref P122324, dated 19 October 2012 and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

4. The main issue is whether there would be an unacceptable loss of business use, having regard to the employment protection policies of the development plan and the effect on the economic function and growth of the area.

Reasons

The site and its surroundings

5. The appeal building is known as Royal London House. It lies in the north eastern corner of Finsbury Square and was constructed in the mid 1950s to the design of Harold Bramhill to form the headquarters of the Royal London

Friendly Society. It is an infill development of granite and Portland stone, intended to complement other buildings on the north side of Finsbury Square. Adjacent to it is the earlier Triton Court of 1929 with a central tower which forms an important focal point. This building is currently undergoing refurbishment. To the east lies No. 26, a modern office block extending down Christopher Street but with an entrance to the square. The appeal building comprises 12,864 square metres (sqm) of offices configured in an 'I' shape on plan, orientated north-south. The rear of the building faces onto Worship Street. The building has nine floors made up of a basement, lower ground floor, ground floor and six upper floors. The southern part of 22-25 Finsbury Square falls within the Bunhill Fields/ Finsbury Square Conservation Area. The building is locally listed.

6. The proposal consists of the conversion of the building to a 256 room hotel with restaurant and banqueting facilities, meeting rooms and spa and gym areas. An additional 4 floors of accommodation, reducing in area, would raise the height of the building to match that of a previous office consent in 2008. The main entrance would be in Finsbury Square and servicing would take place from Worship Street.

Policy background

7. It is necessary to set out the policy background in some detail.
8. The development plan consists of The London Plan (LonP)¹ of July 2011 which sets out the strategic objectives for the city to 2031; Islington's Core Strategy (CS) of February 2011; the associated Islington's Local Plan: Development Management Policies (DMP) of June 2013; and the Finsbury Local Plan Area Action Plan for Bunhill and Clerkenwell (FLP) of June 2013. The National Planning Policy Framework (the Framework) of February 2013 is an important material consideration as is national planning guidance.

The London Plan

9. The London Plan (LonP) sets out the strategic objectives for the City to 2031. The site lies within inner London, covered by policy 2.9: objective A states that *'boroughs should work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation, and improving quality of life and health for those living, working, studying or visiting there.'* The responsibility of boroughs to develop more detailed policies taking these principles into account is set out in objective B.
10. The explanatory text to the policy notes at the beginning that the part of inner London outside the Central Activities Zone (CAZ) and Canary Wharf contains both what is probably the country's largest concentration of deprived communities and some of the most challenging environments in London, and places that have experienced remarkable growth and development. The text goes on to advise, amongst other things, that *'this combination of challenges and opportunities, and the scale and pace of change in inner London justifies a distinctive planning policy approach. Overall, the objective should be to*

¹ Including Revised Early Minor Alterations following issue of the Framework in 2013

encourage growth, but to manage it in ways that help improve quality of life and opportunities for both existing and new residents and maximise the opportunities for their involvement, thereby making a contribution to tackling London's problems of inequality and exclusion.' The appeal site lies within the CAZ.

11. The strategic priorities for the CAZ are explained in policy 2.10. The many faceted objectives of the policy reflect the mixed character of the CAZ which as the explanatory text says, provides the location for almost a third of London's jobs in a large concentration of financial and globally orientated business services, including the centre of Government and a multitude of retail and cultural attractions. At the Inquiry, it was common ground that the part of the CAZ within Islington has to be seen as part of the CAZ as a whole, with neighbouring activities in Hackney and the City especially relevant as these areas are very close by. The policy can be summarised as encouraging development that sustains, enhances and promotes the unique international, national and London wide roles of the CAZ.
12. Policy 2.11 concerns the strategic functions of the CAZ and indicates that boroughs should ensure that development proposals to increase office space within the CAZ include a mix of uses including housing unless such policies would demonstrably conflict with other policies of the LonP. The explanatory text draws attention to the expectation that employment in the CAZ will grow substantially, largely driven by expansion of the office based business services sector and more jobs in retail and leisure. The site also lies within the City Fringe Opportunity Area (CFOA) where growth is encouraged by policy 2.13. CFOAs are areas identified as reservoirs of brownfield land with capacity to accommodate new development linked to improvements in public transport, in this case Crossrail. New transport interchanges at Liverpool St and Farringdon will increase the accessibility of the area. The notes at Annex 1 in table A1.1 record that the CFOA contains some of London's most deprived inner city neighbourhoods as well as affluent new quarters interspersed with affordable business premises, some serving the local communities, others meeting the needs of national and international business.
13. With regard to office provision, in brief, policy 4.2 seeks to ensure that there is enough office space of the right kind in the right places in order to meet the anticipated growth in employment and improve London's competitiveness. Policy 4.5 aims to support London's visitor economy and stimulate its growth by seeking to achieve 40 000 net additional hotel bedrooms by 2031 in appropriate locations such as opportunity areas in the CAZ with good public transport links. It particularly supports provision for business visitors in or around the CAZ. The explanatory text points out that a significant number of visitors come for business purposes and enhancing provision for business visitors is a mayoral priority.

Islington's Core Strategy

14. The first objective of 19 set out at the beginning of the CS is tackling inequality and exclusion in the borough and seeking to ensure that local residents share in the prosperity of London. Other relevant objectives include maintaining and enhancing Islington's historic environment; maintaining the growth in employment by ensuring a broad range of opportunities exist for all types of and sizes of businesses across all parts of Islington; tackling worklessness

through training and employment initiatives; and encouraging new hotels/visitor accommodation where it benefits Islington's economy.

15. CS policy CS7 concerns Bunhill and Clerkenwell where the appeal site is located in an area designated as a primary employment location. The area as a whole is Islington's most important employment location, yet also has a high proportion of social housing. It envisages the later FLP Action Plan. The policy has 11 aims, the most relevant of which are:

- *Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road...; and*
- *Bunhill and Clerkenwell has a diversity of assets related to leisure, culture and the arts, which will be encouraged and supported. Tourism-related development, including hotels, will be encouraged where consistent with Policy 14, to support the visitor economy. A number of local centres within the area are foci for shops, facilities and/or the evening economy (e.g. Exmouth Market, Whitecross Street, King Square/Central Street, Old Street, Farringdon Road/Cowcross Street/St. John Street, and City Road/Finsbury Square). These centres will be protected and enhanced in a manner that ensures their vitality and vibrancy, whilst safeguarding the amenity of neighbouring residential areas.*

16. Section 3 of the CS indicates the borough's aims in respect of employment space. The Council wishes to support the continued development of a strong and diverse local economy which expands the job opportunities for residents and for people in the wider London region. It would also like to increase the opportunities for residents to improve their skill base to compete more effectively for jobs. The council wishes to encourage a diverse and vibrant economic base in the borough, supporting sectors and businesses that can adapt to changing circumstances in order to ensure long term economic sustainability in Islington, and avoid over-reliance on individual sectors such as the financial industry.

