



# ISLINGTON

DATED

14 February

2014

THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF ISLINGTON

HELICAL BAR (MAPLE) LIMITED

- and -

DEUTSCHE PFANDBRIEFBANK AG

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PLANNING OBLIGATION BY DEED UNDER  
SECTION 106 OF THE TOWN AND  
COUNTRY PLANNING ACT 1990

- in respect of -

Maple House, 37 – 45 City Road, London  
EC1Y 1AT

PLANNING APPLICATION REFERENCE  
[P2013/4007/FUL]

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Debra Norman  
Assistant Chief Executive (Governance & HR)  
Town Hall  
Upper Street  
London N1 2UD

DATE

16th February

2014

- 1) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF ISLINGTON** of Town Hall Upper Street London N1 2UD ("Council");
- 2) **HELICAL BAR (MAPLE) LIMITED** a company incorporated in England and Wales (Company No: 8557961) whose registered office is at 11-15 Farm street, London W1J 5RS ("Owner");
- 3) **DEUTSCHE PFANDBRIEFBANK AG** (incorporated in Germany) (UK Regn. No. FCO28655) of 21st Floor, 30 St Mary Axe, London EC3A 8BF ("Chargee")

and the Council, the Owner and the Chargee shall be known together as the ("Parties")

## INTRODUCTION

- (A) The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated and is the local planning authority by whom the obligations contained herein are enforceable
- (B) The Owner is the registered proprietor of the freehold of the Site with title absolute under title number NGL 692700
- (C) The Chargee is the registered proprietor of a charge over the Site dated 18 December 2013 and registered against title number NGL 692700
- (D) The Application has been submitted to the Council by the Owner and the Parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed

- (F) At a meeting on the Committee Date the Council's Planning Committee resolved to grant the Planning Permission subject to the prior completion of this Deed

NOW THIS DEED WITNESSES AS FOLLOWS:

## OPERATIVE PART

### 1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meaning:

Accessible Transport Contribution	£6,000 to be spent by the Council towards Accessible Transport Facilities
Accessible Transport Facilities	means the provision of accessible transport bays or alternative accessible transport measures in the vicinity of the Site
Act	the Town and Country Planning Act 1990
Affordable Housing	means subsidised low cost housing that will be available to eligible persons who cannot afford to rent or buy housing generally available on the open market
Affordable Housing Contribution	means £90,080 to be spent by the Council towards the provision of Affordable Housing on a site or sites within the London Borough of Islington other than the Site
Application	the application for planning permission submitted to the Council for the Development

and allocated reference number  
P2013/4007/FUL

Carbon Offset Contribution      £43,659 to be spent by the Council towards the reduction of carbon dioxide emissions from the existing building stock in the London Borough of Islington

Committee Date      16 January 2014

Crossrail      the rail link authorised by the Crossrail Act 2008 (as it may be amended)

Crossrail Contribution      £184,660 to be spent by the Council towards the provision of Crossrail save that the said sum will be (a) reduced by 10% if the Development is Implemented on or prior to 31 March 2014 and (b) reduced by such amount, if any, payable as Community Infrastructure Levy to the Mayor of London in respect of the Development

Development      Partial demolition, refurbishment and extensions including a new fourth floor to existing office building and change of use of part of the ground and basement floors from office use to flexible office or retail floorspace falling within use classes B1, A1, A2 or A3 with the installation of roof plant, new pedestrian access, associated landscaping and cycle parking.

Draft Travel Plan Statement	the draft travel plan statement including a set of potential measures to be included in the Travel Plan prepared in consultation with the relevant Council officer.
Employment and Training Contribution	£13,200 to be spent by the Council towards employment and training initiatives in the Borough
Highway Reinstatement Deposit	an estimate of the likely amount of the Highway Reinstatement Payment, prepared by the Council's Head of Highways Services or an officer nominated by him for such purpose, in either case acting reasonably
Highway Reinstatement Area	means the highways and footways in the vicinity of the Development as shown marked in green hatching on the Highway Reinstatement Plan
Highway Reinstatement Payment	the figure to be calculated according to paragraph 8 of Schedule 1 and to be spent on the Highway Reinstatement Works
Highway Reinstatement Plan	means the plan annexed at Schedule 4
Highway Reinstatement Works	the repair and reinstatement of the highway and footways in the Highway Reinstatement Area so as to repair and/or reinstate them to the same condition and standards as shown

on the approved Schedule of Condition referred to in paragraph 8.4 of Schedule 1

#### Implementation

the date on which any material operation (as defined by section 56(4) of the Act) forming part of the Development save for archaeological investigation, ground investigation and/or site survey work, construction of boundary fencing or hoarding, preparatory works below ground level, works relating to the laying or diversion or connection of services, site clearance and site preparation begins to be carried out and terms "Implement" and "Implemented" shall be construed accordingly

#### Index

the Retail Prices (All Items) Index as published by the Office for National Statistics or (if such index is at the relevant time no longer published) such other comparable index or basis for indexation as the Council and the Owner may agree

#### Index Linked

linked to movements in the Index between the Committee Date and the date of the payment so that the particular payment is adjusted in accordance with the following formula:

$$\text{Amount Payable} = \text{Relevant Amount} \times (A \div B)$$

Where:

$$\text{Relevant Amount} = \text{the payment to be Index-Linked}$$

	<p>A =</p> <p>the figure for the Index which applied when the Index was last published prior to the date that the Relevant Amount is payable</p>
	<p>B =</p> <p>the figure for the Index which applied when the Index was last published prior to the Committee Date</p> <p>PROVIDED THAT the Index Linked sum can never be less than the original sum payable</p>
Interest	interest at four per cent above the London Interbank Offered Rate from time to time
Maintenance Strategy	a strategy setting out maintenance arrangements for the facades (including the painted brickwork) of the building contained within the Development
Occupation and Occupied	occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations
On Site Energy Scheme	a scheme for the provision of heat and power by means of facilities contained within the Site and/or connection to a neighbouring site
Plan	the plan attached to this Deed

Planning Permission	the planning permission to be granted by the Council pursuant to the Application
Practical Completion	the practical completion of the works required to construct the relevant premises or building or part thereof or works in accordance with the relevant building contract as properly certified independently by any employed agent of the Developer and "Practically Completed" shall be construed accordingly.
Schedule of Condition	means a schedule of condition relating to the highways and footways in the Highway Reinstatement Area and to include but not be limited to details of: <ul style="list-style-type: none"> <li>a) the line and level of footways and carriageways; and</li> <li>b) the condition of access covers; surfacing; street furniture; channels and kerbs; street lighting; and gullies (to be checked for blockages)</li> </ul>
Servicing Bay	a bay to be provided on Epworth Street and to be used for servicing, deliveries and refuse collection
Site	the land against which this Deed may be enforced as shown edged red on the Plan and known as Maple House, 37 - 45 City Road, London EC1Y 1AT
Site Wide Management Plan	A plan setting out access arrangements to the

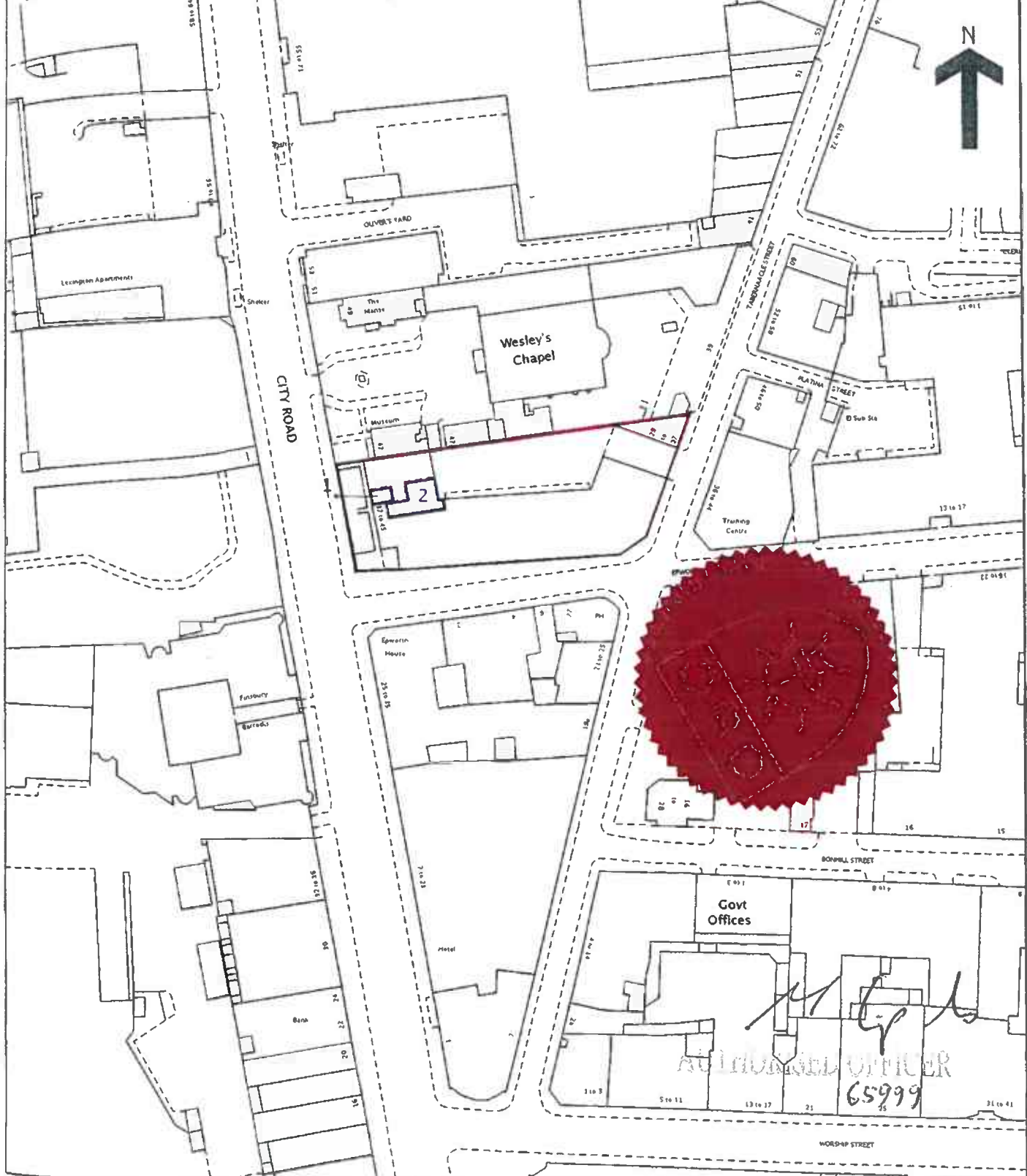


Land Registry  
Official copy of  
title plan

Title number **NGL692700**  
Ordnance Survey map reference **TQ3282SE**  
Scale **1:1250**  
Administrative area **Islington**



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Ca M m 3  
PH  
CPS

	Site, including to the publicly accessible courtyard and including access control details required by the Metropolitan Police's Designing Out Crime officer
Transport and Public Realm Contribution	means £40,000 to be spent by the Council towards Transport and Public Realm Improvements
Transport and Public Realm Improvements	means transport and public realm improvements in the vicinity of the Site
Travel Plan	a statement or package of practical measures tailored to the occupiers/users of the Development with the aim of reducing the impact of car travel on the environment and promoting a wider range of cleaner travel choices as per the relevant parts of the Council's Supplementary Planning Guidance on Green Travel Plans including a full travel survey and in consultation with the relevant Council officer
Update on Progress	the update on the Travel Plan taking into account any further measures required by the relevant officer of the Council including an up-to-date full travel survey indicating travel patterns of the users/occupiers of the Development.