17. Bunhill and Clerkenwell is expected to account for around 70% of the borough's new B-use floorspace, and King's Cross for over 15%, largely focused in the commercial-led corridors and primary employment locations. Ensuring that new or replacement employment floorspace is flexible is vital to ensuring the long term sustainability of development by reducing the need to replace it again in the future. For example, development will be expected to provide large internal spaces with reasonable ceiling heights. The explanatory text says that the principle will be to continue to protect a variety of spaces in line with a set of considerations that will be set out in the DMP. To achieve this, the CS protects specific types of business floorspace where appropriate (B-use classes as well as industrial and warehousing space) within the more general definition of employment floorspace (i.e. offices, industry, warehousing, showrooms, hotels, retail, entertainment and private educational, health and leisure uses).

18. A key aspiration and central concern for the council is to ensure that residents have the training and skills necessary to take the opportunities available; and to encourage the provision of a range of types of jobs in all parts of the borough. Policy CS 13 says that the Council will provide employment space for businesses in the borough by:

(A) For new employment space:

- Encouraging new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres where access to public transport is greatest.
- Requiring new business floorspace to be flexible to meet future business needs.
- Requiring a range of unit types and sizes, including those suitable for SMEs.

(B) For existing employment space:

- Safeguarding existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ. Development which improves the quality and quantity of existing provision will be encouraged.
- In exceptional circumstances loss of employment floorspace might be acceptable in line with considerations which will be set out in the DMP.

(C) Requiring development to provide jobs and training opportunities/support as follows:

- On-site construction training opportunities from developments of 10 residential units or above, hotels, student accommodation or hostels with 20 or more rooms, or with an uplift in business/employment floorspace of 500 sqm or greater in terms of Gross External Area (GEA).
- Jobs and training opportunities, including apprenticeships, and contributions for childcare facilities where there is a proven need, from developments with an uplift in business/employment floorspace of 500 sqm or greater.
- Either a proportion of small, micro and/or affordable workspace or affordable retail space, or contributions towards these, from major non-residential developments where the majority of floorspace is not in public education, community or social infrastructure uses.

19. The explanatory text says that the principle will be to continue to protect a variety of spaces in line with a set of considerations that will be set out in the DMP. To achieve this, the CS protects specific types of business floorspace where appropriate (offices as well as industrial and warehousing space) within the more general definition of employment floorspace (such as offices, industry, warehousing, showrooms, hotels, retail, entertainment and private educational, health and leisure uses) regardless of whether the end occupier is private, public or charity sector. By doing this the Council seeks to protect all space across the borough which ensures the provision of a wide selection of business spaces of different types, sizes, quality and cost.
20. The contribution that hotels make to supporting the retail and service economy is recognised in policy CS 14 which says that the appropriate location for hotels is within town centres within the borough.

Islington's Development Management Policies

21. The DMP adds detail to and complements the CS and needs to be read alongside the FLP. Policy DM2.1 is a wide ranging design quality policy which amongst other things, requires development to:
- Respect and respond positively to existing buildings, the streetscape and the wider context;
 - Sustain and reinforce a variety and mix of uses;
 - Provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape;
 - Not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole.
22. In respect of heritage, policy DM2.3 says that the council will encourage the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.
23. DMP policy DM4.11 says that hotels and visitor accommodation should be located firstly in town centres such as Nags Head or Angel and secondly areas within the CAZ that are within the CFOA or are in close proximity to national railway hubs. They will only be supported where they meet a number of criteria including:
- They contribute to the balance and mix of uses in the immediate locality;
 - They support the area's primary retail/business/cultural role and do not compromise economic function/growth;
 - They do not result in adverse impacts on residential amenity, including cumulative impacts;
 - They have excellent access to a range of public transport modes;
 - They provide appropriate arrangements for pick up/drop off, service delivery vehicles and coaches, appropriate to the size of the hotel or visitor accommodation; and
 - They incorporate ancillary facilities which are open for public use and create employment opportunities for local residents, such as restaurants, gyms and conference facilities (where appropriate).
24. The explanatory text explains that the borough has potential to increase the capital's supply of hotels over the plan period. However, while hotels can create jobs and support the visitor economy, it is important to ensure that other planning objectives are met: in particular, ensuring that hotels do not limit the achievement of other priorities including economic and housing growth, securing a balance of uses, protecting residential amenity, and addressing local impacts.

25. Policy DM5.2 says that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. The accompanying text says that in relation to any loss of business floorspace, planning applications must demonstrate clear and robust evidence that there is no demand for use of the building, unit, floorspace and/or site for these purposes. Evidence that the floorspace has been vacant and actively marketed for a period of at least two years will be required to demonstrate this.

The Finsbury Local Plan

26. The FLP is a 15 year plan which seeks sustainable development for this area of Islington at the north eastern edge of central London, which it describes as a mixed residential and commercial area with a strong sense of identity and community. A key diagram at page 17 identifies the appeal site as lying within a primary employment area. Figure 16 shows the site in the Employment Priority Area (Offices) centred around Finsbury Square. Policy BC 8 seeks a balanced mix of uses and advises that within this area:

- i) No net loss in business floorspace will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust evidence which shows that there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. In addition, the loss of business floorspace will only be permitted where:
 - a) The proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or
 - b) It can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.
- ii. Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

27. The policy also requires at (C) that within the Employment Priority Area (Offices), the proportion of office (B1(a)) floorspace provided within a development or through change of use should be optimised; and retail or leisure uses may be provided at ground level where an active frontage would enhance the street environment.

28. Another arm of the policy (H) indicates that visitor accommodation may be appropriate within the CFOA or in proximity to Farringdon station; proposals

must meet the criteria set out in the DMP alongside other development plan policies.