## 2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to clause, paragraph, schedule or recital such reference (unless the context otherwise requires) is a

reference to a clause paragraph schedule or recital in this Deed

- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 2.3 Headings appearing in this Deed are for ease of reference only and shall not affect the construction of this Deed
- 2.4 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.5 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.6 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.7 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party including permitted assigns and in the case of the Chargee shall include any future mortgagees or chargees of the Site or part thereof and in the case of the Council the successors to their respective statutory functions.
- 2.8 Save in respect of the Planning Permission (which at all times shall prevail) in the event of any conflict between the terms, conditions and provisions of this Deed and any document annexed hereto or referred to herein, the terms, conditions and provisions of this Deed will prevail.

2.9 The Interpretation Act 1978 shall apply to this Deed.

2.10 All Parts Schedules and Annexes attached to this Deed are to be read as if the same were incorporated into the main body of the Deed

### **3 LEGAL BASIS**

3.1 This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 Section 2 of the Local Government Act 2000 Section 16 of the Greater London Council (General Powers) Act 1974 and Section 278 of the Highways Act 1980 and all other powers so enabling.

3.2 The obligations, covenants, restrictions and undertakings on the part of the Owner under this Deed create planning obligations pursuant to Section 106 of the Act which comply with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and are enforceable by the Council as local planning authority against the Owner without limit of time.

### **4 CONDITIONALITY**

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) Implementation

save in respect of obligations with either immediate or specifically earlier effect such as clause 7.1 and Schedule 1 paragraph 1.1

### **5 THE OWNER'S COVENANTS**

The Owner covenants with the Council as set out in Schedule 1

## **6 THE COUNCIL'S COVENANTS**

The Council agrees to accept the Owner's covenants contained in Schedule 1 and hereby covenants with the Owner (pursuant to Section 111 of the Local Government Act 1972 and so far as the Council are lawfully able to do so) to fulfil the covenants as set out in Schedule 2

## **7 MISCELLANEOUS**

- 7.1 The Owner shall pay to the Council on completion of this Deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed up to a maximum of £3,000.
- 7.2 No provision of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 7.3 This Deed shall be registrable as a local land charge by the Council.
- 7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed
- 7.5 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid or unenforceable then such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.6 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to Implementation.



- 7.7 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site or that part of the Site in relation to which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 7.8 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 7.9 It is agreed and declared between the Parties that nothing contained or implied in this Deed shall prejudice fetter or otherwise affect the rights powers duties and obligations of the Council in the exercise by it of its statutory functions rights powers or obligations.

## **8 WAIVER**

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

## **9 CHANGE IN OWNERSHIP**

The Owner agrees with the Council to give the Council written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged within 14 days of such occurring. Such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

## **10 INDEXATION**

All sums payable to the Council under this Deed shall be Index-Linked

## **11 INTEREST**

Any money payable to the Council under this Deed shall be paid in full without deduction or set-off and if not paid on the date due shall in every case bear Interest on so much thereof as shall from time to time be due and owing from the date the payment was due to actual payment.

## **12 GOOD FAITH AND GOOD PRACTICE**

- 12.1 The Parties agree with one another to act reasonably and in good faith in the fulfilment of their respective obligations under this Deed.
- 12.2 The Parties shall at all times use reasonable endeavours to ensure that the planning purposes underlying their respective obligations under this Deed are achieved and are carried out in accordance with good industry practice at the time of performance provided that this clause shall not imply or create any obligation upon any party which is additional to the obligations contained in this Deed.
- 12.3 Where there is a reasonable/best endeavours obligation in this Deed and the party responsible cannot fulfil the objective of the obligation then on request that party shall provide an explanation of the steps it has undertaken in carrying out its obligation.

## **13 DISPUTE RESOLUTION**

- 13.1 Where any matter the subject of this Deed shall be in dispute the Parties shall use their reasonable endeavours to resolve the same within twenty-eight days of the dispute arising

- 13.2 Failing the resolution of any such dispute disagreement or difference within twenty-eight days of the same arising it may be referred for determination in accordance with the provisions of this clause on the reference of any of the Parties to the dispute
- 13.3 Any dispute disagreement or difference arising between the Parties with regard to their respective rights and obligations as to any matter or think in any way arising out of or connected with this Deed shall be referred to the decision of a single expert qualified to deal with the subject matter of the dispute disagreement or difference who shall either be jointly nominated by the Parties within a period of fourteen days of reference or failing agreement on such nomination the expert shall be nominated by the President for the time being of the Royal Institution of Chartered Surveyors
- 13.4 The determination of the expert (including any determination as to the responsibility for payment of his own costs and those of the Parties) shall be final and binding upon the Parties.
- 13.5 The terms of reference of any Expert appointed to determine a dispute disagreement or difference shall include the following:
- i) the Expert shall call for representations from both parties within 21 days of a reference to him under this Deed and require the parties to exchange representations within this period
  - ii) The Expert shall allow the parties to the arbitration 14 days from the expiry of the period referred to under paragraph 13.5( i ) above to make counter representations
  - iii) Any representations or counter representations received out of time may be disregarded by the Expert
  - iv) The Expert shall provide the parties with a written decision (including his reasons) within twenty-eight days of the last date for receipt of counter representations and he shall be entitled to call for such independent expert advice as he shall think fit



- v) The Expert's costs and the costs of any independent expert advice called for by the Expert shall be included in his award

## 14 NOTICES

- 14.1 Any notice or other communication to be given under or in connection with this Deed shall be in writing which for this purpose shall not include e-mail and such notices or other communications should be addressed as provided in Clause 14.3 below.
- 14.2 Any such notice or other communication, if so addressed, shall be deemed to have been received as follows:
- a) if delivered by hand, upon delivery at the relevant address;
  - b) if sent by first class post, at 9.00 a.m. on the second working day after the date of posting; or
  - c) if sent by facsimile, when successfully transmitted except that where any such notice or other communication is or would otherwise be deemed to be received after 5.30 p.m., such notice or other communication shall be deemed to be received at 9.00 a.m. on the next working day.
- 14.3 The address, facsimile number, relevant addressee and reference for each party are:

for the Council:

Address: Strategic Planning and Regeneration, 222 Upper Street, London N1 1XR

Facsimile number: 0207 527 3271

Relevant addressee: Principal Planner – Obligations (section 106)

for the Owner: Helical Bar (Maple) Limited

Address: 14-15 Farm Street, London W1J 5RS

Facsimile Number: 020 7408 1666

Relevant addressee: Matthew Bonning-Snook

Reference: Maple House, City Road

for the Chargee: Deutsche Pfandbriefbank AG

Address: 30 St Mary Axe, London EC3A 8BF

Facsimile Number: 020 7743 7700

Relevant addressee: Jeremy Bretherton

Reference: Maple House, City Road

If a party changes its name, address, facsimile number or relevant addressee for the purposes of this clause it shall notify the other party in writing.

## **15 COUNTERPARTS**

This Deed may be executed in any number of counterparts and by the Parties on separate counterparts. Each counterpart shall constitute an original of this Deed but together the counterparts shall constitute one document.

## **16 CHARGEES OBLIGATIONS**

- 16.1 The Chargee agrees to the Developer entering into this Deed and subject to clause 16.2 the Chargee shall have no liability under this Deed.
- 16.2 The obligations contained herein will be binding on, and enforceable against, the Chargee if (and only if) the Chargee enters into possession of the Site or a part of the Site to which such obligation relates.

IN WITNESS whereof the Parties hereto have executed this Deed on the day and year first before written.

## **SCHEDULE 1**

### **THE OWNER'S COVENANTS**

#### **1 IMPLEMENTATION AND FIRST OCCUPATION**

- 1.1 The Owner shall give at least 14 days prior written notice to the Council of Implementation.
- 1.2 The Owner shall give at least 14 days prior written notice to the Council of first Occupation.
- 1.3 The Owner shall give at least 14 days prior written notice to the Council of the third anniversary of the first Occupation.

#### **2 CONTRIBUTIONS**

- 2.1 The Owner shall pay to the Council prior to or on Implementation:
  - the Crossrail Contribution
  - the Employment and Training Contribution
  - the Transport and Public Realm Contribution
- 2.2 The Owner shall pay to the Council prior to or on first Occupation:
  - the Affordable Housing Contribution
  - the Carbon Offset Contribution

#### **3. ACCESSIBLE PARKING BAYS**

- 3.1 The Owner shall not permit Occupation unless it has agreed with the

Council the location of three accessible parking bays in the vicinity of the Site

- 3.2 The Owner will provide the three bays agreed under sub-paragraph 3.1 above.
- 3.3 If the Owner and the Council agree that the provision of such bays is not practicable and/or necessary, the Owner shall instead pay the Accessible Transport Contribution to the Council 3 months prior to Occupation

#### **4. EMPLOYMENT AND TRAINING CODE**

- 4.1 The Owner shall at all relevant times comply and ensure compliance with the Employment and Training Code annexed at Schedule 5
- 4.1 The Owners shall use best endeavours to procure one work placement for a local resident at the Development during the construction phase. Such work placement to last at least 13 weeks and be paid by the Owner at least the national minimum wage. London Borough of Islington will recruit for and monitor the work placement.

#### **5 CODE OF PRACTICE FOR CONSTRUCTION SITES**

- 5.1 The Owner shall at all times during the carrying out and construction of the Development comply and ensure compliance with the Code of Practice for Construction Sites annexed at Schedule 6
- 5.2 The Owner shall prior to or on Implementation pay £1,319 to the Council as a contribution towards the Council's costs of monitoring compliance with the Code of Practice for Construction Sites at the Site

## **6 SITE WIDE MANAGEMENT PLAN**

- 6.1 The Owner shall not permit Occupation of the Development unless and until the Site Wide Management Plan has been submitted to and approved in writing by Council.
- 6.2 The Owner shall fully implement the Site Wide Management Plan.

## **7. CODE OF LOCAL PROCUREMENT**

The Owner shall at all times during the carrying out and construction of the Development comply and ensure compliance with the Code of Local Procurement annexed at Schedule 7

## **8. HIGHWAY RE-INSTATEMENT**

- 8.1 The Owner will not Implement or permit Implementation until:
  - 8.1.1 an initial Schedule of Condition has been submitted to and approved in writing by the Council; and
  - 8.1.2 the Highway Reinstatement Deposit has been paid to the Council in full.
- 8.2 The Owner will notify the Council in writing as soon as possible after works to construct the Development have reached the stage where, in the Owner's reasonable opinion, further Development works will not adversely affect the Highway Reinstatement Area.
- 8.3 Following its notification under paragraph 8.2 above, the Owner will on the Council's request provide the Council with all reasonable facilities and permit the Council to access the Development and the Site in

order to verify the further impact (if any) of the Development on the Highway Reinstatement Area and the Owner shall without delay supply the Council with such information and documentation as the Council reasonably requires to enable the Council to verify (or otherwise contest) the Owner's notified opinion that further Development works will not adversely affect the Highway Reinstatement Area.

- 8.4 If the Council agrees that further Development works will not adversely affect the Highway Reinstatement Area, the Owner shall as soon as practicable after receiving confirmation of the same and in any event not later than 14 days after Practical Completion of the whole of the Development submit to the Council for its written approval a further Schedule of Condition and a specification for the Highway Reinstatement Works.
- 8.5 The Owner will co-operate at all times in good faith with the Council to enable the Council to accurately and quickly estimate and quantify (taking into account the reasonable representations of the Owner) the full amount of the Highway Reinstatement Payment.
- 8.6 The Owner shall pay the Highway Reinstatement Payment (less the amount of the Highway Reinstatement Deposit already paid) to the Council in full upon the Council's written demand.
- 8.7 If the amount of the Highway Reinstatement Payment quantified by the Council under paragraph 8.5 is less than the amount of the Highway Reinstatement Deposit paid to it under paragraph 8.1, the Council will reimburse the excess to the Owner as soon as reasonably practicable.
- 8.8 The Owner will not occupy or permit the Development to be occupied until such time as the Council has calculated the full amount of the Highway Reinstatement Payment (acting in accordance with the provisions in this Deed) and the Highway Reinstatement Payment so calculated has been paid to it in full.



## **9. TRAVEL PLAN**

- 9.1 Three months prior to Occupation the Owner shall submitted the Draft Travel Plan Statement to the Council for the Council's written approval.
- 9.2 The Owner shall submit the Travel Plan to the Council for written approval prior to first Occupation of the Development and shall not Occupy until the Travel Plan has been approved in writing by the Council.
- 9.3 The Owner shall submit to the Council the Update on Progress on the 3rd anniversary of first Occupation.
- 9.4 The Owner shall ensure that all owners and occupiers of the Development are made aware of the Travel Plan and any revision in any promotional material and on written request by an occupier/user provided with a copy of the Travel Plan at the Owner's expense.
- 9.5 The Owner shall use all reasonable endeavours to ensure that the owners and occupiers of the Development comply with the provisions of the Travel Plan and any revisions thereto.

## **10. GREEN PERFORMANCE PLAN**

- 10.1 The Owner shall submit for the Council's approval a draft of the Green Performance Plan (containing up to date targets and full details of monitoring arrangements and adjusted to reflect any new information on Occupancy) for the Development not later than 6 (six) calendar months from the date of First Occupation.
- 10.2 The Owner shall submit a final report on the implementation of the approved Green Performance Plan at the end of the monitoring period

of 2 (two) years (or such extended period as the Council and the Owner may otherwise agree) to the reasonable satisfaction of the Council.

- 10.3 If the final report submitted under clause 10.2 shows that the agreed targets have not been or are not being met, the matter will be investigated to identify causes of underperformance and potential mitigation measures. Where measures are identified which it would be reasonably practicable to implement, an action plan comprising such measures will be prepared by the Owner and then issued to the Council for its approval.
- 10.4 If it is not reasonably practicable to implement measures sufficient to achieve the original targets contained in the approved Green Performance Plan, revised targets which in the Council's opinion are achievable will be stipulated by the Council.
- 10.5 The Owner shall at all times use reasonable endeavours to comply in all respects with the approved Green Performance Plan (as amended, if amended, from time to time) and in the event of non-compliance with this paragraph 10.5, the Owner shall upon written notice from the Council immediately take all steps reasonably required by the Council to remedy such non-compliance.

## **11. MAINTENANCE STRATEGY**

- 11.1 The Owner shall not permit Occupation of the Development unless and until the Maintenance Strategy has been submitted to and approved in writing by the Council.
- 11.2 The Owner shall fully implement the approved Maintenance Strategy subject to any amendments to the Maintenance Strategy as agreed between the Council and the Owner



## **12. SERVICING AND DELIVERIES**

- 12.1 The Owner shall not permit Occupation of the Development unless and until the location and details of the Servicing Bay have been submitted to and approved in writing by the Council
- 12.2 The Owner shall provide the Servicing Bay in accordance with the approved details prior to first Occupation
- 12.3 The Owner shall meet all the costs of providing the Servicing Bay and all costs arising from its provision (including the costs of relocating existing parking bays should this be necessary)

## SCHEDULE 2

### COUNCIL'S COVENANTS

1. The Council covenants with the Owner to use all sums received from the Owner under the terms of this Deed for purposes specified in this Deed for which they are to be paid PROVIDED THAT the Council may in any event spend up to 5 (five) per cent of the sums on the costs of implementing and monitoring compliance with this Deed which sum shall not include the legal costs incurred in drawing up this Deed.
  
2. The Council will (so far as it is lawfully and reasonably able to so do) upon the written request of the Owner and payment of reasonable administrative costs at any time after each or all of the obligations of the Owner under this Deed have been performed or otherwise discharged issue written confirmation of such performance or discharge and will effect forthwith the cancellation of all entries in the Register of Local Land Charges or if such cancellation is for any reason impossible to secure thereon a note of such performance or discharge in respect of this Deed within 14 days of such a request.
  
3. The Council covenants with the Owner that on written request by the Owner or the party that actually paid the sum it will pay to the Owner or the party that actually paid the sum such amount of any payment (excluding any sums paid by the Council to TfL) made to the Council under this Deed which has not been spent or any part of them that remains unexpended or uncommitted to the Owner in accordance the provisions of this Deed within 5 years of the date of receipt by the Council of such payment together with any Interest accrued on the amount that has not been spent.

- 4 For the avoidance of doubt the sums or any part of them shall be deemed to have been committed if the Council has entered into any contract or given any undertaking (whether enforceable at law or otherwise) the performance or fulfilment of which will require the Council to expend such sums in the future.
5. The Council shall on written request by the Owner or the party that actually paid the sum provide to the Owner such evidence as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner under this Deed.

**SCHEDULE 3**

**DRAFT DECISION NOTICE**

## PLANNING DRAFT DECISION NOTICE



Development Management Service  
Planning and Development Division  
Environment & Regeneration Department  
PO Box 333  
222 Upper Street  
LONDON N1 1YA

**Case Officer:** Stefan Sanctuary  
**T:** 020 7527 5262  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 16 January 2014  
**Application No:** P2013/4007/FUL

*(Please quote in all correspondence)*

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACTS

#### BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

<b>Location:</b>	Maple House, 37 - 45 City Road, London EC1Y 1AT		
<b>Application Type:</b>	Full Planning Application		
<b>Date of Application:</b>	16 October 2013	<b>Application Received:</b>	16 October 2013
<b>Application Valid:</b>	16 October 2013	<b>Application Target:</b>	15 January 2014

#### DEVELOPMENT:

Partial demolition, refurbishment and extensions (including a new fourth floor) to existing office building and change of use of part of the ground and basement floors from office use to flexible office or retail floorspace (falling within use classes B1, A1, A2 or A3) with the installation of roof plant, new pedestrian access, associated landscaping and cycle parking.

This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73.

#### PLAN NOS:

Existing Drawing Numbers: 840\_PL-EX-B1; 840\_PL-EX-00; 840\_PL-EX-01; 840\_PL-EX-02; 840\_PL-EX-03; 840\_PL-EX-RF; 840\_PL-ES-DD; 840\_PL-ES-EE; 840\_PL-EE-N; 840\_PL-EE-S; 840\_PL-EE-E; 840\_PL-EE-S-2; 840\_PL-EE-W.

Site Location Plan 840\_PL-OS; Proposed Drawing Numbers 840\_PL-GA-B1 Rev P1; 840\_PL-GA-00 Rev P1; 840\_PL-GA-01 Rev P1; 840\_PL-GA-02 Rev P1; 840\_PL-GA-03 Rev P1; 840\_PL-GA-04 Rev P2; 840\_PL-GA-RF Rev P1; 840\_PL-GS-EE Rev P1; 840\_PL-GS-DD Rev P2; 840\_PL-GE-CT Rev P3; 840\_PL-GE-E Rev P3; 840\_PL-GE-N Rev P3; 840\_PL-GE-S-2 Rev P2; 840\_PL-GE-S Rev P3; 840\_PL-GE-W Rev P3; Landscape External Works Plan No 001 Rev B; 840\_PL-ED-LowWall; 840\_SK-112; Demolition Drawing Reference 840\_PL-ED.

Design & Access Statement dated October 2013; Maple House (Islington Borough Council Meeting) – Further Design Changed dated December 2013;

Planning Statement (Maple House) dated October 2013;

Daylight & Sunlight Report dated 15th October 2013;

Energy & Sustainability Strategy Report Rev C dated 11th October 2013;

Maple House BREEAM Offices Pre-Assessment Report dated 2nd January 2014;

Local Framework Travel Plan dated October 2013;

Historic Environment Assessment dated September 2013;

Heritage Statement dated October 2013;

Transport Statement Report dated October 2013;

Servicing Assessment Drawing Number TPHS/039/TR/003 Rev A; TPHS/039/TR/004 Rev A;

#### **CONDITIONS:**

- 1 **3 YEAR CONSENT PERIOD:** The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 9(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

- 2 **DRAWING AND DOCUMENT NUMBERS:** The development hereby approved shall be carried out in accordance with the following approved drawings and information:

Existing Drawing Numbers: 840\_PL-EX-B1; 840\_PL-EX-00; 840\_PL-EX-01; 840\_PL-EX-02; 840\_PL-EX-03; 840\_PL-EX-RF; 840\_PL-ES-DD; 840\_PL-ES-EE; 840\_PL-EE-N; 840\_PL-EE-S; 840\_PL-EE-E; 840\_PL-EE-S-2; 840\_PL-EE-W.  
Site Location Plan: 840\_PL-OS; Proposed Drawing Numbers: 840\_PL-GA-B1 Rev P1; 840\_PL-GA-00 Rev P1; 840\_PL-GA-01 Rev P1; 840\_PL-GA-02 Rev P1; 840\_PL-GA-03 Rev P1; 840\_PL-GA-04 Rev P1; 840\_PL-GA-RF Rev P1; 840\_PL-GS-EE Rev P1; 840\_PL-GS-DD Rev P2; 840\_PL-GE-G Rev P3; 840\_PL-GE-E Rev P3; 840\_PL-GE-N Rev P3; 840\_PL-GE-S Rev P2; 840\_PL-GE-S Rev P3; 840\_PL-GE-W Rev P3; Landscape External Works Plan No 001 Rev B; 840\_PL-ED-LowWall; 840\_SK-112; Demolition Drawing Reference 840\_PL-ED.

Design & Access Statement dated October 2013; Maple House (Islington Borough Council Meeting) – Further Design Changed dated December 2013;  
Planning Statement (Maple House) dated October 2013;  
Daylight & Sunlight Report dated 15th October 2013;  
Energy & Sustainability Strategy Report Rev C dated 11th October 2013;  
Maple House BREEAM Offices Pre-Assessment Report dated 2nd January 2014;  
Local Framework Travel Plan dated October 2013;  
Historic Environment Assessment dated September 2013;  
Heritage Statement dated October 2013;  
Transport Statement Report dated October 2013;  
Servicing Assessment Drawing Number TPHS/039/TR/003 Rev A; TPHS/039/TR/004 Rev A;

**REASON:** To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 **MATERIALS:** Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any new elevational treatment being installed on site. The details and samples shall include:



- a) new brickwork (including brick panels and mortar courses);
- b) painted retained brickwork;
- c) window treatment (including sections and reveals);
- d) roofing materials;
- e) balustrading treatment (including sections); and
- f) any other materials to be used.