29. BC 8 is the most focussed and recent policy concerning the appeal site. The explanatory text says that *'in particular, it supports the area's economic role within central London by prioritising employment development in areas located on the fringes of the City, reflecting their existing character as well as their exceptional accessibility (which will be further enhanced following the implementation of Crossrail). To balance local and regional objectives and consistent with paragraphs 21 and 22 of the Framework, the policy specifies areas within which certain employment uses will be sought or discouraged. In general terms it encourages office development (B1(a)) throughout the designated area, and particularly in the vicinity of Moorgate, Old Street, Barbican and Farringdon stations. In other parts of the designated area, the provision of a range of smaller floorplate, flexible and adaptable workspaces is encouraged, alongside complementary uses. In addition the policy aims to sustain the existing level of business floorspace on sites within the designated Employment Priority Area, to support existing clusters of economic activity.'*
30. *'For proposals which affect existing business floorspace, evidence is required to be submitted demonstrating that the quantity of business floorspace to be provided on site has been maximised, in the form of a market demand assessment. Where a reduction in business floorspace is proposed, evidence of vacancy and marketing is required for a period of at least 2 years. In exceptional cases, where market demand may be affected by site-specific circumstances and the floorspace has been vacant for less than two years, a market demand analysis (either standalone or forming part of a viability assessment) may be considered suitable as evidence of lack of demand. This must be submitted alongside, or where justified, in place of marketing and vacancy evidence. The applicant may be required to fund an independent assessment of the market demand analysis. Marketing and market demand evidence should meet the specification provided in Appendix 11 of the DMP. Recently demolished business floorspace will be expected to be reprovided unless exceptional circumstances can be demonstrated, or where re provision would conflict with other policies relating to design and heritage. In considering proposals that would result in a net loss of business floorspace, the council will also have regard to proposed new uses and improvements to the quality of facilities, and the potential benefits that these may bring to the area's economic vitality and viability.'*
31. The text further clarifies that *'appropriate locations for hotels and other visitor accommodation in this part of the Central Activities Zone are in proximity to Farringdon, Old Street and Moorgate stations. However, applications for visitor accommodation will be required to meet the criteria set out in the relevant DMP, 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.'*
32. The implementation of the FLP is covered by policy BC 10 which says that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It will work proactively with applicants to secure development that improves the economic, social and environmental conditions in the area.

33. Site allocations in the FLP include the appeal site at BC 28. The inclusion of the site followed the grant of planning permission in 2008 for a replacement office building. The 'justification' comments that the site is in a highly accessible area on the fringe of the City of London office market where intensification of existing uses is considered appropriate. Under 'design considerations and restraints' BC 28 comments that '*replacement buildings should exhibit a similar massing, scale and rhythm to neighbouring buildings fronting Finsbury Square, and reinforce the primacy of Triton Court, which is a recognised landmark. The site is within the Bunhill Fields and Finsbury Square Conservation Area. Any proposals should conserve and enhance this heritage setting.*'
34. The area around Bunhill/Finsbury Square has strong links to the City economy. This is reflected in the figures for density of employment, rateable value per premises and development activity. The predicted and anticipated growth in offices (B1) in the area is common ground, albeit that national economic circumstances affect the smoothness of the increase. Read as a whole, the clear thrust of development plan employment policy is to protect employment floorspace of all kinds, but to particularly encourage continuing office B1(a) use at this location because of its proximity to central London within the CAZ, adjacent to the City of London and part of the main City office market. The locational preference is further driven by significant transport improvements due to Crossrail. The area including Bunhill and Clerkenwell is anticipated to provide a substantial proportion of the future increase in employment in Islington, more than half of which would be in the B use class². It is reasonable to conclude that most of that growth in office space will and should be in the CAZ and CFOA.
35. That objective goes hand in hand with aims to improve the quality of life and opportunities for both existing and new residents in a diverse local economy; and maximise the opportunities for their involvement while enhancing the quality of the environment. In 2008³, Islington was the 4th most deprived London borough (2008 employment update) and the 8th most deprived in England and Wales. In that context, the policy aim of tackling inequality and exclusion and seeking to ensure that local residents share in the prosperity of London is a vital consideration.

Loss of business use and the effect on economic function and growth

36. The Council does not question the role that high quality hotels have in supporting the business function of the City and office use in Islington in the CAZ. There is a general acknowledgement that the planned increase in office accommodation must involve a corresponding increase in hotel rooms to service that use.
37. Accordingly, as well as supporting new office development and protecting existing B1 floorspace, the development plan at strategic, core strategy and local level through the DMP and FLP, is also in favour of the provision of new hotel rooms. The evidence is that there is a shortage of hotel rooms in general⁴; and that Islington provides a lower proportion of high quality hotel accommodation, compared to other London boroughs with a preponderance of budget hotel accommodation. The Islington Hotels topic paper of 2012 says

² Table 1 CS Topic paper: Employment June 2010

³ 2008 employment update

⁴ Having regard to the evidence of Mrs Rosewell and Mr Bailey which is not disputed by the Council

that an earlier study in 2005 identified City Road South/Moorgate as a suitable location for a large hotel and remarks that this area broadly corresponds to the Bunhill and Clerkenwell key area in the CS; where hotels are encouraged in CS 7 (and by the LonP). In fact City Road South/Moorgate is a rather more local and distinct part of Bunhill and Clerkenwell; and includes the appeal site. There is currently no site allocation for a hotel in the FLP in the south eastern part of Islington's share of the CAZ close to the City. Whilst that does not mean a hotel proposal would not come forward in the future in this part of the CAZ and CFOA, the current proposal would meet a clear need and would be within easy walking distance of important transport hubs.