The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

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

- 4 ROOF LEVEL STRUCTURES: Full details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any such structure/enclosures being erected on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:

- a) roof-top plant;
- b) ancillary enclosures/structure; and
- c) lift overrun.

The development shall be carried out strictly 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 the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.

- 5 ACCESS: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. Plans and details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any new superstructure works commencing on site. The details shall include:

- ? The provision of storage and charging facilities for at least two mobility scooters
- ? The provision of at least two cycle racks that are accessible to ambulant disabled cyclists.
- ? The provision of an accessible WC and shower at basement level.
- ? The detailed design of the external areas and specification of street furniture and materials
  - The installation of a platform lift between the entrance and lift lobby level with internal dimensions of at least 1100x1400mm.
  - The provision of a detailed emergency evacuation plan, to meet the needs of all potential building users.
  - The provision of inclusive entry details for the proposed retail unit.

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

Prior to the occupation of any retail unit, the provision of inclusive entry details for the proposed retail unit shall be submitted to and approved in writing by the Local Planning Authority and then installed and maintained as such thereafter.

REASON: In order to facilitate and promote inclusive and sustainable communities in accordance with London Plan Policy 7.2 and Development Management Policy DM2.2.

- 6 **SECURITY & GENERAL LIGHTING:** Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing on the site.

The details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.

REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill, as well as protecting the setting of important heritage assets.

- 7 **ENERGY REDUCTION:** The energy efficiency measures/features and energy technology(s) as detailed within the 'Energy & Sustainability Strategy Rev C' shall be installed and operational prior to the first occupation of the development.

The agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.

REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.

- 8 **VEHICULAR FACILITIES PROVIDED:** The development shall not be occupied unless and until the servicing bay for loading/unloading on Epworth Street, has been constructed, made available for their intended use and appropriately line-marked and/or signs erected.

Those vehicle facilities shall be maintained as such thereafter and retained for the purposes so approved only.

REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.

- 9 **CYCLE STORAGE:** Full details of the internal bicycle storage area(s) which shall be covered, secure and provide for no less than 64 bicycle spaces as well as the provision of showering, changing and locker facilities shall be submitted to and approved in writing prior to any superstructure works commencing on the site.

The details shall confirm that the facilities are accessible to ambulant disabled persons and include details of mobility scooter charging locations and facilities

The approved bicycle storage details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such thereafter.

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

- 10 **BREEAM:** The development shall achieve a BREEAM Office (2008) rating of no less than 'Very Good' in accordance with the BREEAM pre-assessment submitted.

A BREEAM specification report relating to the retail elements shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the retail space.

The specification report shall set out which BREEAM retail credit-scoring measures will be incorporated into the base build for the retail element. The retail element shall be constructed in accordance with the approved specification report.



A Green Guide shall be provided to future retail tenants to inform them of the measures they will need to incorporate as part of the fit out process to further enhance the environmental performance of the units.

A copy of the Green Guide shall be provided to the Council prior to occupation of any of the retail units.

REASON: In the interest of addressing climate change and to secure sustainable development, in accordance with Development Management Policy DM7.4.

- 11 **GREEN ROOF:** A lightweight biodiversity (green/brown) roof(s) shall be constructed and occupy the area of roof above the new reception. Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the new reception works commencing on site.

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, in accordance with Development Management Policy DM6.6 and DM7.4.

- 12 **SUDS:** Details of a drainage strategy including the lightweight green roof and drainage of the City Road pavement utilising the tree pits shall be submitted to and approved in writing by the Local Planning Authority prior to any such works commencing on site. The drainage system shall be installed / operational prior to the first occupation of the development.

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

REASON: To ensure that sustainable management of water in accordance with Development Management Policy DM7.4.

- 13 **CLIMATE CHANGE ADAPTATION:** Details of passive design and other measures incorporated within the scheme to ensure adaptation to higher temperatures (taking climate change projections into account) whilst minimising cooling demand should be submitted to and approved in writing by the Local Planning Authority prior to any new cladding works commencing on site and shall be operational prior to the first occupation of the development hereby approved.

These details shall include the results of thermal modelling of the development under the higher future temperatures projected as a result of climate change to demonstrate that the likelihood of high internal temperatures during hot weather has been minimised.

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

REASON: In the interest of adapting to climate change and to secure sustainable development, in accordance with Development Management Policy DM7.4.

- 14 **PLANT NOISE:** The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level  $L_{Aeq,T}$  arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level  $L_{A90,Tbg}$ .

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 development does not have an undue adverse impact on nearby residential amenity or business operations.

- 15 **LIFTS:** All lifts serving the office shall be installed and operational prior to the first occupation of the office floorspace hereby approved.

**REASON:** To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.

- 16 **RETAIL OPENING HOURS:** The ground floor retail /caf?/ restaurant uses (A1 and A3) hereby approved shall not operate except between the hours of 07:00 and 23:30 on any day.

**REASON:** To ensure that the operation of the retail units do not unduly impact on residential amenity.

- 17 **SHOPFRONT GLASS:** The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level shall be placed within 2.0m of the inside of the window glass.

**REASON:** In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.

- 18 **DELIVERY & SERVING MANAGEMENT PLAN:** No development shall take place unless and until a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.

The CMP and CLP shall update the Draft Construction Management Plan as submitted as part of the application hereby approved, while also providing the following additional information:

1. Identification of construction vehicle routes;
2. how construction related traffic will turn into and exit the site
3. details of banksmen to be used during construction works
4. the parking of vehicles of site operatives and visitors;
5. loading and unloading of plant and materials;
6. storage of plant and materials used in constructing the development;
7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
8. wheel washing facilities;
9. measures to control the emission of dust and dirt during construction;
10. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The report shall assess the impacts during the construction phases of the development on the Transport for London controlled City Road, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.

The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.

**REASON:** In order to secure highway safety and free flow of traffic on City Road and Old Street, local residential amenity and mitigate the impacts of the development.

- 19 **NO EXTERNAL PIPING:** Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.

Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.

**REASON:** The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.

- 20 **ARCHAEOLOGY:** No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of:

A) a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority in writing.

No development or the demolition approved on the City Road frontage shall take place other than in accordance with the Written Scheme of Investigation approved under part A).

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with programme set out in the Written Scheme of Investigation approved under Part (A); and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

**REASON:** Heritage assets of archaeological interest are expected to survive on the site. The investigation is required in the interests of archaeology.

- 21 **LANDSCAPING:** A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) an updated Access Statement detailing routes through the landscape and the facilities it provides;
- b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
- c) existing and proposed underground services and their relationship to both hard and soft landscaping;
- d) proposed trees: their location, species and size;
- e) soft plantings: including grass and turf areas, shrub and herbaceous areas;
- f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;
- g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
- h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces;
- i) details of no less than 2 bat and 3 bird nesting boxes / bricks including the exact location, specification and design of the habitats, and
- j) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during



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

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

**REASON:** In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

Your attention is drawn to any **INFORMATIVES** that may be listed below

**1 SECTION 106 AGREEMENT**

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

**2 DEFINITION OF ?SUPERSTRUCTURE? AND ?PRACTICAL COMPLETION?**

A number of conditions attached to this permission have the time restrictions ?prior to superstructure works commencing on site? and/or ?following practical completion?. The council considers the definition of ?superstructure? as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ?practical completion? to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

**3 SURFACE WATER DRAINAGE:** It is the responsibility of the developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and at the final manhole nearest the boundary. Connections are not permitted for removal of groundwater. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

**4 SUSTAINABLE SOURCING OF MATERIALS:** Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.

**5 CAR-FREE DEVELOPMENT:** All new developments are to be car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

**6 ROLLER SHUTTERS:** The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.

**7 POSITIVE STATEMENT:** The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.

**8 INFORMATIVE:** Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the

Council at [cil@islington.gov.uk](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-commencement conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.

Certified that this document contains a true record of a decision of the Council

Yours faithfully

**KAREN SULLIVAN**  
**SERVICE DIRECTOR - PLANNING AND DEVELOPMENT**  
**AND PROPER OFFICER**

DRAFT



**SCHEDULE 4**

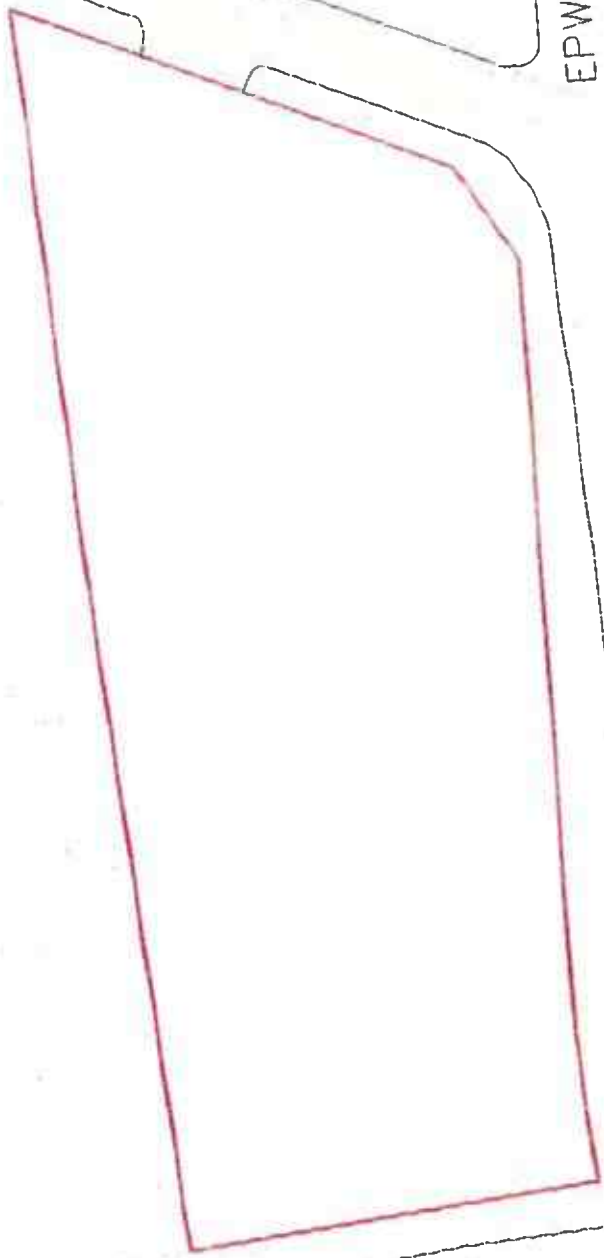
**HIGHWAY REINSTATEMENT PLAN**


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CITY ROAD

EPWORTH S

TABERN



 **Environment & Regeneration Service**  
Strategic Management Services  
Atkins, Division of Urban Mapping  
272 Upper Street, London, N1 1UR

Project	
Drawing	
Title	
Original	Date
Quoted	Approved
D. J. N.	



**SCHEDULE 5**

**EMPLOYMENT AND TRAINING CODE**

## EMPLOYMENT AND TRAINING CODE

September 2013

### 1.0 Planning Obligations and Section 106 Agreements

- 1.1 Islington Council is committed to improving job opportunities for local residents, especially those who are disadvantaged in the labour market. This commitment aligns itself with the objectives of many other organisations such as the Greater London Authority, London Councils, the Skills Funding Agency and DWP Jobcentre-plus.
- 1.2 The purpose of the Employment and Training Code is to outline and give information regarding the roles and responsibilities of Council officers and developers in complying with planning obligations relating to employment and training. Planning obligations aimed at providing employment and training for local unemployed residents will be required from any development sites which meet one or both of the following thresholds:
  - Developments containing 10 residential units or more, hotels, student accommodation or hostels with 20 or more rooms, or an uplift in business/employment floorspace of 500m<sup>2</sup> Gross External Area (GEA) or more. These developments are required to provide **on-site construction training opportunities during the construction phase.**
  - Developments with an uplift in business / employment floorspace of 500m<sup>2</sup> or greater (GEA). These developments are required to provide **employment and training opportunities, including apprenticeships, aimed at enabling local unemployed people to gain employment in the development once it begins operating commercially.**
- 1.3 Such planning obligations are used as part of the planning application process to address planning issues and impacts arising from a development proposal. They also help to ensure that new development is sustainable and assist in meeting the objectives of the Council's Policies and Strategies, including Islington's Core Strategy (February 2011) and its Corporate Plan 2012-15, which builds on the recommendations of the Council's Fairness Commission.
- 1.4 Planning obligations are normally agreed between the Council, land owners and developers in a legal agreement called a Section 106 agreement and are intended to make a development acceptable which would otherwise be unacceptable in planning terms.
- 1.5 The Employment and Training Code is designed to support contractors in fulfilling their commitments by clarifying what is required from the outset as well as the time-frame needed to achieve satisfactory results. The Council's Business Employment Support Team (BEST) will seek to work in partnership with contractors to assist them in meeting obligations.
- 1.6 The details of amounts paid either in wages to employees and trainees or directly as a financial contribution to the Council towards the employment and training activities it undertakes are negotiated and agreed before being embedded in the final Section 106 agreement.
- 1.7 The policy justifications and formulae on which this and other planning obligations are based are specified in Islington Council's Supplementary Planning Document (SPD) on Planning Obligations, which was published for consultation on 5<sup>th</sup> August 2013.

## **2.0 Policy Context**

### **National**

- 2.1 The National Planning Policy Framework (NPPF) highlights the importance of promoting development that is economically as well as socially and environmentally sustainable. The planning system can play an active role in guiding development to sustainable solutions where economic growth secures higher social and environmental standards (NPPF paragraphs 7-8).

### **London**

- 2.2 Development can help to maximize opportunities for community diversity, inclusion and cohesion, sustaining continued regeneration efforts and redressing persistent concentrations of deprivation. The London Plan (2011) states that boroughs are encouraged to investigate with developers the possibility of providing local businesses and residents with the opportunity to apply for employment during the construction of developments (London Plan paragraph 4.64) and jobs and training opportunities including apprenticeships in the resultant end use (London Plan Policies 4.12 and 2.9). London Plan Policy 8.2 further emphasises that importance should be given to securing opportunities for learning and skills development in the use of planning obligations and that development proposals should address strategic as well as local priorities in planning obligations.

### **Islington**

- 2.3 One of the six priorities of the Islington Corporate Plan (2012-2015), building on the Islington Fairness Commission Report (June 2011), is for the cycle of poverty to be broken.
- 2.4 According to the Indices of Deprivation (IMD 2010), Islington is the 14th most deprived borough in England and fifth most deprived in London. Over half of Islington's Lower Layer Super Output Areas (LSOAs) are among the 20% most deprived LSOAs nationally and 53% of Islington's population lives in a deprived LSOA. Only ten other local authorities have a higher proportion of their population living in deprived local areas.
- 2.5 Despite significant employment growth over the last 15-20 years, levels of worklessness in Islington remain very high (Census 2011 found 6% of Islington residents aged 16-74 to be unemployed). This has been exacerbated by a shift towards a highly skilled, knowledge based economy, resulting in significant skills gaps between many of Islington's unemployed residents and the types of jobs being created, which are inaccessible without complementary employment and training opportunities.
- 2.6 Islington's Core Strategy objective 8 is: "tackling worklessness through training and employment initiatives". Policy CS 13 requires that opportunities for employment, training and other measures to overcome barriers to employment are provided through the construction phase of a development, as well as through the end use of a building. This is to ensure that some of the benefits of London's large construction and other employment markets go to resident workers, to help reduce local unemployment and barriers to employment. Using local labour also reduces the need to travel which will help to ensure that development is more environmentally sustainable, in line with Policy CS 10.
- 2.7 Full information on how the Code of Employment and Training helps to deliver these objectives are set out below.

### **3.0 Islington Council Employment and Training contacts:**

Business and Employment Support Team  
Islington Council  
Islington Town Hall  
London N1 2UD  
[best@islington.gov.uk](mailto:best@islington.gov.uk)  
**020 7527 3465**

Pascal Coyne  
Business and Employment Support team Development Officer Strategy and Community Partnerships  
Islington Council  
Islington Town Hall  
London N1 2UD

**0207 527 3371**  
[pascal.coyne@islington.gov.uk](mailto:pascal.coyne@islington.gov.uk)

- 3.1 Pascal's role includes liaising between the Council's regeneration, planning and legal departments and in particular with the planning obligations team negotiating Section 106 agreements. Once planning obligations have been agreed and signed and the planning permission implemented, Pascal will meet with the developer and/or their principle contractor to discuss and agree actions regarding dispatching the undertakings agreed in the heads of terms and set out within this Code.

**Stav Aristokle / Ray Manning**  
Business and Employment Support Team Development Officers (  
Islington Council  
Strategy and Community Partnerships  
Islington Council  
Islington Town Hall  
London N1 2UD

Tel: **020 7527 3559**- Mobile: **0782 690 4358**  
[Stav.aristokle@islington.gov.uk](mailto:Stav.aristokle@islington.gov.uk)

Tel: **020 7527 3484**  
[Ray.manning@islington.gov.uk](mailto:Ray.manning@islington.gov.uk)

- 3.2 The BEST development officer's role is to liaise between developers and their contractors/sub-contractors. Stav is usually the primary contact at BEST in regards to both employment & construction skills training, but she is on maternity leave during 2013, and in her absence the other officers are the key contacts. BEST have an established working relationship with many primary developers in the borough. Stav, or her appointed officer, is the single point of contact initially and will nominate agents both within and outside the Council who will undertake all aspects of the recruitment.

## 4.0 The Code

### Construction Phase

- 4.1 We require that the developers meet with the LBI BEST at least 1 month in advance of tendering contracts to undertake the code specifics.
- 4.2 **The developer is required to state clearly in tender documentation, prior to selecting the main contractor, that bids need to take into account the following requirements relating to this code:**
- 4.3 All contractors and sub-contractors appointed will be required to liaise with the LBI BEST to ensure the successful and consistent application of this code.
- 4.4 At the pre-contract meeting (1 month in advance of tendering) the contractor shall provide a detailed programme and an up to date schedule of works.
- 4.5 Each paid construction training placement will be paid by the developer or their contractor and / or their sub-contractor(s). Ideally, the wages will be to the level of the London Living wage. However, lawfully they must be no less than the national minimum wage. The duration of each paid placement will be no less than 13 weeks.
- 4.6 The numbers of paid placements agreed and written into the Section 106 agreement are themselves non-negotiable. The figures for paid placements may be specified in terms of trades however, and the exact numbers spread across trades for trainees. Other specifics of paid work placements, such as variance to the 13 weeks, must be agreed with the BEST Development Officer (Pascal, Ray or Stav) at the pre-contract meeting.
- 4.7 The developer / contractor will work with BEST to attain paid on-site construction training placements lasting no-less than 13 weeks from developments providing:
  - 10 residential units or above, hotels, student accommodation or hostels with 20 or more rooms
  - an uplift in business / employment floor-space of 500m<sup>2</sup> or greater (Gross External Area (GEA))
- 4.8 The developer / contractor will work with the BEST Development Officer to attain 1 Modern Apprenticeship per 5000 sq. m on any project where works are expected to last for at least 52 weeks.
- 4.9 The developer / contractor will liaise with the BEST team to arrange professional input to career days, teacher training and work experience to benefit the career development of Islington students'.

### Contracts with sub-contractors

- 4.10 **LBI BEST require the developer / principle contractor to:**
- 4.11 Include a written statement in their contracts with sub-contractor(s) instructing them to liaise with the LBI BEST to discuss, agree and implement the specifics of the work placements.
- 4.12 Brief sub-contractor(s) on the requirements of the Employment and Training Code and ensure co-operation is agreed as a prerequisite to accepting sub contract tenders.

## **Recruitment**

### **4.13 Target recruitment from the local area with the understanding that:**

- 4.14 Pre-agreed paid work placement numbers should be fully met, as directed by the LBI *'Business and Employment Support Team'*.
- 4.15 Failure to comply with 4.14 will result in a financial penalty to the value of the minimum 13 week employment period plus the cost to the Council of providing an alternative employment outcome (see Islington Council's 2013 SPD - points 5.17-5.18)
- 4.16 The nominated delivery agent for the LBI 'BEST' will circulate vacancy details to suitable local resident facing services and match suitable candidates to job specifications for consideration at interview by the developer / contractor or sub-contractor/s.
- 4.17 All clients submitted for consideration by a Council nominated agency who fully meet the job specification shall be guaranteed an interview by the developer/contractor/sub-contractor/s.
- 4.18 One full apprenticeship should be provided per 5000 sq. m of development where works are expected to last for at least 52 weeks.

## **Monitoring**

### **4.19 Provide regular monitoring and information on:**

- 4.20 Trainee's progress on site, number of weeks engaged on site, skills attained, support needed (from LBI BEST) and any other relevant information as directed by the BEST team.
- 4.21 Standards of service, product and delivery arising from Local procurement activities.
- 4.22 A six to eight week basis, via e-mail, phone fax or liaison meeting.

## **Managing trainee's and productivity**

### **4.23 LBI Business Employment Support Team can where necessary:**

- 4.24 Provide CSCS card funding and safety equipment and tools for local people taken on through the project.
- 4.25 Identify on-going training needs and provide for these if necessary, where eligibility allows.
- 4.26 Conduct a Health and Safety assessment and assess prior learning.
- 4.27 Organise post placement support visits, for liaising with the relevant supervisor to ensure both parties are satisfied with progress and/or make any necessary interventions to achieve sustainability of employment.

### **4.28 The main contractor is obliged to:**

- 4.29 Ensure employees' are supervised at all times on site by a named qualified and/or experienced operative in a trade related to their identified training needs.
- 4.30 Ensure employees' will work on site under the direction and control of the contractor.
- 4.31 Take the potential for a lower rate of productivity fully into account when allowing for the level of resource and supervision required for programmed outputs and targets.



- 4.32 Allow / enable trainees to attend college-based courses either on a day release or block release basis as required / appropriate. These can be organised through LBI BEST. The contractor must be aware that payments to apprentices will continue during this period.