38. The justification for the DMP and FLP policies on hotel location is that hotels are not considered to be uniformly appropriate across the entire CAZ because they may compromise the economic/business function. This would make a great deal of sense if there was a concentration of hotels in one place or an obvious shortage of office space to rent. That is not the case at the present time in the area around Finsbury Square. Apart from the Brewery in Chiswell Street there are few other hotels of comparable size and quality in the immediate area⁵. The 23 April 2013 letter from Savills draws attention to the amount of empty high quality office space available locally identified by Strutt and Parker, a point not questioned by the Council. This is supported albeit as a snapshot in time, in 2014 by the number of letting boards and empty space I saw in the surrounding area at the site visit. The Cluttons report of 2014 identifies a shortage of space for small emerging 'tech' enterprises around Old Street but that is not an indicator of demand for the type of high quality office space desired by the Council for this site.
39. The Council considered the lack of a market demand study to be a crucial element when it refused the scheme and this remained an omission at the end of the Inquiry. Policy DM 5.2 requires clear and robust evidence which shows there is no demand for the existing floorspace, including a marketing period of at least 2 years. I give weight to the fact that for several years the existing building has failed to attract any significant tenant interest. The market information gathered by the Council (referred to in the committee reports of 18 June and 23 July 2013) is inconclusive. It is unsurprising that the dense and uneven column layout, changes in floor level, narrow floorplates, restricted maximum floor load factors, low ceilings and outdated services only attract small scale short term occupiers. The building remains largely vacant. With regard to the clearly stated office floorspace protection aims of policies CS 13 and DM 5.2, there seems little point in protecting dated floorspace that is unpopular in the market.
40. On this point, I give little weight to the proposition that because the wording in policy CS 13 and DMP policy DM 5.2 refers to the protection of office use in terms of floorspace, the office use of the site itself does not also benefit from protection. Whilst the wording of the policies is specific, if only floorspace is protected, then the inclusion of the word 'site' in FLP BC 8 and the last part of DM 5.2 would be contradictory. The Council's Employment Topic Paper of 2010 also emphasises the desirability of protecting employment land. The development plan must be read as a whole. It is the locational benefits of the floorspace that confer the qualities that make the site worthy of protection and the site is where it is.

⁵ Looking at ID20, which locates all the hotels available within 1 mile of Finsbury Square.

41. As for the future potential of the site for offices, the appellant prepared an analysis of the appeal site for redevelopment to create new 'Grade A' office space in accordance with the British Council for Offices (BCO) recommendations⁶, but no viability study accompanies it. This is despite having carried out surveys and appointed architects, who confirmed at the Inquiry that they would be able and willing to carry this out if asked to do so. This casts doubt on the potential of the site, but assuming redevelopment could be shown to be viable and attractive to occupiers, there is no assurance that a developer would come forward to carry it out within a reasonable timescale.
42. It is insufficient for the Council to rely on the scheme permitted in 2008; that design was prepared in very different economic circumstances and for reasons of common ownership, included new wider floorplates extended to the boundaries of the site. There is a large number of windows facing the appeal site on all floors in the adjacent Triton Court now in separate ownership and I give significant weight to the likelihood that this would be very difficult to resolve. It would constitute an unknown factor of considerable magnitude for a prospective developer. Together with recent residential development in Worship Street, the constraints on the site have increased and appreciably restrict the scope for redevelopment now.
43. Having said that, the appellant says that in the event of refusal, the building would remain as it is, partially let and unchanged. I give this suggestion little credence; commercial reality dictates that assets have to earn their keep. At the very least it seems likely that refurbishment would be undertaken, but in that case the building would never attract a high level of rent or contribute to the anticipated growth of grade 'A' office floorspace; it would simply become another mediocre and dated building, one of many that are available.
44. The allocation of the site for B1(a) use in FLP at BC 28 is based on LonP and CS policies but is also updated following the issue of the Framework. The 2008 planning permission has been influential here. However it does not, on its own, indicate that another use is not appropriate, if the balance of material considerations flows in that direction. The FLP does not include any site allocations for hotels in the CFOA.
45. Looking at potential employment numbers, bearing in mind the possible (but unlikely) full occupation of the existing building, the likely number of employees in a building on the redeveloped site (without a viability study and accepting significant constraints) and the employment levels in the proposed hotel, there is no doubt that office use would provide substantially more jobs, but fewer of these would be suitable for local occupiers or would provide training opportunities. It is relevant here to record that Islington's hotel topic paper says that business hotels contribute to diversity in the local employment market. The appellant has developed a relationship with the Central Foundation Boys School (CFBS) in Islington whereby training for various hotel occupations is provided for pupils at their hotels in Marble Arch and Chiswell Street which would be extended to the future Royal London House Hotel. The Inquiry heard positive evidence from the Headteacher and, by means of a video presentation, from pupils who have undergone this experience, which is organised in conjunction with the Council. The benefits are not questioned by the Council.

⁶ See proof of evidence of Mr King-Smith

46. The development plan does not prevent all changes of use. The overwhelming need is for employment activity that supports the CAZ functions in their many faceted forms, but also brings in training and opportunities for those in deprived circumstances living nearby. That must include other activities apart from offices. The need to sustain a mixed character with a diverse range of activities is important, as envisaged in LonP 2.10 and CS 7. In this context, the provision of hotels is encouraged. Policy CS 7 says that City Road/Finsbury Square is one of the areas where shops and the evening economy is focused, which should be protected and enhanced to ensure their vitality and vibrancy. Whilst a hotel here would not be in a town centre as recommended in policy CS 14, Finsbury Square is near to a local group of retail premises in Islington⁷ and within walking distance of tourist attractions such as the Museum of London and the Barbican. Its proximity to the CAZ means that it would support the business activities there in accordance with LonP 4.2 and CS 7.
47. Considering the balance at this point, it is hard to see how any hotel proposed in the CFOA could fail to diminish the maximum (or optimised, to use the phrase in FLP policy BC8) growth prospects for the Employment Priority Areas (general) or (offices)⁸, given the requirement at (ii) of DM4.11 (one of 8, of which all the others would be met). The CFOA comprises a relatively small part of Islington; the Employment Priority Area (offices) comprises less than 1%. All hotels employ less people per square metre at lower pay levels than the equivalent office use, but there have to be some hotels; and this is a critical factor⁹. The expressed preference for hotels to be sited in the CAZ¹⁰ near transport links weighs in favour of this site in this location, where there are currently few other comparable hotels¹¹.
48. Moreover, it is not seriously questioned that the proposed hotel would bring significant economic and growth benefits compared to the current almost vacant building and that these would be delivered in the near future. Acknowledging the site specific allocation at BC 28 and its recent adoption in the FLP, the Council is never going to be in a position to be able to reliably predict which sites are going to come forward for offices or hotels. During some of the time the Council spent preparing the FLP, the 2008 planning permission was extant. It is not surprising that the Council anticipated that the site would contribute to new office floorspace. However, I have to consider the position as I find it today.
49. Added to these considerations, the firm commitment, in conjunction with the CFBS, to provide a training programme and jobs for local people, which has a successful track record, provides benefits in terms of aspiration for residents and quality of life that in the LonP and CS have at least an equal priority alongside policies governing the promotion, retention and location of offices.
50. Pausing at this point, the proposed hotel would conflict with LonP, CS, DMP and FLP policy objectives in favour of retaining office space, but would comply with the complementary aims of LonP, CS and DMP in respect of encouraging a mixed character and a diverse range of supporting activities including hotels.

⁷ See Map 3.9 p85

⁸ Illustrated in the detailed Figure 16 of the FLP; and ID17

⁹ Approximately 220 jobs in a hotel compared with 750 in the BCO compliant scheme submitted by the appellant

¹⁰ After town centres, none of which are within easy reach of Finsbury Square or this part of the CAZ

¹¹ Taking into account all the data set out in the list and plan at ID20

Other material considerations

51. The Council expresses considerable doubt that future office floorspace in the borough will be sufficient to meet demand. It provides monitoring data showing losses in 2012 and 2013 after growth in office floorspace in 3 of the previous 5 years for which information is available. The position has been affected by changes to Permitted Development Rights (PDR) by central Government which have encouraged change of use from offices to residential. However, the latest London Office Policy Review shows that Islington in 2012 already had a pipeline of offices of 68% of its projected demand¹² to 2031. Looking at the wider picture, the evidence is not conclusive that there is a shortage of offices coming forward overall; the CAZ had a pipeline well in excess of demand (167%) and the study area which brings together Islington, City of London, Tower Hamlets and Hackney had a pipeline of 198% of demand, again up to 2031.
52. PDR for office to residential were quickly removed from the CAZ and have also been relaxed in other parts of Islington recently, leaving 8% of offices in Islington now vulnerable (these being of variable quality). That indicates the importance of protecting office uses but also reflects the pressures from increasing residential values in recent times. It does not mean that hotels and the supporting role they play, are less necessary. Nor does it mean that the future supply of grade 'A' offices in the CAZ would necessarily be affected. Taken altogether, the evidence that Islington's pipeline of new office space is not being maintained does not weigh heavily against this scheme which would support new business activity across the study area. On the other hand, there is no shortage currently of the sort of second hand, older accommodation that exists in the appeal property.
53. The existing building is of its time, reflecting the need to economise on materials after the war. The short column spans, low floor to floor heights and inefficient use of common parts are typical of many 1950s buildings which have been superseded for modern office use. Unusually, the particular plan arrangement of this building with its large area of windows and street frontages at front and rear is demonstrably suitable for a cellular use like an hotel. Re-use of the structure, the envelope and much of the internal fabric for the proposed use is inherently sustainable in terms of the resources necessary to sustain economic activity. This is agreed by the Council.
54. Turning to heritage matters, the Bunhill Fields/ Finsbury Square Conservation Area is covered by a short descriptive leaflet CA 22. It advises that the Council wishes to retain all statutory and locally listed buildings and the buildings and structures listed in Schedule 22.1, which specifically includes Royal London House. The building is fairly nondescript behind the façade but contributes strongly to the character and appearance of the conservation area by virtue of its granite and portland stone elevation to Finsbury Square, which was designed to complement the adjacent Triton Court in materials, proportions and design. It is of a much higher level of quality than many of its contemporaries.
55. The fenestration is embellished in a restrained manner by engraved lettering on metal infill over the ground floor windows or carved into spandrel panels. A prominent cornice with heavy projecting moulded dentils defines the upper

¹² Mrs Rosewell's rebuttal p4

floors and provides a base for 2 open pediments surmounting the end bays. These reflect similar elements on Triton Court in a symmetrical manner. In my view the building is justifiably locally listed. Although it would be possible to replace it with a contemporary and modern façade of a sufficiently high quality of design that would also preserve the character and appearance of the area, there is no doubt that the existing building has considerable merit in its supporting role to Triton Court and its tower. There is no current consent for a new building and any application would have to be assessed under new national and local heritage protection policies adopted since 2008.

56. An hotel would contribute substantially to vibrancy and vitality in the local area, particularly at night. Finsbury Square is entirely in office use apart from very limited ground floor retail activity in City Road. The use of the rear ground floor of the building as a restaurant and entrance would do even more for the vitality of Worship Street which is much narrower and darker. I do not discount the possibility that office use of a new building could include a different use of the ground floor, but the level of activity at night would be likely to be less. Moreover, though office use would certainly generate growth, the spending power of guests staying in a quality hotel and the beneficial effect on the economy of the local area, 7 days a week, cannot be ignored.
57. The Council suggests that substantial weight cannot be given to the appellant company's initiatives to employ and train local jobseekers, however welcome they may be, because of the greater good that would arise from the much higher number of jobs of higher value that would drive forward economic growth in the borough, if a new office building was to be erected on the site. However I heard that no similar scheme has been put in place with any of the office-based occupiers in schemes elsewhere in the borough. The policy thrust in favour of improving the employment opportunities for deprived local people is at the forefront of the development plan at all levels. If hotel use is justified in other ways, then the attendant benefits for local jobs and training must attract significant weight.
58. These benefits would arise from a Section 106 Agreement (S106), the provisions of which facilitate finance to the CFBS for hospitality training, guarantees in respect of the employment of local residents, training and employment initiatives for the local unemployed; mentoring schemes for the life of the hotel, work experience placements for local residents; and BTEC work placements for students from CFBS. By any measure, these initiatives amount to a significant and welcome effort to genuinely lift the expectations of some young, unemployed and disadvantaged people.
59. To summarise, the factors weighing against the proposal are:
- The loss of existing office space would conflict with development plan policies which seek to retain existing or provide new office space as a priority over other employment uses, which is of central importance to growth;
 - The potential viability of the site for office use has not been explored and there would be a detrimental impact on the area's potential for growth as a primary business location because a hotel would not fulfil the site's potential for Grade 'A' office B1(a) use desired in LonP, CS, DMP and FLP policies;
 - The proposed location is not in a town centre, the preferred location prioritised for a new hotel in the CS and DMP;

- There would be a detrimental effect on economic function due to the net loss of employment potential, which would be significant;
- The hotel scheme provides no business floorspace at all.