### **Operational (post-completion phase)**

- 4.33 **Developer to inform lease holder of the Council's aspirations to secure employment opportunities for local unemployed residents arising from new developments and encourage them to attend liaison meetings with LBI BEST to:**
- 4.34 Meet with BEST to plan employment opportunities for local people within the building/s particularly if the building use involves the following occupational sectors: Hospitality; Leisure; Tourism; Cultural/Creative; Childcare; Health and Social Care; Retail; Finance and Business.
- 4.35 Discuss co-operation with Islington's BEST and the Education and Pathways to Employment board in their liaison with schools, colleges and training providers to assist with curriculum development and provide at least x number of work placements per year in partnership with the BEST team for students so that they are provided with knowledge of the world of work and are better prepared to work in business and commerce.
- 4.36 Inform LBI BEST of the company internal training programmes and policy of promotion and progression within the organisation (such knowledge will help the recruitment process).
- 4.37 The Council will assist the contractor and sub-contractor(s) in identifying suitable local companies in order to source goods and services from Islington companies to supply the on-going operational needs of the development.

### **Recruitment**

- 4.38 **Where binding agreements have been established undertake the following requirements** (otherwise the following is sought within the context of the business tenants commitment to corporate social responsibility):
- 4.39 Occupiers and their personnel departments to meet with LBI BEST to discuss their staffing structures and the skills required to facilitate the development of a customised recruitment/training course which will enable local people to acquire the skills needed to gain employment.
- 4.40 Occupiers to advertise vacancies through local networks as directed by the Council's BEST service.
- 4.41 Occupiers of the building to refer vacancies to local projects as directed by LBI BEST so that local people can be assisted in making relevant applications for employment.
- 4.42 The BEST service and their partner resident facing services will screen applications against job specifications (the specification being deemed realistic and necessary for someone to undertake the job tasks).
- 4.43 In larger developments, development of traineeships to help new people in the industry to assist with shortages of staff in researched skills shortfall areas.
- 4.44 Linkage with the Government's Flexible Fund and other Jobcentre-plus programmes that could include payment of a subsidy to a company, or providing work experience for people undergoing vocational training.

## Monitoring

### 4.45 Tenants and their contractors and sub- contractors to:

- 4.46 Allow LBI BEST officers to monitor staff employed on site in order to be able to feedback achievements on the above. Such feedback will be required on all recruits.
- 4.47 Return monthly or quarterly spreadsheets to LBI's BEST officers.

## 5.0 Extracts from the draft Planning Obligations Supplementary Planning Document (SPD) (published for consultation from 5 August – 20 September 2013)

- 5.1 The number of placements that are sought is based on the estimated number of construction jobs likely to be created by each development, based on information provided for completed developments in the borough and the extent of local training and support needs based on unemployment figures. In 2011, 6% of Islington residents aged 16-74 were unemployed (Census 2011).
- 5.2 The number of placements sought is as follows:

### Formula - Construction placements

1 construction training placement per:

20 residential units;

20 student/ hotel/ hostel bedrooms;

1,000 sq m new commercial and employment floorspace

- 5.3 Should it not be possible to provide these placements, the Council will seek an equivalent contribution for construction training, support and local procurement to enhance the prospects of the use of local employment in the development. This is based on the following formula:

### Formula - Employment and training contribution – Construction

Number of construction placements (based on formula above) x cost of providing construction training and support per placement (£5000)= contribution due

- 5.4 This is based on the average costs of providing construction training and support per person in Islington.
- 5.5 An employment and training contribution will also be sought to improve the prospects of local people accessing new jobs created in the proposed development. This is based on the proportion of Islington residents who require training and support as set out in the following formula:

**Formula - Employment and training contribution – Operation of development**

Occupancy of development (number of employees) x proportion of Islington residents requiring training and support (6%) x cost of training/ support per person (£2500) = contribution due.

- 5.6 Projected occupancy is based on average employment densities (see Appendix 2). The cost is based on the average costs of providing training and support relating to the end use of a development per person in Islington.
- 5.7 The Code of Local Employment and Training further sets out the details of the ways in which the occupier of a development with employment uses may be expected to work with the Council. This may relate to issues such as the creation of employment opportunities for local people and assisting Islington's BEST team working in partnership with the LBI Education and Pathways to Employment group in their liaison with schools, colleges and training providers to support curriculum development and the provision of work experience/ placements.
- 5.8 Both obligations are consistent with the 'three tests' that a planning obligation should meet, as outlined in the CIL Regulations 2010 (as amended) as well as in NPPF paragraph 204. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

## **6.0 Conclusion**

- 6.1 The Employment and Training Code will improve the economic activity and wellbeing of unemployed local people.
- 6.2 The intentions of Islington's development plan and Corporate Plan are to reduce poverty, deprivation and unemployment. This can be achieved by providing local unemployed people with access to employment and assistance with sustaining employment, and raising levels of attainment through training opportunities facilitated by new commercial development taking place in the borough.
- 6.3 This Code thereby meets Council objectives. Additionally, it helps employers by improving the skills of the local workforce, making recruitment easier and less costly. Finally, the Code also helps to meet the aims and objectives of other key stakeholder organisations such as the Greater London Authority, the Skills Funding Agency (SFA), London Councils and the DWP job centre plus.

## **SCHEDULE 6**

### **CODE OF PRACTICE FOR CONSTRUCTION SITES**



# ISLINGTON

## **Code of Practice for Construction Sites**

### **Public Protection Division**

159 Upper Street

London N1 1RE

Noise and Pollution Teams

Tel: 020 7527 3258

Email: [noise.issues@islington.gov.uk](mailto:noise.issues@islington.gov.uk)

## Introduction

We recognise that demolition and construction are an important part of our borough's development and improvement. However in improving our working and living environment we must not ignore the effects of construction works on those in the surrounding neighbourhood.

As a result, we have developed this code of practice for developers, contractors, community groups and commercial users as guidance on good environmental practice.

We will provide information on the code early on in any planning application process and working to the code may become part of your planning conditions.

We aim to work with developers and contractors in recognising and tackling the possible effects of construction. These can include air pollution, noise and vibration, traffic congestion, dust and contamination of land and water. By making contractors aware at an early stage of our code of practice they can put preventative measures in place from the start.

The code applies to all types of building work:

- demolition
- site preparation
- excavation
- tunnelling work
- maintenance
- construction
- fit-outs

There will be some cases, such as emergency work, where the guidelines in the code cannot be followed. Please contact the relevant council team as soon as possible in these cases. We also recognise that it may not be appropriate to apply the code in full for some smaller developments. In these cases we would expect you to follow the spirit of the code.

It will be the responsibility of the main contractor to make sure all other contractors and workers are aware of and follow the guidance in the code.



## **Legal framework**

This code is for guidance only. You should contact your own legal adviser if you are not sure of your legal obligations.

Where following the code of construction practice is a condition of your planning permission, any failure to keep to the code could result in us taking legal action. If the guidance is followed we should not need to serve statutory notices. However, if we do need to, we will use all available powers to enforce considerate working.

You may want to apply for prior consent for work on construction sites under Section 61 of the Control of Pollution Act 1974. Here the code will help you make a successful application. You should contact the Public Protection Division for advice and an information pack.

In terms of noise and controlling vibration, we expect you to use 'best practicable means' at all times. This means that you will have to use the most practical measures possible to control noise and vibration as defined in Section 72 of the Control of Pollution Act 1974. You must also keep to recommendations and good practice as shown in British Standard (BS) 5228: Noise and Vibration Control on Construction and Open Sites: 1997.

You are responsible for making sure that all activities keep to all current codes of practice and other relevant documents.

## **Community relations**

If you warn local residents and businesses about activities that are likely to take place on site it will help reduce their concerns. If you have a point of contact for enquiries or complaints, it shows that you are taking responsibility for your actions and are aware of the surrounding community.

We will ask you to appoint a member of staff to work with local residents, the business community and us. This liaison officer must be available at all times while the site is in use. You must display a poster on the site boundary. Posters are available free of charge from the Public Protection Division. You may also be asked to display the posters as part of the conditions for your hoarding licence. This must include information such as the contractors' names, the name of your liaison officer, and a contact number and address for complaints.

You must also confirm that you are working to the standards shown in this code of practice and any registration to the considerate contractor scheme, if this is relevant. In the case of emergencies, you must also display a 24-hour contact number.

Your liaison officer will be responsible for logging complaints and taking appropriate action.

At least two weeks before any work starts, you must send leaflets to the surrounding community, both residential and commercial, about the proposed work. This leaflet will need to include a start and likely finish date, and the contact name and number of the liaison officer. If works are to go beyond our standard working hours and we have agreed to this, you will need to send further leaflets giving details of the changes.

## **Considerate contractors**

We do not have an Islington-specific considerate contractors scheme but we do encourage contractors to take part in the national scheme. For information about the scheme and how to apply please contact Considerate Constructors, see Contacts on page 16.

## **Hours of working**

Sites will be allowed to carry out noisy work between:

- 8am and 6pm, Monday to Friday
- 8am and 1pm, Saturdays

Noisy works must not take place outside of these hours (including Sundays and public and bank holidays). As far as is reasonably practical you must keep to these hours.

We will only consider work outside of these hours if it is necessary for access to roads or railway tracks or for reasons of safety and this must be prearranged with us. If you want to do this, please contact the Public Protection Division at least seven days before you need access. You must provide us with details of the works and why you cannot carry it out during the main working hours. You must also give details of the measures you are taking to reduce noise levels, and the predicted noise levels for any affected buildings such as residential property, hospitals, schools and businesses.

We realise that some activities can take place on site without residents being disturbed. This work may occur outside our standard working hours if it does not disturb people at the nearest occupied property to where the work is taking place.

## **Standards to protect the environment**

### **Temporary structures**

If you have to erect scaffolds, hoardings, gantries and other temporary structures you will need to make an application to the council's Street Management Division, see Contacts on page 16.

All structures must have a clear path between them at least 1.2 to 1.8m wide. There should be no recesses for people to hide in. All structures must be lit using bulkhead lights at 3m centres with a 110v supply and hoardings must be a minimum of 2.4m high.

No temporary structures should cover utility covers (such as gas, water or electricity) or any street gullies. All gates on the site must open inwards and not onto the highway.

All temporary structures must be kept in a safe and well-maintained condition at all times, and must display an information board with the relevant contact details for the particular site.

We ask you to reuse hoardings in accordance with our sustainability policy, see page 13.

## **Cranes**

If you need to use a crane or mobile access platform you will need a permit from the council's Street Management Division. Street Management need ten days notice before they can issue approval. If the permit is approved it may require you to work outside normal working hours for traffic reasons. If this is the case then you will need to contact the Noise Team at least one week before the start of works to get approval to vary the site working hours and inform local residents and businesses.

## **Road closures**

If you require a temporary traffic order for a road closure you will need to submit an application form six weeks prior to the proposed start date. This can be obtained from the council's Street Management Division. As with crane permits you may be requested to work outside normal working hours. You should contact the Public Protection Division at least seven days prior to the date of operation for approval and inform local residents and businesses.

## **Connections**

If you require a new sewer connection you will need a licence from the council's Street Management Division for the works to be carried out.

You may also require new supplies to the site from various utilities, such as gas, water and electricity. The sooner the Street Management Division are informed of this information and proposed dates for the connections, the sooner these can be organised and any disruption reduced.

## **Nuisance**

Construction works can cause unnecessary debris on the highway such as mud, spoil, concrete and dust. You must do everything you can to stop this happening. There should be facilities on your site for washing down vehicles, such as wheel washers or jet washers, and you must make sure lorry loads are covered when they leave the site. You must not wash mud, spoil, concrete and dust into street gullies.