60. Against those disadvantages;

- An hotel is still classified as an employment use and would contribute to satisfying an important strategic and local need for accommodation identified in the development plan;
- The location is in accordance with LonP objectives for new hotels and in an area considered suitable in the CS and DMP, after town centres;
- An hotel would include a greater proportion of low skilled jobs and training than office use and these would be significantly enhanced by the S106 benefits referred to above;
- An hotel would fulfil an important supporting role for business use in the CAZ and CFOA and in the wider City;
- The existing building has a positive architectural relationship with Triton Court and makes a strong contribution to the character and appearance of the conservation area as a locally listed building which the Council wishes to see retained;
- The plan form is eminently suitable for hotel use and there would be sustainability benefits in retaining the structure and fabric;
- There is little likelihood that the existing building will ever be able to attract a high level of occupation or operate efficiently;
- The contribution that a hotel would make to vibrancy and vitality in the area;
- The uncertainty that redevelopment of the site for offices would be viable or would take place within a reasonable time.

Other matters

61. I have had regard to the concerns of residential occupiers at 34 Worship Street where new flats have recently been occupied on the 5th, 6th and 7th floors. The apartments have south/south west facing windows and patio doors leading onto terraces with unobstructed views of the east elevation of the appeal building and other offices on adjoining plots. Daylight would be reduced slightly due to the additional floors of the appeal building but not to the extent that the living conditions of the occupants would be significantly affected or that Building Research Establishment guidance¹³ suggests would be noticeable. Evening sunlight would be reduced at certain times of the year and I appreciate the concern of the occupants that this might reduce the enjoyment they get from their terraces and living areas, but the main part of the new extension of the appeal building would be towards the rear. The additional floors over the appeal property would be noticeable, but the amount of sunlight lost would not be sufficient to conflict with any guidance or policy. It would not be a reason to reject the proposal.

¹³ BRE Report: 'Site layout planning for daylight and sunlight: A guide to good practice'

62. With regard to privacy and overlooking, hotel rooms would usually be occupied in the evenings and overnight as opposed to an office which generally would not. However hotel rooms are more unlikely to be occupied during the day. There is a possibility that there could be more people in the rooms in the evenings when nearby residential occupiers want to use their terraces but on the other hand, there would be far less during the hours of daylight when the sun is strongest. Overall, whilst the concern is understood, I do not find the probable impact to amount to such a disadvantage to nearby occupants as to weigh against the scheme.
63. I have given consideration to the S106 Agreement having regard to information provided at the Inquiry and the guidance in Islington's Supplementary Planning Document on S106 obligations of 2013. Apart from the initiatives, activities and contributions referred to above in paragraph 58, which together amount to a material consideration in favour of the scheme and would be necessary, the S106 facilitates financial contributions towards highways and footway reinstatement, employment and training initiatives, accessible transport measures, decentralised energy, compliance with the Code of Local Procurement and Code of Practice for Construction Sites, the potential provision of a taxi and private hire drop-off and pick-up area and the submission of green performance, travel and delivery and servicing plans. These are all agreed and I concur that they are necessary and meet the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (2010) and paragraph 204 of the Framework. This states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
64. The Council has also requested a substantial carbon offsetting payment of £481381, the purpose of which, as explained at the Inquiry, is to offset carbon produced by the appeal scheme by reducing the amount of carbon emitted by Council owned and private properties elsewhere by for instance, improving insulation levels. The appeal scheme will, despite the increase in floor area, very significantly reduce the CO² emissions of the existing building. The premise of policy CS10 is that zero carbon development will be promoted by requiring all development to demonstrate that it has minimised on-site CO² emissions. It says that a carbon offsetting payment is necessary to offset the 'remaining emissions' or '*remaining regulated emissions not dealt with by on-site measures*'¹⁴. This principle is intended to foreshadow the adoption of zero carbon development across the country and Islington is held up as an example to follow by the Mayor of London.
65. I appreciate that it is the calculated projected ongoing costs of the hotel activity that the Council seeks a payment to offset; and that refurbishments are included in the scope of the scheme. Many projects in Islington, a largely built up area, will involve improvement of existing premises rather than demolition and rebuilding. However, in this case, no connection has been shown between the proposed payment and CO² reduction activities envisaged elsewhere in the borough (something that might be possible in other cases) apart from the general unquestioned assertion that carbon emissions need to

¹⁴ As defined in the S106 SPD at p75

be reduced, a national policy aim. This is a very necessary and laudable objective but each development site will have a unique set of circumstances and opportunities. Moreover, I have to consider the possibility that a new building on the site may not be an economic proposition and the existing inefficient building may very well continue in use. Whilst the suggested contribution would accord with the aim set out in CS10 of *'requiring development to offset all remaining CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock'*, there is no means of establishing exactly what the money would be spent on and consequently, it is very difficult to associate it to the appeal proposal or to show that the expenditure is necessary to make the development acceptable. These are 2 of the 3 key statutory tests set out in the CIL Regulations, which all relevant obligations must now meet. Accordingly I give this part of the S106 very little weight.

Overall balance

66. In many ways, the proposal demonstrates in a nutshell the combination of challenges and opportunities that the scale and pace of change in inner London brings about. The current lack of high quality hotels in Islington (particularly in Islington's CFOA), the particular employment and training benefits for local people that would accompany the hotel, the prospect of an immediate start; and the heritage benefits of retaining the existing building, swing the balance in favour of the proposal. I conclude that, taken as a whole, development plan policies and material considerations indicate that planning permission should be granted for this scheme.

Conditions

67. I have considered conditions in the light of the advice in planning guidance and the appendix to Circular 11/95. The wording has been adapted where necessary to ensure conditions are precise, necessary and relevant. The following are conditions that attracted controversy and drew comments at the Inquiry. All other conditions are imposed for the reasons stated.

68. No condition is necessary to ensure the provision of wheelchair accessible rooms which are shown on the approved drawings. In view of the constrained roof area, details of the proposed roof top plant need to be provided before any works commence, to ensure that the services are properly designed to cope with the anticipated service load without any unexpected extraneous or unattractive elements that would detract from the conservation area. The wording of the suggested noise condition has been altered to ensure that ventilation plant does not exceed background levels, in the interests of residential occupiers. No condition has been imposed in respect of 'inclusive design' as this is covered by other legislation. Finally, the windows to the banqueting suite are to be kept fixed shut at all times, in the interests of residential amenity.