## **Construction traffic**

All vehicle movements to and from your site should be planned and agreed with us in advance and enforced with your contractors and drivers. There are roads designated within Islington for oversized or large vehicles. Vehicles must not park outside the site at any time of the day or night unless specifically agreed. Vehicles must enter the site immediately and are to leave the site in a safe and controlled manner. The area around the site or any road within Islington is not to be used as a holding area for deliveries.

There is to be no contractor parking on the highway at any time anywhere within Islington. We may require vehicles associated with the site to display stickers or markings, so they can be easily identified.

There are several lorry 'no-go' zones within Islington. These cover areas with a maximum 7.5 tonne limit. Vehicles on or over this limit may load or unload within these zones but cannot drive through them.

There are roads which have specific weight restrictions, due to weak structures, and vehicles over the limits must not use them. There are also height restrictions and again any vehicle over the height must not drive through.

**Current restricted areas include:**

- the area bounded by City Road, Islington High Street, Essex Road, Balls Pond Road and Southgate Road (excluding New North Road)
- the area bounded by Pentonville Road, Islington High Street, Upper Street, Holloway Road, Camden Road and York Way (excluding Caledonian Road and Hillmarton Road)
- the area bounded by Dartmouth Park Hill, Highgate Hill, Holloway Road and Tufnell Park Road (excluding Junction Road)

Further areas are currently under construction or planned for implementation in future years. Developers should contact the council's Traffic and Engineering Team within the Street Management Division, see Contacts on page 16.

**The following roads have bridges that have gross vehicle weight restrictions:**

- Highbury Grove
- Roman Way, N7
- King Henry's Walk
- Kingsbury Road
- Wallace Road
- Wallace Road, Canonbury
- Caledonian Road
- Clerkenwell Road
- Sussex Way
- Crouch Hill
- Wharf Road
- Willow Bridge Road
- Packington Street

The above list was correct at the time of publication, however developers should contact the bridges section of the council for up to date information on the current status of any bridges on their planned access route.

Routes for oversized vehicles are listed at Scotland Yard police headquarters.

**When works are finished**

We expect you to leave the area of highway that has been occupied by your works as you found it. If there is damage to the highway or gullies we will carry out the necessary repairs and you will be charged appropriately.



## **Air pollution and dust**

We have declared the whole borough to be an 'air quality management area' and introduced measures to reduce air pollution levels whenever possible. Construction sites can be a major source of pollution if not managed and controlled properly and we expect all site operators working in Islington to achieve high standards of pollution and dust control.

The Building Research Establishment (BRE) has published a set of five Pollution Control Guides, available directly from their bookshop, see Contacts on page 16.

It is not possible to reproduce the BRE guides here, but the points on the following four pages illustrate the sort of actions that should be considered at the pre-project planning, management, costing and operational stages.

### **Planning and management:**

- identifying construction activities likely to cause pollution problems along with methods to minimise them. Environmental risk assessments may need to be prepared for all activities identified as potentially generating pollution discharges, including identifying existing hazardous materials such as asbestos and polychlorinated biphenyl (PCB)
- specify and select low emissions materials and fuel (low sulphur red diesel is now available). Consider regular monitoring for particulate matter where there is a risk of dust affecting your neighbours together with appropriate remedial action

### **Site preparation, demolition, earthworks and landscaping:**

- use damping down sprays in dry weather, use wheel washers and regularly sweep the site
- use screening and hoardings
- cover skips and loaded lorries
- use rubble chutes and handle materials carefully to avoid generating dust
- the use of concrete crushers on site will not generally be sanctioned in London because of the potential to cause dust and nuisance to neighbours. Any crushing plant agreed will need to be authorised under the Environmental Protection Act 1990. Appropriate measures, such as enclosing the plant and built in water sprays will have to be used at all times

### **Haulage routes, vehicles and plant:**

- use the most modern and least polluting mechanical and electrical plant incorporating diesel exhaust particulate filters and oxidation catalysts wherever possible
- use ultra low sulphur gas oil or low sulphur red diesel fuel in all qualifying vehicles and plant
- maintain plant engines and exhaust systems
- site plant exhausts must avoid public areas and air outlets on adjoining buildings
- provide hard standing at site entrances and exits with provision of wheel washing facilities and sweeping when appropriate

**Materials' handling, storage, stockpiles, spillage and disposal:**

- use silo or covered storage for cement and other powdered materials
- use sheeting for friable boards and building blocks
- use bundled areas (secure and impervious areas) for diesel fuel or chemicals
- undertake regular site inspection for spillage of cement and other powders
- enable fabrication processes and internal and external finishes
- cutting materials for building should be carried out off-site whenever possible
- use cutting and drilling plant with water sprays or dust extraction and collection wherever possible
- install screens around cutting areas and use water sprays near rear public areas
- use shears and guillotines where possible to replace disc cutters used on re-bar and
- decking
- carefully situate tar burners and asphalt burners, control their temperature and make
- sure the boiler lid stays in place whenever in use
- you must not have bonfires on the site for any purpose
- make sure all equipment is properly maintained and switched off when not in use
- to reduce fumes
- do not over *rev* equipment and vehicles when in use
- you must take precautions to control fumes from stored fuel oils
- consider carrying out regular monitoring where there is evidence of fumes and dust becoming airborne
- have contingency plans in place in cases of accidental release

For further information about air quality please contact the council's Pollution Team, see Contacts on page 16.



## **Contaminated land**

PPS23 Planning Policy and Guidance: Planning and Pollution Control (June 2004) highlights the need to be aware of land contamination issues when considering planning applications. If you believe land may be contaminated, you are responsible for investigating the land to see what measures are needed to make sure it is safe and suitable for the purpose proposed.

In these cases it is your responsibility to prove to us that you have carried out a thorough risk assessment associated with land contamination. These assessments should be based on 'the suitable for use' approach and identify 'pollutant links'. This includes deciding where sources of contamination may be and identifying any risks to people, animals, plants or buildings on a site-by-site basis. You should carry out any investigation in consultation with the council's Pollution Team, see Contacts on page 16. You should make recommendations based on this risk assessment and give them to us. If you believe work is necessary to deal with the contamination you should send us a full remediation statement for our approval.

### **Below we have listed some of the appropriate guidance:**

- Construction Industry Research and Information Association, Remedial Treatment for Contaminated Land, volume 111 (Investigation and Assessment), Special Publication 103, CIRA, London: 1995
- BS5930: Code of Practice for Site Investigation, British Standards Institution, London: 1999
- BS10175: Investigation of Potentially Contaminated Sites, Code of Practice, British Standards Institution, London: 2001
- Department for Environment, Food and Rural Affairs and the Environment Agency. The Contaminated Land Reports: CLR 7-10, DEFRA: 2002

## **Waste disposal and the 'duty of care'**

In some cases the measures you take may involve digging up and disposing of soil. It is important that you get a licence for this activity. Section 34 of the Environmental Protection Act 1990 places a 'duty of care' on all those involved in dealing with waste, from creating it to disposing of it.

You must dispose of the material to an appropriately licensed or exempt waste-management site. You can get details about appropriate licensed sites from the Environment Agency, see Contacts on page 16.

The requirements of the Waste Management Licence Regulations 1994 and associated code of practice mean that you must describe the waste in enough detail to make sure it is managed correctly.

## **Asbestos**

Contractors are expected to carry out risk assessments for the works that they are to undertake. These should consider the presence of asbestos and the associated level of risk, together with the development of safe working practices.

A licensed asbestos-removal contractor should carry out work involving treating or removing asbestos products. You must keep to current statutory requirements and Health and Safety Executive (HSE) approved codes of practice and guidance.

A licensed contractor must deal with asbestos waste in line with Environment Agency requirements.

### **The following legislation applies:**

- Control of Pollution (Special Waste) Regulations 1996
- Health and Safety at Work Act 1974
- Asbestos Licensing Regulations 1983 and amendments

## **Noise**

You may want to apply for 'prior consent for work on construction sites' under Section 61 of the Control of Pollution Act 1974. Here the code will be helpful in making a successful application. You should contact the Public Protection Division for advice and an information pack, see Contacts on page 16.

BS5228 gives guidance on calculating noise levels from construction works and assessing the likely effects it will have on neighbouring residential premises, in particular if it is likely to generate complaints. We expect all contractors working on-site to keep to the guidance in BS5228 (Parts 1, 2 and 4). This means that you will have to use the most practical measures possible to control noise, vibration and dust.

We do not have a noise standard for the borough. Instead, we offer the following guidance.

When you are planning your construction work you should carry out a background noise survey before work begins on the site. This should identify surrounding residential properties and the nearest property where construction noise could cause a problem. Average noise levels should be measured across one and ten hours, 8am–6pm.

If the predicted values are higher than the measured corresponding background values by 5dB(A) or less, you can consider that the effect of construction noise will not be significant.

If the predicted values are higher than the measured corresponding background values by between 5dB(A) and 10dB(A), you can consider the effect of the construction noise as acceptable, but you should still try to reduce it.

If the predicted values are higher than 10dB(A) above background, the effect is significant and you must review the equipment and methods you are using.

## Vibration

The following vibration levels, in terms of temporary or short-term effects, are enforced. We measure these as peak particle velocity (PPV).

To protect occupants, users and building structures from harm and damage, the following levels of vibration from all sources during demolition and construction are not to be exceeded:

- 3mm/s PPV (millimetres per second peak particle velocity) for residential accommodation, listed buildings, offices in A2 use and those properties in a poor state of repair
- 5mm/s PPV for non-vibration-sensitive buildings

More stringent criteria may be necessary for commercial premises that are vibration sensitive such as hospitals, photographic studios and educational premises.

If construction vibration is likely to be continuous, it may be a better idea to set limits in terms of vibration dose value (VDV). Guidance can be found in BS6472: Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80 Hz): 1999.

Below, we have given some examples of methods to reduce, as far as possible, noise and vibration created by construction work. You can get more guidance from BS5228: 1999.

You should choose machinery that has the quietest noise output available for the activity you are carrying out. If the activity will be noisy, you should consider other methods of working. You must make sure that people working on-site are not exposed to noise levels higher than those stated in the Noise at Work Regulations 1989.

Machinery and vehicles must be fitted with effective silencers wherever available, and kept in good working order. You should keep acoustic covers closed during operation. Equipment must be operated so it produces as little noise as possible. You must shutdown equipment when it is not in use.

Machinery must be based as far away from noise-sensitive properties as reasonably possible. You should also use barriers and enclosures if any activities are likely to be noisy at sensitive premises. You can find advice for constructing these structures in BS5228 Part 1: 1997 (Appendix B3/B4). You should also position port-a-cabins and stores as onsite barriers between noisy work and sensitive receivers. Hoardings to reduce noise breakout from activities should enclose sites. Gates and access points should not face onto any especially sensitive buildings such as residential property, hospitals, schools and businesses. Gates and access points should be kept open for as little time as possible.

All deliveries to the site and removing of waste must take place during our standard working hours (8am–6pm Monday to Friday and 8am–1pm Saturdays). Vehicles must not queue on the public highway. Wherever practical you should provide lorry-holding areas on the site.

If you are carrying out piling (driving steel or concrete piles into the ground for foundations), you must use methods to reduce the generation of noise and vibration. You should consider other methods for impact-driven piles, such as continuous flight auger-injected piles or auger-bored piles (where piles are drilled rather than hammered into the ground). Further advice on different sorts of piling is available from BS5228 Part 4: 1992.

Fixed items of construction equipment should be electrically powered rather than diesel or petrol driven. If this is not possible, you should provide other protection against noise such as baffles, covers or enclosures.

You need to allow enough time for lengthy concrete pours. If overruns are likely, you should contact the council's Noise Team, see Contacts on page 16.

Where possible, you should use equipment that breaks concrete by crushing it rather than drilling through it, as this produces less noise.

Everyone on site should be advised to reduce noise as far as possible both to protect themselves and the community. You must not allow anti-social behaviour such as shouting, using radios and swearing.

## **Water**

You must dispose of site run-off and wastewater produced as a result of site activities, in line with the requirements of the Environment Agency and Thames Water Utilities Ltd. You must have enough protection in place to make sure any dangerous materials used on-site do not come into contact with watercourses, groundwater or wastewater.

You should create a suitable drainage system on-site for the construction phase. This system should aim to minimise the quantity and improve the quality of water before it leaves a building. This will reduce flooding and pollution. You should investigate ways to reuse water that is usually wasted during construction. For example, you should collect, store and reuse water that collects on site for lower-grade uses.

For more advice see sections 6.8–6.10 of the council's Special Planning Guidance: Green Construction or contact the Environmental Policy Co-ordinator in the Planning Division, see Contacts on page 16.

## **Pest control**

Before on-site works begin you will need to put down bait for pests, such as rats. If an infestation occurs you will have to ensure that a specialist pest control company treats it. You need to take particular care when baiting land next to railway land or nature reserves that bait is not taken up by wildlife highlighted in the council's Biodiversity Action Plan.

You must also take preventative measures such as stopping and sealing all disused drains and sewers. You must not allow rubbish or materials that can easily rot on site. Any catering on site must pay strict attention to how food is delivered, handled, stored and disposed of.

## **Waste disposal, recycling and sustainability**

### **Recycling**

We are keen to promote the positive use of surplus or waste materials in reducing the effect on the environment and the costs of disposing of them. As a result you should attempt to reuse any materials produced from demolition or construction work.



## **Waste**

You should aim to reduce the quantity of waste produced during demolition and construction by following the waste management priorities below:

### **REDUCE WASTE**

#### **REUSE**

#### **RECYCLE**

#### **DISPOSAL**

You should develop a demolition waste audit of the development site before you demolish anything. You should then salvage any materials from the site if you can reuse them including:

- brick, concrete, hardcore
- subsoil, topsoil
- timber, metal, steel frames, plastics
- infrastructure such as granite kerbs and signs

If possible, you should reuse these for lower-quality uses such as access roads and footpaths or as a concrete aggregate.

You should also develop a construction waste management plan to tackle:

- waste arising through the development process
- ways of recycling waste
- ways of reusing waste

You can identify markets to sell or donate materials to such as the British Research Establishment Materials Information Exchange, Waste Alert North London (the council is a member) and the Waste Exchange Listing Service (see [www.click2waste.com](http://www.click2waste.com)).

For more advice please refer to Section 5 of the council's Special Planning Guidance: Green Consultation on Waste or contact the Environmental Policy Co-ordinator in the Planning Division, see Contacts on page 16.

## **Protection of trees**

Before work starts, you must carry out a tree survey within the site. You should include those trees on adjoining land that are within a distance from the site boundary, equivalent to half the height of the tree. The survey should give the species, age, canopy spread and condition of the tree clump or individual tree, as well as the ground levels at the bottom of the trunks. You must send this together with any work proposed to the trees, to the council's Planning Division to check if any are protected by tree preservation orders or are preserved because they are in a conservation area or are trees which may be worthy of protection.

No works may start on site until it has been agreed with the Tree Preservation Officer which trees are to be retained. Such trees must be protected as directed by the Tree Preservation Officer or as specified in the relevant planning permission.

If any tree is cut down without agreement or dies as a result of activity on site, you may be prosecuted and/or fined and a replacement tree that becomes established

must be provided. In all cases you should work together with the council's Tree Preservation Officer.

During works you must make sure that you reduce any negative effects to mature trees, ensuring you:

- do not use trees for fixtures or fittings
- do not store materials against trunks or under the spread of the tree
- do not allow flames within five metres of the outer branches of the crown
- do not allow the soil level within the canopy spread of any trees to change
- dig any service trenches by hand under the full spread of the tree canopy and beyond. You must not destroy roots of 2.5cm in diameter as this may damage the tree
- have put in place all tree protection measures to the satisfaction of the council's Tree Preservation Officer

Extra advice is available from BS3998 or the council's Tree Protection Officer within the Planning Division, see Contacts on page 16.

## **Ecology**

Certain sites in Islington are home to valuable wildlife. These include railway land and nature reserves. Please refer to our Biodiversity Action Plan that will help you identify these sites at an early stage. These sites can be easily disturbed. Before works begin you should contact the council's Ecology and Ranger Manager.

Under the Wildlife and Countryside Act 1982, the law protects all species of bat and their roosts. If you believe that bats may be present in areas likely to be affected by the work, you must stop all work and contact the council's Ecology and Ranger Manager within the Greenspace and Leisure Division, see Contacts on page 16.

## **Archaeology**

If you know that a site has archaeological importance, you will need an archaeological investigation as either a desktop study or a programme of on-site investigation or both. This will be attached as a condition to the planning permission relating to the development, or carried out before you take possession of the site. Any archaeological matters should be reported to the Greater London Archaeological Advisory Service, based within English Heritage, see Contacts on page 16.

If you discover human remains, or possible human remains, you must immediately contact the police who will let the Home Office know. You should also contact the Greater London Archaeological Advisory Service if this is relevant.



## **Useful contacts**

### **General enquiries:**

For all general Islington Council related enquiries please call:

Contact Islington

Tel: 020 7527 2000

Web: [www.islington.gov.uk](http://www.islington.gov.uk)

### **Other useful council contacts:**

#### **Public Protection Division**

159 Upper Street

London N1 1RE

Noise and Pollution Teams

Tel: 020 7527 3258

Email: [noise.issues@islington.gov.uk](mailto:noise.issues@islington.gov.uk)

#### **Greenspace and Leisure Division**

Ecology Centre

191 Drayton Park Road

London N5 1PH

Ecology and Ranger

Manager

Tel: 020 7527 3287

#### **Parking Services Division**

Tel: 020 7527 1338

#### **Planning Division**

222 Upper Street

London N1 1YA

Environmental Policy

Co-ordinator

Tel: 020 7527 2001

Tree Preservation Officer

Tel: 020 7527 2383

#### **Street Management Division**

222 Upper Street

London N1 1YA

Highways and Traffic and

Engineering Teams

Tel: 020 7527 2000

Email: [street.management@ islington.gov.uk](mailto:street.management@islington.gov.uk)

**Other useful contacts:****Building Research Establishment (BRE)**

BRE Bookshop, Garston, Watford, Hertfordshire WD25 9XX

Tel: 01923 664262

Email: [bookshop@bre.co.uk](mailto:bookshop@bre.co.uk)

Web: [www.brebookshop.com](http://www.brebookshop.com)

**Considerate Contractors Scheme**

PO BOX 75

Ware SG12 OYX

Tel: 0800 783 1423

Email: [enquiries@ccscheme.org.uk](mailto:enquiries@ccscheme.org.uk)

Web: [www.ccscheme.org.uk](http://www.ccscheme.org.uk)

**Environment Agency: Thames Region**

North East Area Office, Apollo Court

2 Bishops Square Business Park

St Albans Road West, Hatfield

Hertfordshire AL10 9EX

Tel: 08708 506 506

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Web: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

**Greater London Archaeological Advisory Service**

English Heritage

1 Waterhouse Square

London EC1N 2ST

Tel: 020 7973 3733

Web: [www.english-heritage.org.uk](http://www.english-heritage.org.uk)

**Home Office**

Direct Communications Unit

2 Marsham Street

London SW1P 4DF

Tel: 020 7035 4848

Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)

Web: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

## SCHEDULE 7

### CODE OF LOCAL PROCUREMENT

## LOCAL PROCUREMENT CODE.

### SECTION 106.

#### 1. INTRODUCTION

The purpose of this code is to maximise the opportunities available to local businesses from property developments taking place in Islington both during and after the construction phase. The council will seek procurement agreements to benefit local businesses.

The code is also designed to support developers and contractors in fulfilling their commitments to the planning agreements by clarifying what is required from the outset. Although the wording is emphatic, the Council's regeneration department and in particular the dedicated Section106 Officer seek to work in partnership with contractors to assist them in meeting specifications. This document is in line with the objectives of other organizations such as the London Development Agency and Government Office for London.

#### 2. CONSTRUCTION.

*We will request that the developers meet with London Borough of Islington's Environment and Regeneration department at least 1 month in advance of tendering contracts to undertake the code specifics.*

The developer is required to state clearly in tender documentation, prior to selecting the main contractor that bids need to take into account the following requirements relating to local benefit:

- 2.1 All contractors and sub-contractors appointed will be required to liaise with LBI Regeneration to ensure the successful and consistent application of agreed local benefits.
- 2.2 The main contractor will provide the Council with the estimated timing of their procurement programme and a schedule of works packages to be let.
- 2.2.1 The developer/ contractor will work with **Islington Business Enterprise Team (IBET)**, to: include local companies on their tender lists wherever possible and to achieve the procurement of construction contracts and goods and services from companies and organisations based in Islington towards a target of 10% of the total value of the construction contract.
- 2.3 LBI regeneration will provide a pre-screened directory of local companies in construction, fitting-out and furnishing trades in support of local procurement agreements.

## **Contracts with Sub Contractors.**

### **LBI Regeneration require the developer/ main contractor to:**

- 2.4 Include a written statement in their contracts with sub contractors encouraging them to liase with IBET to discuss, agree and implement the specifics. (A directory of local suppliers will be supplied to subcontractors by LBI regeneration).
- 2.5 Brief subcontractors on the requirements of the Local Procurement code and ensure cooperation is agreed as a prerequisite to accepting sub contract tenders.

### **3. MONITORING**

**Provide regular monitoring and information to the Council on a six to eight week basis, via e-mail, phone, fax or liaison meeting providing details of:**

- 3.1 all local companies which are sent a tender enquiry or a tender invitation detailing the date and the works package or items concerned;
- 3.2 the outcome of all works packages tendered, where there is a local company on the tender list, stating whether the local company was unsuccessful, successful or declined to tender - LBI regeneration can help with this paperwork to assist in the monitoring process
- 3.3 the standards of service, product and delivery arising from Local procurement activities.

### **4. POST CONSTRUCTION**

We will require the developers to encourage occupiers and their contractors to consider the applications to tender received from local firms for the provision of goods and services"

The developer and their agents shall use reasonable endeavours to provide opportunities for local businesses to bid/tender for the provision of estate management services.

The Council will assist the developer, occupier and their contractors in identifying suitable local companies to bid for contracts and to source local goods and services.

THE COMMON SEAL OF THE )  
COUNCIL OF THE LONDON )  
BOROUGH OF ISLINGTON was )  
hereunto affixed BY ORDER )



*M G b*  
Authorised Officer

65999

EXECUTED AS A DEED

On behalf of

HELICAL BAR (MAPLE) LIMITED

by

Director

*M. H. B* —————→

Director/Secretary

*[Signature]*



AG by

*[Handwritten signature]*