Conclusion

69. For the reasons given above, the appeal should succeed.

Paul Jackson

INSPECTOR

Schedule of 21 conditions

Commencement

1. The development hereby permitted shall begin not later than three years from the date of this decision.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

Approved plans list

2. The development hereby approved shall be carried out in accordance with the following approved plans:

- 05106_B1_00_001 rev P1
- 05106_B1_00_002 rev P2
- 05106_B1_04_001 rev P1
- 05106_B1_04_002 rev P1
- 05106_B1_04_003 rev P1
- 05106_B1_04_004 rev P1
- 05106_B1_04_005 rev P1
- 05106_B1_04_006 rev P1
- 05106_B1_EX_02_000 rev P1
- 05106_B1_EX_02_0000 rev P1
- 05106_B1_EX_02_0001 rev P1
- 05106_B1_EX_02_0002 rev P1
- 05106_B1_EX_02_001 rev P1
- 05106_B1_EX_02_002 rev P1
- 05106_B1_EX_02_003 rev P1
- 05106_B1_EX_02_004 rev P1
- 05106_B1_EX_02_005 rev P1
- 05106_B1_EX_02_006 rev P1
- 05106_B1_EX_02_007 rev P1
- 05106_B1_02_008 rev P1
- 05106_B1_02_009 rev P1
- 05106_B1_EX_02_010 rev P1
- 05106_B1_01_02_00 rev P2
- 05106_B1_01_02_001 rev P1
- 05106_B1_01_02_002 rev P1
- 05106_B1_01_02_01 rev P1
- 05106_B1_01_02_02 rev P1
- 05106_B1_01_02_03 rev P1
- 05106_B1_01_02_04 rev P1
- 05106_B1_01_02_05 rev P1
- 05106_B1_01_02_06 rev P1
- 05106_B1_01_02_07 rev P1
- 05106_B1_01_02_08 rev P1
- 05106_B1_01_02_09 rev P1
- 05106_B1_01_04_01 rev P2
- 05106_B1_01_04_02 rev P2
- 05106_B1_01_04_03 rev P1
- 05106_B1_01_04_04 rev P1
- 05106_B1_02_000 rev P4
- 05106_B1_02_0001 rev P6
- 05106_B1_02_0002 rev P4
- 05106_B1_02_001 rev P4

05106_B1_02_002 rev P2
05106_B1_02_003 rev P2
05106_B1_02_004 rev P2
05106_B1_02_005 rev P2
05106_B1_02_006 rev P2
05106_B1_02_007 rev P2
05106_B1_02_008 rev P2
05106_B1_02_009 rev P4
05106_B1_02_010 rev P4
05106_B1_02_011 rev P3
05106_B1_04_100 rev P1
05106_B1_04_101 rev P1
05106_B1_04_102 rev P2
05106_B1_04_103 rev P2
05106_B1_04_104 rev P2
05106_B1_04_105 rev P2
05106_B1_05_006 rev P5
05106_B1_10_100 rev P2
05106_B1_05_010 rev P3
05106_B1_007_000

Design and Access Statement (5plus, October 2012)
Transport Statement (Motion, August 2012)
Travel Plan (Motion, August 2012)
Sustainable Design and Construction Statement (rev A, BSD, 8 November 2012)
Energy and Renewables Statement (rev C, BSD 14 February 2013)
Ventilation Strategy (rev 3, BSD, November 2012)
Waste Management Plan (Savills et al, 12 February 2013)
Evacuation Strategy (HCD, 13 February 2013)
Daylight and Sunlight Assessment (EB7, 1 August 2012)

REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended

Samples of Materials

3. Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the four additional storeys hereby approved.
The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard

Design Details

4. Full design details at a scale of not less than 1:20 of the following elements shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the relevant parts of the development:

- a) proposed entrance canopy
- b) window reveals and frameless glass doors
- c) Worship Street automatic door opening mechanism

<p>The development shall be carried out in accordance with the details so approved and shall be retained as such thereafter.</p>
<p>REASON: To ensure that access arrangements and the street level external appearance of the buildings are acceptable in the conservation area.</p>
<p>Typical Elevations</p>
<p>5. Full details of the design of the front, side and rear elevations at a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the additional storeys hereby approved. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.</p>
<p>REASON: In the interest of ensuring that the resulting appearance and construction of the development is acceptable in the conservation area.</p>
<p>CCTV Cameras and External Lighting</p>
<p>6. Details of CCTV cameras and external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be carried out in accordance with the approved details and shall be retained and maintained as such thereafter.</p>
<p>REASON: To ensure that any CCTV cameras and external lighting are appropriately located, designed to protect neighbouring residential amenity and are appropriate to the overall design of the building.</p>
<p>BREEAM</p>
<p>7. Prior to commencement, a design stage accreditation certificate and supporting assessment confirming that the development will achieve a BREEAM rating of no less than 'Excellent' for the new floorspace and a BREEAM rating of no less than 'Very Good' for the refurbished floorspace, 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, shall achieve the agreed ratings and shall be maintained as such thereafter.</p>
<p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<p>Green Roof Details and Use</p>
<p>8. Details of the green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The green roofs shall be installed prior to the first occupation of the development in accordance with the details so approved and shall be retained and maintained as such thereafter. The green roofs shall not be used for any purpose other than essential maintenance or repair, or escape in the case of emergency.</p>
<p>REASON: To ensure the development makes the maximum possible provision towards the creation of habitats for biodiversity.</p>
<p>Rainwater Recycling</p>
<p>9. Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the four additional storeys hereby approved. The rainwater recycling system shall be carried out in accordance with the details so approved, shall be installed and operational prior to the first occupation of the building and shall be retained and maintained as such thereafter</p>

REASON: To ensure the sustainable use of water.
Green Procurement Plan
10. Prior to the commencement of development a Green Procurement Plan will be submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability. The development shall be constructed in accordance with the approved Plan.
REASON: To ensure sustainable procurement of materials which minimizes the negative environmental impacts of construction.
Servicing Hours
11. No service vehicle movements to or from the hotel may take place between the hours of 23:00 and 07:00.
REASON: To ensure that servicing arrangements do not adversely impact upon residential amenity.
Waste Management and Recycling Strategy
12. Details of the waste management and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall not be operated otherwise than in accordance with the details of the approved waste management and recycling strategy.
REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.
Renewable Energy
13. The energy efficiency measures/features and renewable energy technologies, which shall provide for no less than 25% on-site total CO ² reduction (2010 Building Regulations) as detailed within the submitted Energy and Renewables Statement (Revision C dated 14 February 2013), shall be installed and operational prior to the first occupation of the development.
REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO ² emission reduction targets by energy efficient measures/features and renewable energy are met.
Roof-top Plant and Structures
14. Prior to any works on site, details of any roof-top plant and structures 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 and shall be maintained as such thereafter
REASON: In the interest of good design and also to ensure that Local Planning Authority may be satisfied that the roof-top structures do not have a harmful impact on the surrounding street scene and conservation area.
Construction Management Plan
15. No development (including demolition works) shall take place on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CMP, which shall provide for:

- i. the arrangements for parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

The development shall be carried out in accordance with the approved CMP.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

Fixed Plant Noise

16. The hotel use hereby approved shall not commence until full details of the means of ventilation for the hotel building have been submitted to, and approved by the Local Planning Authority. The details shall include predicted plant noise levels and existing background noise conditions, to demonstrate that noise from the proposed equipment will not exceed a level higher than 5db (A) below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the nearest affected window of the nearest affected residential property. The ventilation plant shall be installed and maintained in accordance with the approved details. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.

REASON: To ensure that the operation of fixed plant does not impact on residential amenity

External Plumbing and Pipes

17. Unless otherwise shown on the approved drawings no plumbing, down pipes, rainwater pipes or foul pipes shall be fixed to the external elevations of the building hereby approved.

REASON: External plumbing and pipes would detract from the appearance of the building

Disabled Parking Spaces

18. The disabled parking spaces shown on drawing 05106_B1_02_0002/P4 shall be provided prior to the first occupation of the development and appropriately line-marked and thereafter kept available for the parking of authorised vehicles for the disabled at all times.

REASON: In the interest of ensuring the provision of an appropriate number and standard of disabled parking spaces.

Bicycle Parking

19. The bicycle parking shown on drawing 05106_B1_02_0002/P4 shall be provided prior to the first occupation of the development hereby approved and retained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

Flues and Extraction

20. Details of proposed flues/extraction/filtration systems for all kitchen areas and associated restaurant/bar shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the relevant part of the development. The flues/extraction/filtration systems shall be carried out in accordance with the details so approved, installed and operational prior to the first occupation of the building and maintained as

such in accordance with the manufacturer's recommendations.

REASON: In the interest of protecting amenity and the appearance of the resulting building.

Windows to Remain Fixed Shut

21. All windows shown on the plans to the banqueting facility/bar/restaurant along the lightwell facing No. 34 Worship Street shall remain fixed shut.

REASON: To ensure that the proposed development does not have an adverse impact on residential amenity.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Kolinsky	Of Counsel, instructed by Islington Borough Council Legal Department
He called	
Sakiba Gurda BSc (Hons) PG Dip TCP M Man	Spatial Planning Team Manager, LBI
Ilias Drivylas BA MA MIED	Principal Economist, Planning and Economics Team, Atkins Ltd
Ciara Power MA URP MRTPI	Senior Planning Officer, LBI
John Kaimakamis BSc MPI MPIA	Principal Planning Officer, Major Applications Team, LBI

FOR THE APPELLANT:

Christopher Katkowski	Queen's Counsel, instructed by Forsters Solicitors
He called	
David King-Smith RIBA Dip Arch	5Plus Architects
David Bailey BSc FCIM FIH	CBRE Hotels
Bridget Rosewell OBE MA MPhil (Oxon)	Volterra
Jon Dingle BA MA MRTPI	Jon Dingle Ltd
Jamie Brownhill	Head Teacher, Central Foundation Boys School

INTERESTED PERSONS:

Michael Piddock	Local resident
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DOCUMENTS

ID1	Summary note of the Section 106 Agreement, supplied by the appellant
ID2	Clarification of the evidence of Mr Bailey on the supply of hotel rooms in Islington, supplied by the appellant
ID3	Additional information from Volterra on Montcalm London City employee numbers and their home addresses, supplied by the appellant
ID4	Appellants opening submissions
ID5	The Council's opening submissions
ID6	High Court judgment ref [2013] EWHC 2320 (Admin) <i>Ashburton Trading Limited v SSCLG and LB Islington</i> , supplied by the Council
ID7	Press release describing the modification to the Article 4 Direction dated 17 September 2014 enlarging the area in Islington protected from change of use from offices to residential by reason of permitted development rights, supplied by the Council
ID8	Table of UK GVA and employment by sector, from the Department for Business Innovation and Skills dated September 2012, supplied by the Council

- ID9 Table indicating output, income, employment and GVA multipliers in Scotland 1998-2009, supplied by the Council
- ID10 Note on average GVA per worker by sector, supplied by Mr Drivylas for the Council
- ID11 Further information in support of ID3, supplied by the appellant
- ID12 LB Islington response to appellant's case on carbon offset contribution, Further information in support of ID3, supplied by the Council
- ID13 Commentary on potential employment numbers in office schemes on the site, supplied by the Council
- ID14 Five year agreed net change in Class B1 and Class B1a floorspace figures in Islington, requested by the Inspector
- ID15 Note on Gross Valued Added per Full Time Equivalent employment in different sectors in Great Britain, supplied by Volterra for the appellant
- ID16 Note on site identified on Figure 8 of the DMP and the FLP employment topic paper, requested by the Inspector
- ID17 Plan showing Employment Priority Areas (Offices) in LB Islington in the context of the CAZ and the CFOA
- ID18 High Court judgment ref [2013] EWHC 2582 (Admin) *The Queen on the application of Cherkley Campaign Limited v Mole Valley DC and Longshot Cherkley Court Limited* supplied by the appellant
- ID19 *A Fair Chance for Young People*, Islington strategy for tackling youth unemployment, supplied by the appellant
- ID20 Note of hotels in vicinity of the site and others with plan
- ID21 Further information on how carbon offsetting contributions will be spent, supplied by the Council
- ID22 Appeal Court judgment ref [2014] EWCA Civ 137 *Barnwell Manor Wind Energy limited v East Northants DC, English Heritage, National Trust and SSCLG*, supplied by the appellant
- ID23 High Court judgment ref [2014] EWHC 1895 (Admin) *The Queen on the application of The Forge Field Society, Martin Barraud and Robert Rees and Sevenoaks DC and West Kent Housing Association and the Rt Hon Philip John Algernon Viscount De L'Isle*, supplied by the appellant
- ID24 Clarification of oral evidence of Jon Dingle, concerning the office development activities of the appellant
- ID25 Copy of signed and dated S106 Agreement

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